

INTRODUCED _____
PUBLIC HEARING _____
COUNCIL ACTION _____
EXEC. ACTION _____
EFFECTIVE DATE _____

County Council Of Howard County, Maryland

2012 Legislative Session

Legislative Day No. 5

Bill No. 21 -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 principal amount of up to \$91,799,179 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of certain County water and sewer capital projects which are specified and described in the County's Capital Budget (including, without limitation, borrowings for certain water and sewer capital projects previously authorized in prior calendar years which such authorization has lapsed or will lapse), 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 benefit assessments, ad valorem taxes levied upon the assessable property in the Metropolitan District and 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 _____, 2012. Ordered posted and hearing scheduled.

By order _____
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 _____, 2012.

By order _____
Stephen LeGendre, Administrator

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

By order _____
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this __day of _____, 2012 at __ a.m./p.m.

By order _____
Stephen LeGendre, Administrator

Approved by the County Executive _____, 2012.

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

1 **Recitals**

2 In accordance with the provisions of Section 603 of the Charter of Howard County, Maryland
3 (the “Charter”), the County Executive has submitted a proposed Capital Budget for fiscal year 2013 to the
4 County Council of Howard County, Maryland, and, prior to the passage of this Act, the County Council
5 has adopted a Capital Budget for the fiscal year ending June 30, 2013 (the “Capital Budget”).

6 As a part of the Capital Budget, it is necessary that Howard County, Maryland borrow a sum not
7 exceeding \$91,799,179 to be used for (i) the financing and refinancing of certain water and sewer capital
8 projects, specified and described in the Capital Budget (each a “Project”, collectively, the “Projects”), and
9 more particularly described in Appendix A attached hereto and incorporated herein, and (ii) payment of
10 costs of issuance of any obligations issued to evidence such borrowing. Of such amount, \$70,659,179
11 appropriated for certain of such Projects was previously authorized to be borrowed by the County during
12 prior calendar years, as indicated in Appendix A in the column captioned “Amount to be Borrowed
13 (Reauthorizations)”, but such authorizations are expected to expire prior to the completion of such
14 Projects or the sale of general obligation bonds to provide permanent financing therefor. Accordingly, it is
15 necessary that such borrowing be reauthorized (“Reauthorizations”).

16 **Now therefore, in accordance with the provisions of Article VI of the Charter:**

17 **Section 1. Be it enacted by the County Council of Howard County, Maryland,** That Howard
18 County, Maryland (the “County”), is hereby authorized and empowered to borrow on its full faith and
19 credit, and issue and sell its bonds therefor, at one time or from time to time, an amount not exceeding
20 \$91,799,179 the proceeds thereof to be used to finance and refinance the Projects more particularly
21 specified and described in Appendix A attached hereto and in the Capital Budget; including for each
22 Project, without limitation, the cost of planning, design, construction, reconstruction, furnishing,
23 equipping, improvements, rehabilitation, remodeling, enlargements, engineering services, architects
24 services, surveys, landscaping, site development, evaluation studies, land acquisition and related items,
25 appurtenances and incidental activities. The Projects and the amount to be borrowed for each (including,

1 without limitation, any Reauthorizations), are more specifically identified and described in Appendix A
2 attached hereto.

3 Proceeds of any bonds authorized by this Act may also be used to pay costs of issuance
4 of such bonds.

5 **Section 2. And be it further enacted by the County Council of Howard County, Maryland,**

6 That, pursuant to and in accordance with Article 31, Section 12 of the Annotated Code of Maryland, as
7 amended, the County is also authorized to issue bond anticipation notes in anticipation of the issuance of
8 the bonds authorized by this Act and described in Section 1 hereof, and all references to “bonds” or
9 “obligations” in this Act shall include such bond anticipation notes, unless the context clearly requires a
10 contrary meaning. It is intended that the aggregate principal amount of issued and outstanding bond
11 anticipation notes when added to the aggregate principal amount of issued and outstanding bonds in
12 anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in
13 Section 1 of this Act at any time. The County will agree in each ordinance described in Section 4 of this
14 Act relating to any notes issued pursuant to this Act to pay such notes and the interest and premium, if
15 any, thereon from the proceeds of the bonds in anticipation of the sale of which such notes are issued, and
16 the County will agree to issue such bonds when, and as soon as, the reason for deferring their issuance no
17 longer exists.

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

19 That, in connection with the acquisition of real property as part of a Project, the County may incur all or
20 any portion of the indebtedness authorized by this Act for such acquisition by entering into an installment
21 purchase agreement pursuant to and in accordance with Section 4.201A of the Howard County Code
22 (“Section 4.201A”) or any successor provisions of law in lieu of issuing bonds for such acquisition. The
23 principal amount of any such installment purchase agreement shall not exceed the lesser of (a) the
24 maximum principal amount permitted by Section 4.201A or (b) the portion of the amount to be borrowed
25 for such Project (as set forth in Section 1 hereof) which relates to such acquisition. All references to

1 “bonds” or “obligations” in this Act shall include such installment purchase agreements, unless the
2 context clearly requires a contrary meaning.

