

INTRODUCED 5/6/19
 PUBLIC HEARING 5/20/19
 COUNCIL ACTION 5/29/19
 EXEC. ACTION 6/5/19
 EFFECTIVE DATE 8/5/19

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 May 6, 2019. 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 May 20, 2019.

By order Jessica Feldmark
 Jessica Feldmark, Administrator

This Bill was read the third time on May 29, 2019 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 30th day of May 2019 at 4 a.m. (p.m.)

By order Jessica Feldmark
 Jessica Feldmark, Administrator

Approved by the County Executive JUN 5, 2019.

Calvin Ball
 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

		Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
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

		Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
S	6295	FY2016 LPWRP 8TH 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.	
Sewer Projects – Reauthorizations/New Authorizations			<u>\$ 42,614,771</u> <u>\$16,905,000</u>
Sewer Projects Total			<u>\$59,519,771</u>

Water Projects

	Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
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 3RD 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 Ichester 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	-

	Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
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

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on June 5, 2019.


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 _____, 2019.

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 _____, 2019.

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 _____, 2019.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

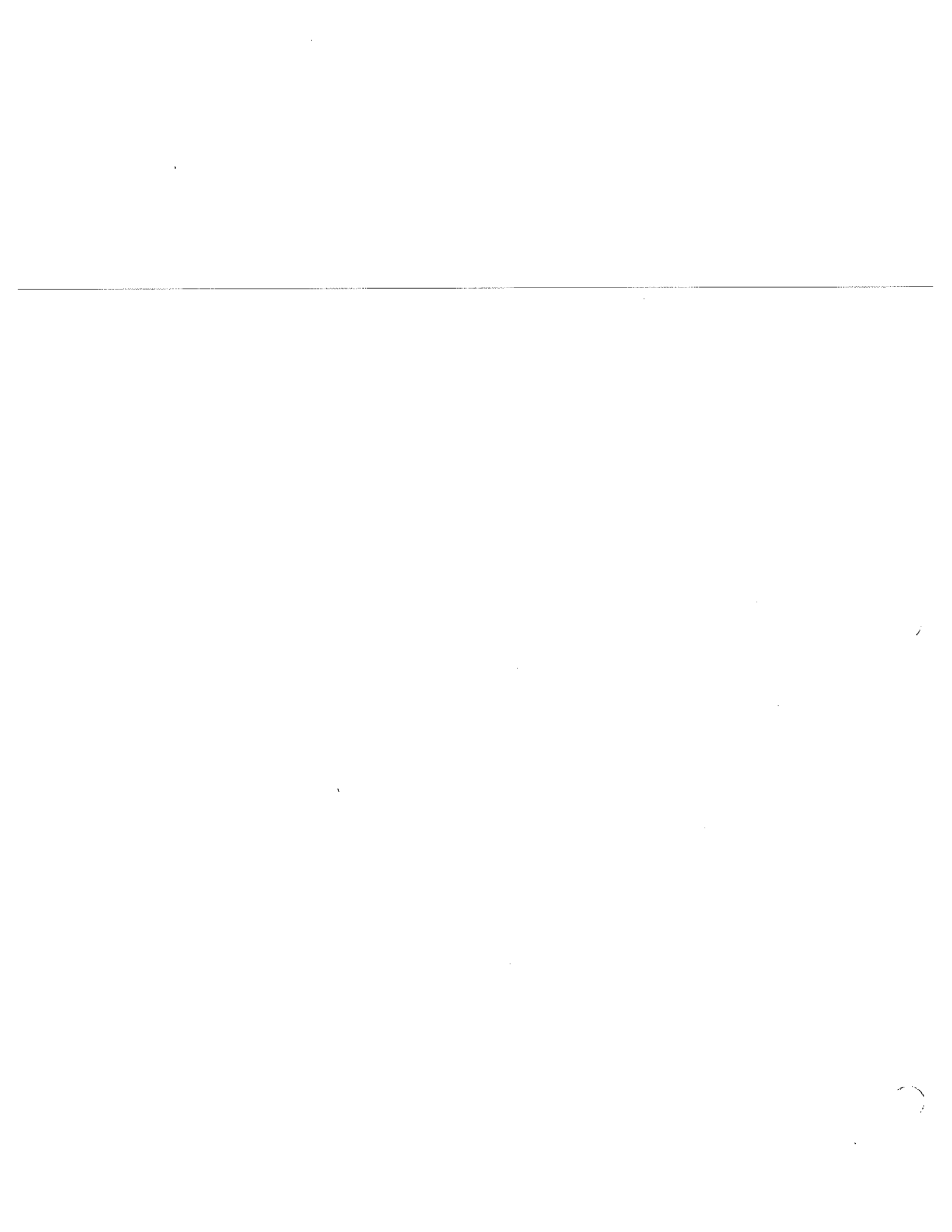
This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2019.

