

INTRODUCED \_\_\_\_\_  
PUBLIC HEARING \_\_\_\_\_  
COUNCIL ACTION \_\_\_\_\_  
EXEC. ACTION \_\_\_\_\_  
EFFECTIVE DATE \_\_\_\_\_

**County Council Of Howard County, Maryland**

2019 Legislative Session

Legislative Day No. 6

**Bill No. 26 -2019**

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 \$79,875,771 on its full faith and credit, and issue and sell its bonds or other obligations therefor, to be used to pay costs of certain County water and sewer capital projects which are specified and described in the County's 2020 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 or other obligations; 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 \_\_\_\_\_, 2019. 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 \_\_\_\_\_, 2019.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

This Bill was read the third time on \_\_\_\_\_, 2019 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_day of \_\_\_\_\_, 2019 at \_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Jessica Feldmark, Administrator

Approved by the County Executive \_\_\_\_\_, 2019.

\_\_\_\_\_  
Calvin Ball, 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 **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 2020 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, 2020 (the “Capital Budget”).

6 As a part of the Capital Budget, it is necessary that Howard County, Maryland borrow a sum not  
7 exceeding \$79,875,771 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, \$50,655,771  
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 or other obligations therefor, at one time or from time to time, an  
20 amount not exceeding \$79,875,771 the proceeds thereof to be used to finance and refinance the Projects  
21 more particularly specified and described in Appendix A attached hereto and in the Capital Budget;  
22 including for each Project, without limitation, the cost of planning, design, construction, reconstruction,  
23 furnishing, equipping, improvements, rehabilitation, remodeling, enlargements, engineering services,  
24 architects services, surveys, landscaping, site development, evaluation studies, land acquisition and  
25 related items, appurtenances and incidental activities. The Projects and the amount to be borrowed for

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

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

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

6 That, pursuant to and in accordance with Section 19-212 of the Local Government Article of the  
7 Annotated Code of Maryland, as amended, the County is also authorized to issue bond anticipation notes  
8 in anticipation of the issuance of the bonds or other obligations authorized by this Act and described in  
9 Section 1 hereof, and all references to “bonds” or “obligations” in this Act shall include such bond  
10 anticipation notes, unless the context clearly requires a contrary meaning. It is intended that the aggregate  
11 principal amount of issued and outstanding bond anticipation notes when added to the aggregate principal  
12 amount of issued and outstanding bonds in anticipation of which such notes were issued, shall not exceed  
13 the aggregate principal amount set forth in Section 1 of this Act at any time. The County will agree in  
14 each ordinance described in Section 4 of this Act relating to any notes issued pursuant to this Act to pay  
15 such notes and the interest and premium, if any, thereon from the proceeds of the bonds in anticipation of  
16 the sale of which such notes are issued, and the County will agree to issue such bonds when, and as soon  
17 as, the reason for deferring their issuance no 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 or other obligations for  
23 such acquisition. The principal amount of any such installment purchase agreement shall not exceed the  
24 lesser of (a) the maximum principal amount permitted by Section 4.201A or (b) the portion of the amount  
25 to be borrowed for such Project (as set forth in Section 1 hereof) which relates to such acquisition. All

1 references to “bonds” or “obligations” in this Act shall include such installment purchase agreements,  
2 unless the 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 and policies of the  
6 County, shall provide for (a) the issuance and sale of, (b) the maximum principal amount, designation,  
7 form, tenor and denomination or denominations of, (c) the dates of the first maturity and the last maturity  
8 (not more than 30 years after the date of issue) of, and (d) the interest rate or rates per annum (or the  
9 method of determining such rate or rates) payable on, any bonds or other obligations issued from time to  
10 time under this Act; and may by any such ordinance, or by separate resolution, provide that the issue of  
11 bonds or other obligations hereby 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 Sections 19-205 and 19-206 of the Annotated Code of Maryland, as amended, and any  
4           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 \$79,875,771.

