

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council of Howard County, Maryland

2018 Legislative Session

Legislative Day No. 10

Bill No. 54-2018

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

AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Project Agreement for the Design, Construction, Financing, Operation and Maintenance of the Howard County Circuit Courthouse between Howard County, Maryland and a special purpose entity formed by Edgemoor-Star America Judicial Partners for the design, construction, partial financing, operation and maintenance of a new Courthouse and related Parking Structure to be located on the Project Site located at 9250 Judicial Way (formerly known as 9240 and 9250 Bendix Road) in Ellicott City; authorizing the County Executive to enter into the Agreement and to make changes to the Agreement before executing it, under certain conditions; and generally relating to a multi-year agreement for the design, construction, financing, operation and maintenance of the Howard County Circuit Courthouse.

Introduced and read first time _____, 2018. Ordered posted and hearing scheduled.

By order _____
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 _____, 2018.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2018 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for his approval this ____ day of _____, 2018 at ____ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2018.

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 **WHEREAS**, the existing Circuit Courthouse is approximately 175 years old and is a
2 significant historic structure; and

3
4 **WHEREAS**, there are significant problems with the existing Circuit Courthouse
5 related to space, security, safety and access, among other issues; and

6
7 **WHEREAS**, the County Council has passed and the County Executive has approved,
8 Council Resolution No. 27-2017 (“CR 27”) indicating support of a project to finance and
9 design, construct, operate, and maintain a new courthouse and parking garage (collectively,
10 the “Project”); and

11
12 **WHEREAS**, the Project is to be located on a 28.98-acre parcel currently owned by
13 the County and located at 9250 Judicial Way (formerly known as 9240 and 9250 Bendix
14 Road) in Ellicott City; and

15
16 **WHEREAS**, pursuant to CR 27, the County approved a public private partnership
17 for the Project; and

18
19 **WHEREAS**, also pursuant to CR 27, the County Council approved the issuance of
20 general obligation bonds as part of the resources to finance the Project; and

21
22 **WHEREAS**, by passage of Council Bill No. 41-2017, the County authorized the
23 issuance of general obligation bonds in the principal amount of up to \$105,000,000, the
24 proceeds of which will be used to finance a portion of the costs of developing and
25 constructing the Project; and

26
27 **WHEREAS**, based on updated split of public and private financing, the County
28 reduced the authorized general obligation bond appropriation for Capital Project C-0290
29 Courthouse Replacement to \$91,000,000 by the passage of Council Bill No. 25-2018; and

30

1 **WHEREAS**, pursuant to Section 4.106(c) and 4.108 of the Howard County Code,
2 the County has engaged in a two-step competitive proposal process consisting of (1) a request
3 for expressions of interest seeking qualified respondents, and (2) a request for proposals in
4 which the County would make a determination of best value; and

5
6 **WHEREAS**, on July 11, 2017, the County issued Request for Expressions of Interest
7 (“EOI”) No. 01-2018, for the Project; and

8
9 **WHEREAS**, on September 20, 2017, the County received nine submittals in response
10 to EOI No. 01-2018; and

11
12 **WHEREAS**, the County selected three of the nine interested private entities as
13 eligible to receive a request for proposals and placed those three private entities on a
14 “shortlist”; and

15
16 **WHEREAS**, on November 30, 2017, the County issued Request for Proposals
17 (“RFP”) No. 10-2018, to the three “shortlisted” respondents; and

18
19 **WHEREAS**, in May of 2018, the County received proposals from each of the three
20 shortlisted respondents; and

21
22 **WHEREAS**, in June of 2018, after evaluating the proposals in accordance with the
23 criteria of RFP No. 10-2018, the County determined that the proposal submitted by
24 Edgemoor-Star America Judicial Partners offered the best value; and

25
26 **WHEREAS**, the County and a special purpose entity formed by Edgemoor-Star
27 America Judicial Partners wish to enter into the Project Agreement, substantially in the form
28 of Exhibit A attached to this Act for the Project; and

29

1 **WHEREAS**, the Project Agreement requires the payment by the County of funds
2 from an appropriation in a later fiscal year and therefore requires the County Council approval
3 as a multi-year agreement pursuant to Section 612 of the Howard County Charter.

4
5 **NOW, THEREFORE,**

6
7 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that, in
8 accordance with Section 612 of the Howard County Charter, it approves the Project
9 Agreement By and Between a special purpose entity formed by Edgemoor-Star America
10 Judicial Partners and Howard County, Maryland, substantially in the form attached as
11 Exhibit A, so long as the sum of (1) the Capital Charge inserted at closing in Section 16.3(A)
12 of the Project Agreement and (2) the Facilities Management Charge inserted at closing in
13 Section 16.4 of the Project Agreement, which will be adjusted annually to account for
14 inflation pursuant to the Project Agreement, is an amount not to exceed \$10.9 Million prior
15 to escalation.

16
17 **Section 2. And Be It Further Enacted** by the County Council of Howard County, Maryland,
18 that the County Executive is authorized to enter into the Project Agreement in the name of
19 and on behalf of the County.

20
21 **Section 3. And Be It Further Enacted** by the County Council of Howard County, Maryland,
22 that the County Executive, prior to execution and delivery of the Project Agreement may
23 make such changes or modifications to the Agreement as he deems appropriate in order to
24 accomplish the purpose of the transaction authorized by this Act, provided that such changes
25 or modifications shall be within the scope of the transaction authorized by this Act; and the
26 execution of the Agreement by the County Executive shall be conclusive evidence of the
27 approval by the County Executive of all changes or modifications to the Agreement, and the
28 Agreement shall thereupon become binding on the County in accordance with its terms.

29
30 **Section 4. And Be It Further Enacted** by the County Council of Howard County, Maryland
31 that the Budget Office shall add a note or table in the annual proposed and approved

1 operating budget documents showing any and all operating appropriation related to the new
2 courthouse to be built under a Public-Private Partnership (P3).

3

4 **Section 45.** *And Be It Further Enacted* by the County Council of Howard County, Maryland,
5 *that this Act shall become effective immediately upon its enactment.*