

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. 272019

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 \$11,009,666 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 road construction projects which are specified and described in the County's 2020 Capital Budget (including, without limitation, borrowings for certain of such capital projects previously authorized), and to pay costs of issuance of such bonds or other obligations; 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 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 June 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, and, prior to the passage of this Act, the County Council of Howard County, Maryland
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 \$11,009,666 to be used for road construction projects, specified and described in the Capital
8 Budget (each a "Project", collectively, the "Projects"), which Projects are more particularly described in
9 Appendix A attached hereto and incorporated herein, for payment of costs of issuance of any obligations
10 issued to evidence such borrowing. Of such amount, \$11,009,666 appropriated for certain of such
11 Projects, as indicated in Appendix A hereto in the column captioned "Amount to be Borrowed
12 (Reauthorizations)", was previously authorized to be borrowed by the County during prior calendar years,
13 but such authorized borrowing is expected to expire prior to the completion of such Projects and/or the
14 sale of general obligation bonds to provide permanent financing therefor. Accordingly, it is necessary
15 that such borrowing be reauthorized ("Reauthorizations").

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

18 **Section 1. Be it enacted by the County Council of Howard County, Maryland,** That Howard
19 County, Maryland (the "County"), is hereby authorized and empowered to borrow on its full faith and
20 credit, and issue and sell its bonds or other obligations therefor, at one time or from time to time, an
21 amount not exceeding \$11,009,666, the proceeds thereof to be used to finance and refinance the Projects
22 more particularly specified and described in Appendix A attached hereto and in the Capital Budget;
23 including for each Project, without limitation, the cost of planning, design, construction, reconstruction,
24 furnishing, equipping, improvements, renovations, remodeling, enlargements, engineering services,
25 architects services, surveys, landscaping, site development, evaluation studies, land acquisition and
26 related items, appurtenances and incidental activities. The Projects and the amounts 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” shall include such bond anticipation
10 notes, unless the context clearly requires a contrary meaning. It is intended that the aggregate principal
11 amount of issued and outstanding bond anticipation notes when added to the aggregate principal amount
12 of issued and outstanding bonds in anticipation of which such notes were issued, shall not exceed the
13 aggregate principal amount set forth in Section 1 of this Act at any time. The County will agree in each
14 ordinance described in Section 4 of this Act relating to any notes issued pursuant to this Act to pay such
15 notes and the interest and premium, if any, thereon from the proceeds of the bonds in anticipation of the
16 sale of which such notes are issued, and the County will agree to issue such bonds when, and as soon as,
17 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 the 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 annually ad valorem taxes upon
15 the assessable property in the County sufficient, together with building excise taxes and other available
16 funds, to pay the principal of and interest on such bonds or other obligations until all of such bonds or
17 other obligations shall mature and be redeemed. The full faith and credit and unlimited taxing power of
18 the County are hereby irrevocably pledged to the payment of the principal of and interest on such bonds
19 or other obligations.

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 Sections 19-205 and 19-206 of the Local Government Article of the Annotated Code of
23 Maryland, as amended, and 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 or other obligations authorized hereby may be
2 issued until the final 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.