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 _____, 2019.

Jessica Feldmark, Administrator to the County Council





Howard County Citizens Association

Since 1961...

The Voice Of The People of Howard County

Date: 20 May 2019

Subject: HCCA Testimony Regarding CB25 thru 29-2019

The Howard County Citizens Association is concerned and alarmed at the amount of debt being proposed by bills 25 through 29. The bills propose nearly \$225.5 million in debt for costs associated with public facilities on the backs of the taxpayer.

We think this level of debt is unsustainable, especially when considering its cause. For many years, the county has subsidized developer profits through intangible economic benefits due to favorable zoning and land use regulations as well as direct financial subsidies through low school impact fees, low moderate income housing fee-in-lieu, and tax increment financing.

Since 2011, more than 61% of the capital budget is financed through debt, while the average annual developer contribution is 1.79%. Howard County has spent an average of \$100 million per year since 2011 to service these debts.

Radio personality Marc Steiner once said "developers are the defense industry of local governments". Like the defense industry, developers have a strangle hold county government. So much so that county departments such as department of planning and zoning serve more like facilitators of development rather than regulators.

Take for example the developer rights and responsibility agreement between Howard County and Chase Land on Mission Road. This DRRA, which bequests an incredible amount of economic benefits to the developer, was approved despite the serious flaws. It was also discovered that Department of Public Works failed to follow the open bid law for a large project related to the land clearing, which further costs the taxpayer more money.

Howard County's glaring practice of subsidizing developers is best on display with the developer school surcharge fees.

In 2004, the Maryland State Legislature enacted a law that enabled Howard County to charge Developers surcharge fees. The fee was set at an arbitrary value of \$1 per square foot, using only the opinions of economist Anirbarn Basu, whose firm Sage Policy Group conducted a study for the Maryland Builders Association, in response to a slew of impact fee legislation adopted by several Maryland Counties.

At the time, he said, "What we have found is that new development tends to more than pay for itself and disproportionately finances the growth in government..."

He and many others were wrong, but the county still continues to follow the orthodoxy that residential development is a net source of positive revenue.

HCCA supports and in fact expects the county to pay for its obligations. However, it does not support the county pay developers' obligations. Furthermore, HCCA expects county leaders to learn from past mistakes.

One way the county can prevent future mistakes is to require a fiscal and economic impact statement with every zoning and land use decision. The voter finds it difficult to understand the impact of these decisions and the fiscal and economic impact statement, with a clear and

transparent methodology would change the discussion and perhaps improve the decision making process. We urge you to enact such a law.

Thanks for listening and hopefully action will be taken.

Hiruy Hadgu

HCCA Board of Director

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-
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S	6600	FY2019 WATER AND WASTEWATER FACILITIES CAPITAL REPAIRS AND UPGRADES	-	3,500,000
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A project [program] to repair or upgrade existing water or sewer facilities.

S	6601	FY2020 SEWER ASSET MANAGEMENT PROGRAM	-0-	500,000
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A project [program] to coordinate and centralize sewer utility management efforts in order to extend the useful life of our existing sewer system assets.

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Sewer Projects – Reauthorizations/New Authorizations

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