

INTRODUCED May 7, 2012
PUBLIC HEARING May 21, 2012
COUNCIL ACTION May 31, 2012
EXEC. ACTION June 1, 2012
EFFECTIVE DATE August 1, 2012

County Council Of Howard County, Maryland

2012 Legislative Session

Legislative Day No. 5

Bill No. 22-2012

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 a principal amount of up to \$22,461,022 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of certain County road construction projects and other capital projects specified and described in the County's 2013 Capital Budget (including, without limitation, borrowings for certain of such capital projects previously authorized), and to pay costs of issuance of such bonds; authorizing and empowering 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 building excise taxes 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 May 7, 2012. Ordered posted and hearing scheduled.

By order Stephen 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 May 21, 2012.

By order Stephen LeGendre
Stephen LeGendre, Administrator

This Bill was read the third time on May 31, 2012 and Passed , Passed with amendments _____, Failed _____.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 31st day of May, 2012 at 3:00 a.m./p.m.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Approved by the County Executive June 1, 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

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Recitals

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

As a part of the Capital Budget, it is necessary that Howard County, Maryland borrow a sum not exceeding \$22,461,022 to be used for road construction projects and other capital projects specified in the Capital Budget (each a "Project", collectively, the "Projects"), which Projects are more particularly described in Appendix A attached hereto and incorporated herein, for payment of costs of issuance of any obligations issued to evidence such borrowing. Of such amount, \$5,576,022 appropriated for certain of such Projects, as indicated in Appendix A hereto in the column captioned "Amount to be Borrowed (Reauthorizations)", was previously authorized to be borrowed by the County during prior calendar years, but such authorized borrowing is expected to expire prior to the completion of such Projects and/or the sale of general obligation bonds to provide permanent financing therefor. Accordingly, it is necessary that such borrowing be reauthorized ("Reauthorizations").

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

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 amount not exceeding \$22,461,022, the proceeds thereof to be used to finance and refinance the Projects more particularly specified and described in Appendix A attached hereto and in the Capital Budget; including for each Project, 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,

1 appurtenances and incidental activities. The Projects and the amounts to be borrowed for each (including,
2 without limitation, any Reauthorizations), are more specifically identified and described in Appendix A
3 attached hereto.

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

6 **Section 2. And be it further enacted by the County Council of Howard County, Maryland,**
7 That, pursuant to and in accordance with Article 31, Section 12 of the Annotated Code of Maryland, as
8 amended, the County is also authorized to issue bond anticipation notes in anticipation of the issuance of
9 the bonds authorized by this Act and described in Section 1 hereof, and all references to “bonds” or
10 “obligations” shall include such bond anticipation notes, unless the context clearly requires a contrary
11 meaning. It is intended that the aggregate principal amount of issued and outstanding bond anticipation
12 notes when added to the aggregate principal amount of issued and outstanding bonds in anticipation of
13 which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 1 of
14 this Act at any time. The County will agree in each ordinance described in Section 4 of this Act relating
15 to any notes issued pursuant to this Act to pay such notes and the interest and premium, if any, thereon
16 from the proceeds of the bonds in anticipation of the sale of which such notes are issued, and the County
17 will agree to issue such bonds when, and as soon as, the reason for deferring their issuance no longer
18 exists.

19 **Section 3. And be it further enacted by the County Council of Howard County, Maryland,**
20 That, in connection with the acquisition of real property as part of a Project, the County may incur all or
21 any portion of the indebtedness authorized by this Act for such acquisition by entering into an installment
22 purchase agreement pursuant to and in accordance with Section 4.201A of the Howard County Code
23 (“Section 4.201A”) or any successor provisions of law in lieu of issuing bonds for such acquisition. The
24 principal amount of any such installment purchase agreement shall not exceed the lesser of (a) the
25 maximum principal amount permitted by Section 4.201A or (b) the portion of the amount to be borrowed

1 for such Project (as set forth in Section 1 hereof) which relates to such acquisition. All references to
2 “bonds” or “obligations” in this Act shall include such installment purchase agreements, unless the
3 context clearly requires a contrary meaning.

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

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

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

14 That for the purpose of paying the principal of and interest on such bonds or other obligations as the same
15 shall become payable, the County Council of Howard County shall levy annually ad valorem taxes upon
16 the assessable property in the County sufficient, together with building excise taxes and other available
17 funds, to pay the principal of and interest on such bonds or other obligations until all of such bonds or
18 other obligations shall mature and be redeemed. The full faith and credit and unlimited taxing power of
19 the County are hereby irrevocably pledged to the payment of the principal of and interest on such bonds.

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

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

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

25 That all bonds or other obligations authorized hereby shall be issued within four years from the date this
26 Act becomes effective. Notwithstanding the foregoing, if bond anticipation notes are issued within such

1 period in accordance with Section 2 hereof, the bonds authorized hereby may be issued until the final
2 maturity date of such notes.

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

9 Accordingly, the County reasonably expects to reimburse costs of the Projects (as described
10 herein) with proceeds of the bonds or other obligations authorized hereby, such bonds or other obligations
11 to be issued by the County in the maximum principal amount of \$22,461,022.

