

INTRODUCED 11/7/16
PUBLIC HEARING 11/21/16
COUNCIL ACTION 12/5/16
EXECUTIVE ACTION 12/9/16
EFFECTIVE DATE 2/8/17

County Council Of Howard County, Maryland

2016 Legislative Session

Legislative Day No. 17

Bill No. 73-2016

Introduced by: The Chairperson at the request of the County Executive

AN ACT for the purpose of authorizing and empowering Howard County, Maryland to borrow money an additional aggregate principal amount of up to \$1,700,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of various capital projects, more particularly described in the County's 2017 Capital Budget, and to pay costs of issuance of such bonds; authorizing the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

Introduced and read first time November 7, 2016. Ordered posted and hearing scheduled.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on November 21, 2016.

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on December 5, 2016 and Passed , Passed with amendments _____, Failed _____.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 7th day of Dec, 2016 at 5 a.m./p.m.

By order Jessica Feldmark
Jessica Feldmark, Administrator

Approved by the County Executive Dec 9, 2016.

Allan H. Kittleman
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **Recitals**

2 The County Council of Howard County, Maryland (the "County Council") has adopted a Capital
3 Budget for Howard County, Maryland (the "County") for the fiscal year ending June 30, 2017 (the
4 "Capital Budget"), and included therein certain appropriations to pay the costs of a County capital project,
5 as more particularly described in Appendix A attached hereto (the "Project"). Pursuant to Transfer of
6 Appropriation Ordinance No. 2 Fiscal Year 2017, which has been adopted by the County Council prior to
7 the passage of this Act, the County has modified the funding sources for the Project by transferring from
8 various other capital projects to the Project an additional aggregate appropriation of \$1,700,000 in bond
9 funding to finance and refinance the Project, including payment of the costs of issuance of any obligation
10 issued to evidence such borrowing.

11 **Now therefore, in accordance with the provisions of Article VI of the Charter of Howard**
12 **County:**

13 **Section 1. Be it enacted by the County Council of Howard County, Maryland,** That the
14 County finds it necessary to borrow and is hereby authorized and empowered to borrow on its full faith
15 and credit, and issue and sell its bonds therefor, at one time or from time to time, an additional aggregate
16 principal amount not exceeding \$1,700,000 the proceeds thereof to be used to finance and refinance the
17 Project more particularly described in Appendix A attached hereto and in the Capital Budget, including
18 without limitation, the cost of planning, design, construction, reconstruction, furnishing, equipping,
19 improvements, renovations, remodeling, enlargements, engineering services, architects services, surveys,
20 landscaping, site development, evaluation studies, land acquisition and related items, appurtenances and
21 incidental activities. Proceeds of any bonds authorized by this Act may also be used to pay costs of
22 issuance of such bonds.

23 **Section 2. And be it further enacted by the County Council of Howard County, Maryland,**
24 That, pursuant to and in accordance with Section 19-212 of the Local Government Article of the
25 Annotated Code of Maryland, as amended, the County is also authorized to issue bond anticipation notes
26 in anticipation of the issuance of the bonds authorized by this Act and described in Section 1 hereof, and

1 all references to “bonds” or “obligations” in this Act shall include such bond anticipation notes, unless the
2 context clearly requires a contrary meaning. It is intended that the aggregate principal amount of issued
3 and outstanding bond anticipation notes when added to the aggregate principal amount of issued and
4 outstanding bonds in anticipation of which such notes were issued, shall not exceed the aggregate
5 principal amount set forth in Section 1 of this Act at any time. The County will agree in each ordinance
6 described in Section 4 of this Act relating to any notes issued pursuant to this Act to pay such notes and
7 the interest and premium, if any, thereon from the proceeds of the bonds in anticipation of the sale of
8 which such notes are issued and other available funds, and the County will agree to issue such bonds
9 when, and as soon as, the reason for deferring their issuance no longer exists.

10 **Section 3. And be it further enacted by the County Council of Howard County, Maryland,**

11 That, in connection with the acquisition of real property as part of the Project, the County may incur all or
12 any portion of the indebtedness authorized by this Act for such acquisition by entering into an installment
13 purchase agreement pursuant to and in accordance with Section 4.201A of the Howard County Code
14 (“Section 4.201A”) or any successor provisions of law in lieu of issuing bonds for such acquisition. The
15 principal amount of any such installment purchase agreement shall not exceed the lesser of (a) the
16 maximum principal amount permitted by Section 4.201A or (b) the portion of the amount to be borrowed
17 for the Project (as set forth in Section 1 hereof) which relates to such acquisition. All references to
18 “bonds” or “obligations” in this Act shall include such installment purchase agreements, unless the
19 context clearly requires a contrary meaning.