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

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

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

13 That for the purpose of paying the principal of and interest on such bonds or other obligations as the same
14 shall become payable, the County Council of Howard County shall levy ad valorem taxes upon assessable
15 property in the Metropolitan District and other available funds, together with benefit assessments, to pay
16 the principal of and interest on such bonds or other obligations until all of such bonds or other obligations
17 shall mature and be redeemed. In the event of a deficiency of such funds at any time while any of such
18 Metropolitan District Bonds are outstanding, for the purpose of paying the principal of and interest on
19 such bonds, the County shall promptly levy upon all legally assessable property within the Metropolitan
20 District a tax or taxes in an amount or amounts sufficient to make up any such deficiency, and in the event
21 the proceeds of such tax or taxes so levied shall prove insufficient, then the County shall levy ad valorem
22 taxes upon all of the legally assessable property within the entire corporate limits of the County in rate
23 and amount sufficient to pay the principal of and interest on such bonds. The full faith and credit and
24 unlimited taxing power of the County are hereby irrevocably pledged to the payment of the principal of
25 and interest on such bonds.

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

2 That any bonds or other obligations issued from time to time under this Act are specifically exempt from
3 the provisions of Article 31, Sections 9, 10 and 11 of the Annotated Code of Maryland, as amended, and
4 any successor provision of law.

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

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

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

11 That the County anticipates that a portion of the costs of some or all of the Projects may be paid prior to
12 the issuance of the bonds or other obligations authorized hereby. The amount of such costs so paid will
13 depend on various factors, including, without limitation, the timing and speed of progress on the Projects,
14 the availability of other funds to pay such costs on an interim basis, bond and money market conditions
15 and compliance with federal and State laws and regulations.

16 Accordingly, the County reasonably expects to reimburse costs of the Projects (as described
17 herein) with proceeds of the bonds or other obligations authorized hereby, such bonds or other obligations
18 to be issued by the County in the maximum principal amount of \$91,799,179.

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

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

Sewer Projects

Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
S6175 FY2001 LITTLE PATUXENT PARALLEL SEWER A project for the study, design and construction of the Little Patuxent Parallel Sewer.	24,406,758	
S6214 SEWER CONTINGENCY FUND The fund is designed for use as a revenue source for transfers of appropriations when either construction costs are higher than originally estimated or engineering must be advanced from future years to the present fiscal year for critical sewer needs.	1,415,000	
S6237 FY2001 PATAPSCO CONVEY/TREAT FACILITIES A project for Howard County's participation in the cost sharing for the capital funding of the Patapsco Treatment Plant at Wagners Point and the related Patapsco Interceptor, Pump Station and Force Main.	11,370,000	
S6245 FY2003 NITROGEN LOADING REDUCTION A project to reduce Nitrogen loading from the Little Patuxent Sewer Basin.	26,306,150	
S6275 FY2012 DANIELS AREA PUMPING STATION A project for the study, design and construction of a wastewater pumping station and force main to serve the Daniels Area east of Old Frederick Road.		200,000
S6279 FY2013 MEADOWRIDGE FORCE MAIN REPLACEMENT A project for the design and construction of 2,500 LF of 8-inch replacement force main for the Meadowridge Wastewater Pumping Station.		750,000
S6280 FY2013 HAMMOND/PATUXENT INTERCEPTOR IMPROVEMENTS A project for the design and construction of 20,000 feet of parallel sewer in the Hammond Branch and Patuxent sewer drainage areas.		650,000
S6281 FY2013 DORSEY/GUILFORD INTERCEPTOR IMPROVEMENTS A project for the design and construction of 14,600 feet of parallel sewer in the Dorsey Run and Guilford Run sewer drainage areas.		530,000
S6282 FY2013 BONNIE BRANCH/ROCKBURN INTERCEPTOR IMPROVEMENTS A project for the design and construction of 16,700 feet of parallel sewer in the Bonnie Branch and Rockburn Branch sewer drainage areas.		430,000
S6283 FY2013 TIBER/SUCKER BRANCH INTERCEPTOR IMPROVEMENTS A project for the design and construction of 18,000 feet of parallel sewer in the Tiber Branch and Sucker Branch sewer drainage areas.		600,000

Sewer Projects

Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
<p>S6284 FY2013 DEEP RUN/SHALLOW RUN INTERCEPTOR IMPROVEMENTS A project for the design and construction of 39,000 feet of parallel sewer in the Deep Run and Shallow Run sewer drainage areas.</p>		1,200,000
<p>S6286 FY2013 DORSEY RUN PUMP STATION UPGRADE A project to upgrade and increase the pumping capacity of the Dorsey Run Pumping Station.</p>		275,000
<p>S6698 ROUTINE SEWER EXTENSION PROGRAM A project to design and construct routine sewer main extensions in the Metropolitan District requested by landowners.</p>	<u>274,000</u>	_____
Sewer Projects – Reauthorizations/New Authorizations	<u>\$63,771,908</u>	<u>\$4,635,000</u>
Sewer Projects Total		<u>\$68,406,908</u>