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

Road Construction Projects

Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
<p>B3856 FY2001 OLD MONTGOMERY RD BRIDGE (HO-9) A project for the design and construction of a replacement structure and approach for the Old Montgomery Road Bridge over Deep Run.</p>	505,000	
<p>J4110 FY1991 DORSEY RUN ROAD -- SOUTH LINK A project for design and construction of approximately 5,000 feet of Dorsey Run Road from Guilford Road north to the CSX railroad spur crossing.</p>	550,000	
<p>J4148 FY2000 DORSEY RUN ROAD EXTENSION This project is for the extension of Dorsey Run Road from MD103 to MD175, a total of approximately 3.2 miles.</p>		600,000
<p>J4164 FY1997 ROADWAY CAPACITY IMPROVEMENTS A project to provide increased capacity and safety of various County roads and intersections.</p>	1,068,000	
<p>J4167 FY2010 SNOWDEN RIVER/BROKEN LAND INTERSECTION A project for design and reconstruction of the Snowden River Parkway/Broken Land Parkway intersection.</p>		100,000
<p>J4169 FY1999 DAISY/WARFIELD/UNION CHAPEL INTERSECTION A project to design and reconstruct the compound intersection of Union Chapel Road with Daisy Road and Ed Warfield Road.</p>	350,000	
<p>J4170 FY2004 ROGER'S AVENUE IMPROVEMENTS A project for design and construction of approximately 1,500 LF of Rogers Avenue from existing improvements near US40 to Court House Drive.</p>	39,000	450,000
<p>J4173 FY2000 HANOVER ROAD IMPROVEMENTS A project for the study, design and reconstruction of the Hanover Road at High Tech Road intersection.</p>	46,000	
<p>J4177 FY2001 STATE ROAD CONSTRUCTION A project for cost sharing of new State roadway construction within Howard County that is consistent with the objectives of the 2000 General Plan.</p>	1,215,022	
<p>J4179 FY2000 NORTH RIDGE ROAD A project to provide a means to improve traffic conditions in the vicinity of North Ridge Road intersection with US40.</p>	225,000	200,000
<p>J4182 FY2002 DORSEY RUN ROAD IMPROVEMENTS This project is to study, design and reconstruct Dorsey Run Road to four lanes from MD175 south to the CSX railroad spur crossing; a distance of 6,000 LF.</p>	505,000	
<p>J4198 FY2006 WOODBINE/WELLER RD IMPROVEMENTS A project for the design and reconstruction of the intersection of Weller Drive and Woodbine Road (minor arterial), and elimination of the adjacent curve.</p>	1,000	

Road Construction Projects

Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
J4202 FY2004 STEPHENS RD IMPROVEMENTS A project for the design and re-construction of Stephens Road from Whiskey Bottom Road to Gorman Road.	56,000	500,000
J4206 FY2007 MONTEVIDEO RD IMPROVEMENTS A project to improve Montevideo Road as detailed in the Montevideo Road Study.	177,000	885,000
J4207 FY2009 OAKLAND MILLS ROAD IMPROVEMENTS A project to improve Oakland Mills Road from Guilford Road northward to Carters Lane.		1,400,000
J4215 FY2007 MARRIOTTSVILLE ROAD from US40 to MD144 Realignment and shoulder improvements to Marriottsville Road from US40 to MD144.		1,600,000
J4222 FY2008 SNOWDEN RIVER PARKWAY WIDENING EAST BOUND A project to design and construct a widening of Snowden River Parkway (intermediate arterial) by adding a third lane and sidewalks on the eastbound roadway from Broken Land Parkway to Oakland Mills Rd.	400,000	400,000
J4225 FY2008 ELLICOTT CENTER DR CONNECTION to ROGERS A project to design and construct a road to connect Ellicott Center Drive to Rogers Ave.	10,000	
J4226 FY2008 ROAD PJTS CONTINGENCY FUND A project to provide funds for unanticipated needs related to bridges and roadways.	27,000	200,000
J4232 FY2009 SELNICK DRIVE EXTENSION A project to extend Seinick Drive from its current terminus to connect with US1.	202,000	
J4233 FY2010 US1 PROJECTS A project to design and construct transportation improvements along the US1 corridor.		2,000,000
J4237 FY2010 MD175/OAKLAND MILLS RD INTERCHANGE A project to design and construct a new MD175/Oakland Mills Road interchange and the realignment of Oakland Mills Road through the proposed Blandair Park.		5,000,000
J4241 FY2011 US RT 1 RT 175 to MONTEVIDEO ROAD A project for the design and reconstruction of approximately 2,500 feet of US1 from MD175 to Montevideo Road.		3,550,000

Road Construction Projects

Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
T7101 FY2008 STATE/COUNTY SHARED INTERSECTIONS A project for the design, review and construction funding of geometric and traffic control modifications at various intersections of State and County roads.	<u>200,000</u>	<u> </u>
Road Construction Projects – Reauthorizations/New Authorizations	<u>\$5,576,022</u>	<u>\$16,885,000</u>
TOTAL AMOUNT TO BE BORROWED:		<u>\$22,461,022</u>

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on June 1, 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