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**

		<b>Project Description</b>	<b>Amount to be Borrowed (Reauthorizations)</b>	<b>Amount to be Borrowed (New Authorizations)</b>
S	6264	FY2008 LPWRP CAPITAL REPAIRS  A project to systematically repair, replace, or upgrade existing facilities at the Little Patuxent Water Reclamation Plant (LPWRP), and existing water distribution and wastewater collection system facilities.	\$-0-	4,625,000
S	6274	FY2015 UPPER LITTLE PATUXENT PARALLEL SEWER  A project for the design and construction of 2,500 LF of parallel sewer, adjacent to the Little Patuxent Interceptor Sewer, north of MD108.	-0-	200,000
S	6275	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.	648,000	520,000
S	6280	FY2013 HAMMOND/PAX INTERCEPTOR IMPS  A project for the design and construction of 20,000 feet of parallel sewer in the Hammond Branch and Patuxent sewer drainage areas.	2,597,000	-0-
S	6283	FY2013 TIBER/SUCKER BRANCH IMPROVS  A project for the design and construction of 18,000 feet of parallel sewer in the Tiber Branch and Sucker Branch sewer drainage areas.	1,692,000	995,000
S	6284	FY2013 DEEP RUN/SHALLOW RUN INTERCEPTOR IMPROVEMENTS  A project for the design and construction of 44,000 feet of parallel sewer in the Deep Run and Shallow Run sewer drainage areas.	7,446,000	2,430,000
S	6285	FY2017 MD108 PUMP STATION OUTFALL IMPROVEMENTS  A project for the design and construction of 44,000 feet of parallel sewer in the Deep Run and Shallow Run sewer drainage areas.	-	200,000
S	6288	FY2020 ROCKBURN PUMPING STATION UPGRADE  A project to upgrade and coordinate the pumping capacity of the Rockburn Pumping Station with the Kerger Road Pumping Station.	-0-	330,000
		<b>Project Description</b>	<b>Amount to be Borrowed (Reauthorizations)</b>	<b>Amount to be Borrowed (New Authorizations)</b>
S	6295	FY2016 LPWRP 8 <sup>TH</sup> ADDITION	27,061,770	3,605,000

BIOSOLIDS PROCESSING FACILITIES			
		A project for the design and construct new biosolids processing facilities at the Little Patuxent Water Reclamation Plant (LPWRP) for the purpose of meeting new Maryland Department of the Environment (MDE) biosolids storage and disposal regulations, achieve biosolids volume reduction and enhance biosolids quality for end-use purposes.	
S	6297	FY2016 OLD FREDERICK ROAD PUMPING STATION UPGRADE	214,000 -0-
		A project for the design and construction of upgrades to increase the pumping capacity of the Old Frederick Road Pumping Station.	
S	6600	FY2019 WATER AND WASTEWATER FACILITIES CAPITAL REPAIRS AND UPGRADES	- 3,500,000
		A project [program] to repair or upgrade existing water or sewer facilities.	
S	6601	FY2020 SEWER ASSET MANAGEMENT PROGRAM	-0- 500,000
		A project [program] to coordinate and centralize sewer utility management efforts in order to extend the useful life of our existing sewer system assets.	
S	6699	ON SITE SEPTIC SYSTEM CONVERSION PROGRAM	2,956,000 -0-
		A project for the study, design and implementation of converting properties within the water and sewer Planned Service Area that are currently on private on-site septic systems to public sewer service.	
<b>Sewer Projects – Reauthorizations/New Authorizations</b>			<u>\$ 42,614,771</u> <u>\$16,905,000</u>
<b>Sewer Projects Total</b>			<u>\$59,519,771</u>

