

INTRODUCED 9/4/18
PUBLIC HEARING 9/17/18
COUNCIL ACTION 10/1/18
EXEC. ACTION 10/9/18
EFFECTIVE DATE 12/9/18

County Council Of Howard County, Maryland

2018 Legislative Session

Legislative Day No. 12

Bill No. 602-2018

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 an aggregate principal amount of up to \$15,775,000 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 Fiscal Year 2019 Capital Budget, and to pay costs of issuance of such bonds; authorizing the County to issue bond and grant 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 September 4, 2018. 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 September 17, 2018.

By order

Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on October 1, 2018 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 4th day of Oct, 2018 at 3 a.m./p.m.

By order

Jessica Feldmark
Jessica Feldmark, Administrator

Approved by the County Executive Oct 9, 2018.

Allan H. Kittleman
Allan H. Kittleman, 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 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, 2019 (the
4 "Capital Budget"), and included therein certain appropriations to pay the costs of County capital projects,
5 as more particularly described in Appendix A attached hereto (the "Projects"). Pursuant to Transfer of
6 Appropriation Ordinance No. 1 Fiscal Year 2019, 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 Projects by transferring from
8 various other capital projects to the Projects an aggregate appropriation of \$15,775,000 in bond funding to
9 finance and refinance the Projects, including payment of the costs of issuance of any obligation issued to
10 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 aggregate principal
16 amount not exceeding \$15,775,000 the proceeds thereof to be used to finance and refinance the Projects
17 more particularly described in Appendix A attached hereto and in the Capital Budget, including without
18 limitation, the cost of planning, design, construction, reconstruction, furnishing, equipping,
19 improvements, renovations, remodeling, enlargements, engineering services, architect 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 5 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 Projects, the County may incur all
12 or any portion of the indebtedness authorized by this Act for such acquisition by entering into an
13 installment purchase agreement pursuant to and in accordance with Section 4.201A of the Howard
14 County Code (“Section 4.201A”) or any successor provisions of law in lieu of issuing bonds for such
15 acquisition. The principal amount of any such installment purchase agreement shall not exceed the lesser
16 of (a) the maximum principal amount permitted by Section 4.201A or (b) the portion of the amount to be
17 borrowed for the Project (as set forth in Section 1 hereof) which relates to such acquisition. All
18 references to “bonds” or “obligations” in this Act shall include such installment purchase agreements,
19 unless the context clearly requires a contrary meaning.

20 **Section 4. And be it further enacted by the County Council of Howard County, Maryland,**
21 That, in lieu of issuing all or a portion of the indebtedness authorized by this Act and described in Section
22 1 hereof, pursuant to and in accordance with Section 19-212 of the Local Government Article of the
23 Annotated Code of Maryland, as amended, the County is also authorized to issue grant anticipation notes
24 in anticipation of the receipt of a grant from the United States, the State of Maryland or any of their
25 respective units available for use to finance or refinance the Projects, and all references to “bonds” or
26 “obligations” in this Act shall include such grant anticipation notes, unless the context clearly requires a

1 contrary meaning. The County will agree in each ordinance described in Section 5 of this Act relating to
2 any grant anticipation notes issued pursuant to this Act to pay such grant anticipation notes and the
3 interest and premium, if any, thereon from the proceeds of the grant in anticipation of the receipt of which
4 such grant anticipation notes are issued and other available funds. It is intended that the aggregate
5 principal amount of issued and outstanding grant anticipation notes, plus interest thereon, shall not exceed
6 the amount of the grant in anticipation of the receipt of which the grant anticipation notes were issued. In
7 each ordinance described in Section 5 of this Act relating to any grant anticipation notes, the County may
8 determine to pledge its full faith and credit to payment of such grant anticipation notes or to provide that
9 such grant anticipation notes are payable only from the proceeds of the grant in anticipation of the receipt
10 of which such grant anticipation notes are issued.

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

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

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

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

1 **Section 7. 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 Sections 19-205 and 19-206 of the Local Government Article of the Annotated Code of
4 Maryland, as amended, and any successor provision of law.

5 **Section 8. 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 9. 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 the Projects may be paid prior to the issuance of
12 the bonds or other obligations authorized hereby. The amount of such costs so paid will depend on
13 various factors, including, without limitation, the timing and speed of progress on the Projects, the
14 availability of other funds to pay such costs on an interim basis, bond and money market conditions and
15 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 \$15,775,000.

19 **Section 10. 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.

General County Projects

Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
C0337 - FY2014 ELLICOTT CITY IMPROVEMENTS and ENHANCEMENTS This is a project to provide a variety of repairs and improvements to public infrastructure and address other community improvements and to make improvements to the downtown and historic district of the Howard County Seat. This project may include land acquisition for water quality and drainage needs and other public improvements.	-0-	\$14,775,000
General County Projects – Reauthorizations/New Authorizations	<u>\$0</u>	<u>\$14,775,000</u>


Watershed Protection and Restoration Projects

Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
D1175-FY-2018 VALLEY MEDE/CHATHAM FLOOD MITIGATION This project is for the study, design and construction of flood mitigation and stormwater/waterway improvement efforts in the Valley Mede and Chatham subwatersheds. Projects may include drainage improvements, stormwater retrofits, flood control, stream improvements, and design of additional drainage facilities.	-0-	\$1,000,000
Watershed Protection and Restoration Projects – Reauthorizations/New Authorizations	<u>\$ 0</u>	<u>\$1,000,000</u>

TOTAL AMOUNT TO BE BORROWED: \$15,775,000

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on October 9, 2018.


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 _____, 2018.

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 _____, 2018.

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 _____, 2018.

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 _____, 2018.

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 _____, 2018.

Jessica Feldmark, Administrator to the County Council