20 **Section 4. And be it further enacted by the County Council of Howard County, Maryland,**

21 That the County Council of the County, by an ordinance or ordinances adopted from time to time in
22 accordance with Article VI of the Charter and other applicable provisions of law and policies of the
23 County, shall provide for (a) the issuance and sale of, (b) the maximum principal amount, designation,
24 form, tenor and denomination or denominations of, (c) the dates of the first maturity and the last maturity
25 (not more than 30 years after the date of issue) of, and (d) the interest rate or rates per annum (or the
26 method of determining such rate or rates) payable on, any bonds or other obligations issued from time to

1 time under this Act; and may by any such ordinance, or by separate resolution, provide that the issue of
2 bonds or other obligations hereby authorized be consolidated with one or more other issues.

3 **Section 5. And be it further enacted by the County Council of Howard County, Maryland,**

4 That for the purpose of paying the principal of and interest on such bonds or other obligations as the same
5 shall become payable, the County Council shall levy annually ad valorem taxes upon the assessable
6 property in the County sufficient, together with other available funds, to pay the principal of and interest
7 on such bonds or other obligations until all of such bonds or other obligations shall mature and be
8 redeemed.

9 **Section 6. And be it further enacted by the County Council of Howard County, Maryland,**

10 That any bonds or other obligations issued from time to time under this Act are specifically exempt from
11 the provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated Code of
12 Maryland, as amended, and any successor provision of law.

13 **Section 7. And be it further enacted by the County Council of Howard County, Maryland,**

14 That all bonds or other obligations authorized hereby shall be issued within four years from the date this
15 Act becomes effective. Notwithstanding the foregoing, if bond anticipation notes are issued within such
16 period in accordance with Section 2 hereof, the bonds authorized hereby may be issued until the final
17 maturity date of such notes.

18 **Section 8. And be it further enacted by the County Council of Howard County, Maryland,**

19 That the County anticipates that a portion of the costs of the Project may be paid prior to the issuance of
20 the bonds or other obligations authorized hereby. The amount of such costs so paid will depend on
21 various factors, including, without limitation, the timing and speed of progress on the Project, the
22 availability of other funds to pay such costs on an interim basis, bond and money market conditions and
23 compliance with federal and State laws and regulations.

24 Accordingly, the County reasonably expects to reimburse costs of the Project (as described
25 herein) with proceeds of the bonds or other obligations authorized hereby, such bonds or other obligations
26 to be issued by the County in the maximum principal amount of \$1,700,000.

1 **Section 9. And be it further enacted by the County Council of Howard County, Maryland,**

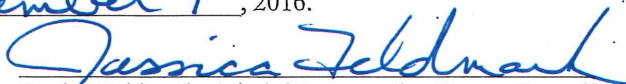
2 That this Act shall take effect sixty-one (61) days after its enactment.

Project Description	Amount to be Borrowed
E-0973 Waverly Elementary School Renovation/Addition Phase II	\$1,700,000
TOTAL AMOUNT TO BE BORROWED:	<u>\$1,700,000</u>

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on

December 9, 2016.



Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2016.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2016.

Jessica Feldmark, Administrator to the County Council



HOWARD COUNTY DEPARTMENT OF FINANCE

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November 18, 2016

TO: Lonnie R. Robbins
Chief Administrative Officer

FROM: Stanley J. Milesky
Director of Finance

SUBJECT: Testimony – Council Bill 73-2016

The proposed legislation authorizes the County to borrow money in an additional aggregate principal amount of up to \$1,700,000 on its full faith and credit and sell its bonds for the purpose of funding various capital projects. Specifically, to fund the Board of Education's request, as expressed in TOA 2 Fiscal Year 2017, to transfer funds between capital projects in the Board of Education's capital budget for Fiscal Year 2017 to fund Capital Project E-0973, Waverly Elem Renovation/Phase II Addition.

cc: Nikki Griffith
Rafiu O. Ighile
James Irvin
Jennifer Sager