**Water Projects**

	<b>Project Description</b>	<b>Amount to be Borrowed (Reauthorizations)</b>	<b>Amount to be Borrowed (New Authorizations)</b>
W 8262	FY2004 GUILFORD ELEVATED TANK  A project for the design and construction of a 2 .5 million gallon elevated water storage tank, access roadway and related tank utilities.	\$-	\$3,000,000
W 8267	FY2005 WATER VALVE MGMT SYSTEM  The purpose of this project is to exercise and maintain all County owned valves within the water distribution system.	-	520,000
W 8269	FY2005 PARTICIPATION 3 <sup>RD</sup> ZONE WATER SUPPLY  A project for the design and construction of major water transmission and distribution mains to convey water from Baltimore City to Howard County.	950,000	-
W 8300	FY2011 LEVERING AVE WATER MAIN  A project for the design and construction of 6,350 LF of 12-inch water main from Gun Road in the Patapsco State Park in Baltimore County to Levering Avenue in Howard County to US1.	950,000	-0-
W 8303	FY2018 LOUDON AVE/RAILROAD STREET WATER MAIN  A project for the design and construction of 3,000 LF of 8-inch and 12-inch water main along Loudon Avenue and Railroad Street to Hanover Road.	-	385,000
W 8304	FY2015 COLUMBIA WATER PUMPING STATION IMPROVEMENTS  A project to upgrade the Columbia Water Pumping Station.	-	250,000
W 8305	FY2018 LANDING RD WATER MAIN LOOP  A project for the design and construction of 4,300 LF of 12-inch water main along Landing Road to connect the water mains between Ilchester Road and Montgomery Road.	-	300,000
W 8309	FY2014 MISSION RD WATER MAIN  A project for the design and construction of 4,500 LF of 12-inch water main along Mission Road to Columbia Gateway Drive.	491,000	-
W 8313	FY2011 FIRE HYDRANT INSPECTION PROGRAM  Develop a fire hydrant inspection program that will include all County owned fire hydrants in the distribution system.	873,000	-



	<b>Project Description</b>	<b>Amount to be Borrowed (Reauthorizations)</b>	<b>Amount to be Borrowed (New Authorizations)</b>
W 8320	FY2013 WHISKEY BOTTOM PUMP STATION A project to upgrade the Whiskey Bottom Road pumping station and related suction and discharge pipelines to increase pumping capacity.	1,618,000	-
W 8322	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.	-	5,510,000
W 8324	FY2014 WATER SYSTEM FIRE PROTECTION UPGRADE A project for the design and construction of various water system upgrades and improvements to meet County standards for water system redundancy, pressure and flow rates required for fire protection.	315,000	500,000
W 8327	FY2015 OLD LAWYER HILL ROAD WATER SUPPLY MAIN REPLACEMENT A project for the replacement of 2,300 LF of 8-inch water main in Old Lawyers Hill Road.	-	150,000
W 8332	FY2018 HERITAGE HEIGHTS WATER AND SEWER EXTENSIONS A project for the design and construction of 700 LF of 8-inch water main within Thompson Drive, 700 LF of 8-inch sewer main within Thompson Drive and 700 LF of 8-inch sewer main within Tulane Road in Heritage Heights community.	-	200,000
W 8602	FY2016 SLEEVES RELOCATIONS AND APPURTENANCES A project for funding design and construction of sewer and water lines in conjunction with Maryland State Highway Administration (SHA) and Howard County projects prior to construction.	2,050,000	1,000,000
W 8603	FY2020 WATER ASSET MANAGEMENT PROGRAM A project [program] to coordinate and centralize water utility management efforts in order to extend the useful life of our existing water system assets.	-	500,000
W 8698	ROUTINE WATER EXTENSION PGM A project to design and construct routine water main extensions in the Metropolitan District requested by landowners.	794,000	-

**Water Projects – Reauthorizations/New Authorizations** \$8,041,000 \$12,315,000

**Water Projects Total** \$20,356,000

**TOTAL REAUTHORIZATIONS/ NEW  
AUTHORIZATIONS**

**\$50,665,771**

**\$29,220,000**

**TOTAL AMOUNT TO BE BORROWED**

**\$79,875,771**