Water Projects

Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
<p>W8220 FY1998 SHARED WATER FACILITY IMPROVEMENTS A project for the planning, design and construction of major water facilities, mains, pumping stations, reservoirs and treatment plants in the Baltimore City Central Water System.</p>	326,526	
<p>W8263 FY2004 MARRIOTTSVILLE RD ELEVATED TANK A project for the design and construction of a 1 million gallon elevated water storage tank, a pumping station and 6,000 feet of 12-inch water main to serve the elevation 630 and 730 water service zones.</p>	1,670,000	
<p>W8269 FY2005 PARTICIPATION 3RD ZONE WATER SUPPLY A project for the construction of major water transmission and distribution mains to convey water from Baltimore City to Howard County.</p>	4,408,745	
<p>W8280 FY2007 FULTON ELEVATED TANK and PUMPING STATION A project for the design and construction of a 500,000 gallon elevated water tank, a 500,000 gallon per day water pumping station and upgrades to an existing 500,000 gallon per day pumping station to serve the Fulton Elevation 630 water Zone.</p>	188,000	
<p>W8297 FY2010 KINDLER ROAD WATER MAIN A project for the design and construction of 3,100 LF of 12-inch water main on Kindler Road from First League to Woodstream Way.</p>		100,000
<p>W8301 FY2012 GRACE DRIVE WATER MAIN LOOP A project for the design and construction of 900 LF of 12-inch water main loop along Grace Drive (550 zone) to Quiet Night Ride (630 west zone).</p>		50,000
<p>W8306 FY2013 SANNER ROAD WATER MAIN LOOP A project for the design and construction of 5,800 LF of 12-inch water main along Sanner Road from River Oak Court to Johns Hopkins Road.</p>		340,000
<p>W8307 FY2013 BROKEN LAND PKWY WATER MAIN A project for the design and construction of 4,100 LF of 30-inch water main along Brokenland Parkway from Stevens Forest Road to Cradlerock Way.</p>		600,000
<p>W8308 FY2013 US29 WATER MAIN/MD32 TO MD216 A project for the design and construction of 14,000 LF of 24-inch water main parallel to US29 from MD32 to MD216.</p>		1,200,000
<p>W8311 FY2011 US 40 WATER SERVICE MAIN REPLACEMENT A project for the design and construction of 6,200 linear feet of 8-inch replacement water main within US Route 40 from US Route 29 to Dogwood Drive.</p>		150,000
<p>W8316 FY2013 ILCHESTER ROAD WATER MAIN REHABILITATION A project for the rehabilitation of 5,800 feet of 12-inch water main within Ilchester Road from Montgomery Road to Ellis Lane.</p>		250,000

Water Projects

Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
<p>W8317 FY2013 ELKRIDGE PUMP STATION EMERGENCY POWER A project for the design and installation of a 13 kV emergency generator at the Elkridge Water Pumping Station.</p>		1,500,000
<p>W8318 FY2013 MONTGOMERY ROAD WATER MAIN REHABILITATION A project for the rehabilitation of 12,000 feet of 12-inch water main within Montgomery Road from Lawyers Hill Road to Rockburn Drive.</p>		500,000
<p>W8319 FY2013 BLANDAIR PARK WATER and SEWER EXTENSION A project for the design and construction of 2,000 LF of water main and 1,500 LF of sewer to serve Blandair Regional Park.</p>		515,000
<p>W8320 FY2013 WHISKEY BOTTOM PUMP STATION UPGRADE A project to upgrade the Whiskey Bottom Road pumping station and related suction and discharge pipelines to increase pumping capacity.</p>		350,000
<p>W8321 FY2013 PIRCH WAY/ASPERN DRIVE WATER REPLACEMENT A project for the design and construction of 3,000 linear feet of 8-inch water main within the Pirch Way/Aspern Drive community.</p>		210,000
<p>W8322 FY2013 WILDE LAKE WATER MAIN STUDY and REHABILITATION A project to determine the condition of 44,000 feet of water main in the Wilde Lake area and to perform necessary repairs or replacements.</p>		700,000
<p>W8323 FY2013 FORT MEADE RECLAIMED WATER A project for the design and construction of a pumping station and water line to supply Fort Meade with reclaimed water to be used for non-potable purposes.</p>		10,040,000
<p>W8698 ROUTINE WATER EXTENSION PROGRAM A project to design and construct routine water main extensions in the Metropolitan District requested by landowners.</p>	<u>294,000</u>	_____
Water Projects – Reauthorizations/New Authorizations	<u>\$6,887,271</u>	<u>\$16,505,000</u>
Water Projects Total		<u>\$23,392,271</u>
TOTAL REAUTHORIZATIONS/ NEW AUTHORIZATIONS	<u>\$70,659,179</u>	<u>\$21,140,000</u>
TOTAL AMOUNT TO BE BORROWED:		<u>\$91,799,179</u>