

INTRODUCED July 2, 2012
PUBLIC HEARING July 16, 2012
COUNCIL ACTION July 26, 2012
EXEC. ACTION July 31, 2012
EFFECTIVE DATE September 30, 2012

County Council Of Howard County, Maryland

2012 Legislative Session

Legislative Day No. 9

Bill No. 27 -2012

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 in the aggregate principal amount of up to \$5,216,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of Capital Project No. E1027 (Longfellow Elem Addition), more particularly described in the County's 2013 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 July 2, 2012. Ordered posted and hearing scheduled.

By order Stephen M LeGendre
Stephen LeGendre, 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 July 16, 2012.

By order Stephen M LeGendre
Stephen LeGendre, Administrator

This Bill was read the third time on July 26, 2012 and Passed , Passed with amendments _____, Failed _____.

By order Stephen M LeGendre
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 31st day of July, 2012 at 2:00 ~~am~~ p.m.

By order Stephen M LeGendre
Stephen LeGendre, Administrator

Approved by the County Executive July 31, 2012.

Ken Ulman
Ken Ulman, County Executive

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

Recitals

As a part of the Capital Budget for the fiscal year ending June 30, 2013 (the "Capital Budget"), it is necessary that Howard County, Maryland borrow a sum not exceeding \$5,216,000 to be used for the financing and refinancing of Capital Project No. E1027, as more particularly described in the Capital Budget (the "Project") and Appendix A attached hereto, and for the payment of costs of issuance of any obligations issued to evidence such borrowing.

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

Section 1. Be it enacted by the County Council of Howard County, Maryland, That Howard County, Maryland (the "County"), is hereby authorized and empowered to borrow on its full faith and credit, and issue and sell its bonds therefor, at one time or from time to time, an aggregate principal amount not exceeding \$5,216,000 the proceeds thereof to be used to finance and refinance the Project more particularly described in Appendix A attached hereto and in the Capital Budget; including without limitation, the cost of planning, design, construction, reconstruction, furnishing, equipping, improvements, renovations, remodeling, enlargements, engineering services, architects services, surveys, landscaping, site development, evaluation studies, land acquisition and related items, appurtenances and incidental activities. Proceeds of any bonds authorized by this Act may also be used to pay costs of issuance of such bonds.

Section 2. And be it further enacted by the County Council of Howard County, Maryland, That, pursuant to and in accordance with Article 31, Section 12 of the Annotated Code of Maryland, as amended, the County is also authorized to issue bond anticipation notes in anticipation of the issuance of the bonds authorized by this Act and described in Section 1 hereof, and all references to "bonds" or "obligations" in this Act shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. It is intended that the aggregate principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount of issued and outstanding bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in

Section 1 of this Act at any time. The County will agree in each ordinance described in Section 4 of this Act relating to any notes issued pursuant to this Act to pay such notes and the interest and premium, if any, thereon from the proceeds of the bonds in anticipation of the sale of which such notes are issued and other available funds, and the County will agree to issue such bonds when, and as soon as, the reason for deferring their issuance no longer exists.

Section 3. And be it further enacted by the County Council of Howard County, Maryland, That, in connection with the acquisition of real property as part of the Project, the County may incur all or any portion of the indebtedness authorized by this Act for such acquisition by entering into an installment purchase agreement pursuant to and in accordance with Section 4.201A of the Howard County Code (“Section 4.201A”) or any successor provisions of law in lieu of issuing bonds for such acquisition. The principal amount of any such installment purchase agreement shall not exceed the lesser of (a) the maximum principal amount permitted by Section 4.201A or (b) the portion of the amount to be borrowed for the Project (as set forth in Section 1 hereof) which relates to such acquisition. All references to “bonds” or “obligations” in this Act shall include such installment purchase agreements, unless the context clearly requires a contrary meaning.

Section 4. And be it further enacted by the County Council of Howard County, Maryland, That the County Council of the County, by an ordinance or ordinances adopted from time to time in accordance with Article VI of the Charter and other applicable provisions of law of the County, shall provide for (a) the issuance and sale of, (b) the maximum principal amount, designation, form, tenor and denomination or denominations of, (c) the dates of the first maturity and the last maturity (not more than 30 years after the date of issue) of, and (d) the interest rate or rates per annum (or the method of determining such rate or rates) payable on, any bonds or other obligations issued from time to time under this Act; and may by any such ordinance, or by separate resolution, provide that the issue of bonds or other obligations hereby authorized be consolidated with one or more other issues.

Section 5. And be it further enacted by the County Council of Howard County, Maryland, That for the purpose of paying the principal of and interest on such bonds or other obligations as the same

shall become payable, the County Council of Howard County shall levy annually ad valorem taxes upon the assessable property in the County sufficient, together with other available funds, to pay the principal of and interest on such bonds or other obligations until all of such bonds or other obligations shall mature and be redeemed. The full faith and credit and unlimited taxing power of the County are hereby irrevocably pledged to the payment of the principal of and interest on such bonds.

Section 6. And be it further enacted by the County Council of Howard County, Maryland,
That any bonds or other obligations issued from time to time under this Act are specifically exempt from the provisions of Article 31, Sections 9, 10 and 11 of the Annotated Code of Maryland, as amended, and any successor provision of law.

Section 7. And be it further enacted by the County Council of Howard County, Maryland,
That all bonds or other obligations authorized hereby shall be issued within four years from the date this Act becomes effective. Notwithstanding the foregoing, if bond anticipation notes are issued within such period in accordance with Section 2 hereof, the bonds authorized hereby may be issued until the final maturity date of such notes.

Section 8. And be it further enacted by the County Council of Howard County, Maryland,
That the County anticipates that a portion of the costs of the Project may be paid prior to the issuance of the bonds or other obligations authorized hereby. The amount of such costs so paid will depend on various factors, including, without limitation, the timing and speed of progress on the Project, the availability of other funds to pay such costs on an interim basis, bond and money market conditions and compliance with federal and State laws and regulations.

Accordingly, the County reasonably expects to reimburse costs of the Project (as described herein) with proceeds of the bonds or other obligations authorized hereby, such bonds or other obligations to be issued by the County in the maximum principal amount of \$5,216,000.

Section 9. And be it further enacted by the County Council of Howard County, Maryland,
That this Act shall take effect sixty-one (61) days after its enactment.

School System Project

Project Description

**Amount to be
Borrowed**

E1027 FY2013 LONGFELLOW ELEM ADDITION
A project to expand educational program spaces and
renovate Longfellow Elementary School.

\$5,216,000

TOTAL AMOUNT TO BE BORROWED:

\$5,216,000

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on July 31, 2012.

Stephen M. LeGendre
Stephen M. LeGendre, 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 _____, 2012.

Stephen M. LeGendre, 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 _____, 2012.

Stephen M. LeGendre, 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 _____, 2012.

Stephen M. LeGendre, 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 _____, 2012.

Stephen M. LeGendre, 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 _____, 2012.

Stephen M. LeGendre, Administrator to the County Council