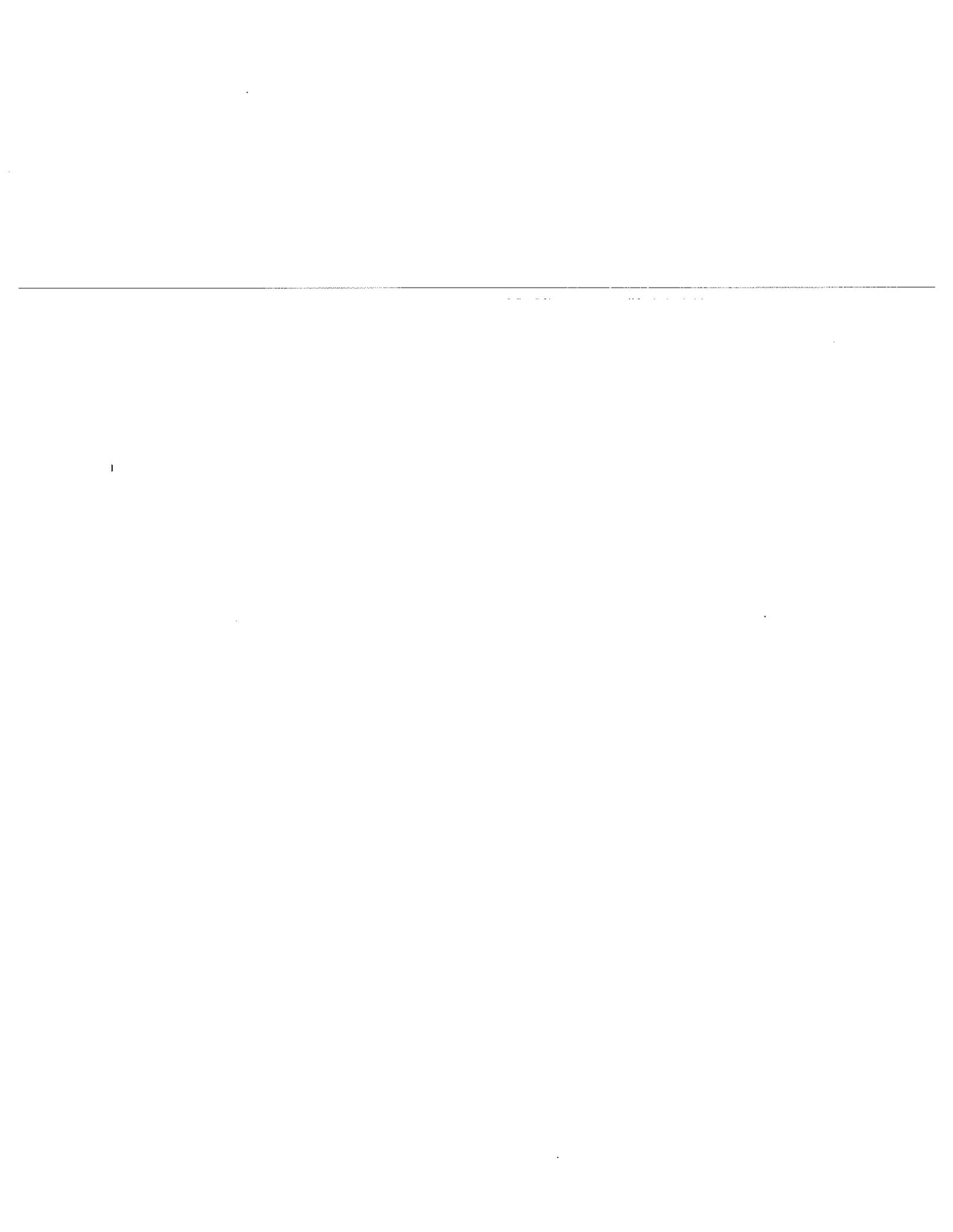
9 Accordingly, the County reasonably expects to reimburse costs of the Projects (as described
10 herein) with proceeds of the bonds or other obligations authorized hereby, such bonds or other obligations
11 to be issued by the County in the maximum principal amount of \$11,009,666.

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.

Excise Tax Projects

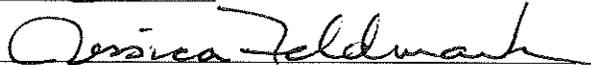
Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
J 4110 FY1991 DORSEY RUN RD SOUTH LK A project for design and construction of approximately 5,000 feet of Dorsey Run Road from Guilford Road north to the CSX railroad spur crossing.	\$1,457,000	\$-
J 4164 FY1997 ROADWAY CAPACITY IMPROVEMENT A project to provide increased capacity and safety of various County roads and intersections.	470,689	-
J 4170 FY2004 ROGER'S AVE IMROVEMENTS A project for design and construction of approximately 1,500 LF of Rogers Avenue from existing improvements near US40 to Court House Drive.	285,000	-
J 4173 FY2000 HANOVER RD IMPROVEMENTS A project for the study, design and reconstruction of the Hanover Road at High Tech Road intersection.	150,000	-
J 4181 FY2003 GUILFORD RD (US1 to DORSEY RUN RD) This project is to study, design, and reconstruct Guilford Road to three lanes from US1 to Old Dorsey Run Road; a distance of 5,800 LF.	644,000	-
J 4202 FY2004 STEPHENS RD IMPROVEMENTS A project for the design and reconstruction of Stephens Road from Whiskey Bottom Road to Gorman Road.	147,000	-
J 4206 FY2007 MONTEVIDEO RD IMPROVEMENTS A project to improve Montevideo Road as detailed in the Montevideo Road Study.	2,892,000	-
J 4207 FY2009 OAKLAND MILLS RD IMPROVS A project to improve Oakland Mills Road from Guilford Road northward to Carters Lane.	335,982	-
J 4211 FY2007 ROADWAY CAPACITY IMPROVS A project to provide increased capacity and safety on various County roads and intersections.	696,882	-
J 4215 FY2007 MARRIOTTSVILLE RD 40 TO 144 Realignment and shoulder improvements to Marriottsville Road from US40 to MD144.	2,739,000	-
J 4225 FY2008 ELLICOTT CENTER DR CONNECTION to ROGERS A project to design and construct a road to connect Ellicott Center Drive to Rogers Avenue.	46,114	-

	Project Description	Amount to be Borrowed (Re-authorizations)	Amount to be Borrowed (New Authorizations)
J 4237	FY2010 MD 175/OAKLAND MILLS INTERCHG 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.	773,000	-
T 7101	FY2008 INTERSECTION IMPROV PGM A project for the design, review and construction funding of geometric and traffic control modifications at various intersections of State and / or County roads.	373,000	-
Road Excise Tax Projects – Reauthorizations/New Authorizations		<u>\$11,009,666</u>	<u>\$-0-</u>
TOTAL AMOUNT TO BE BORROWED:			<u>\$11,009,666</u>



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

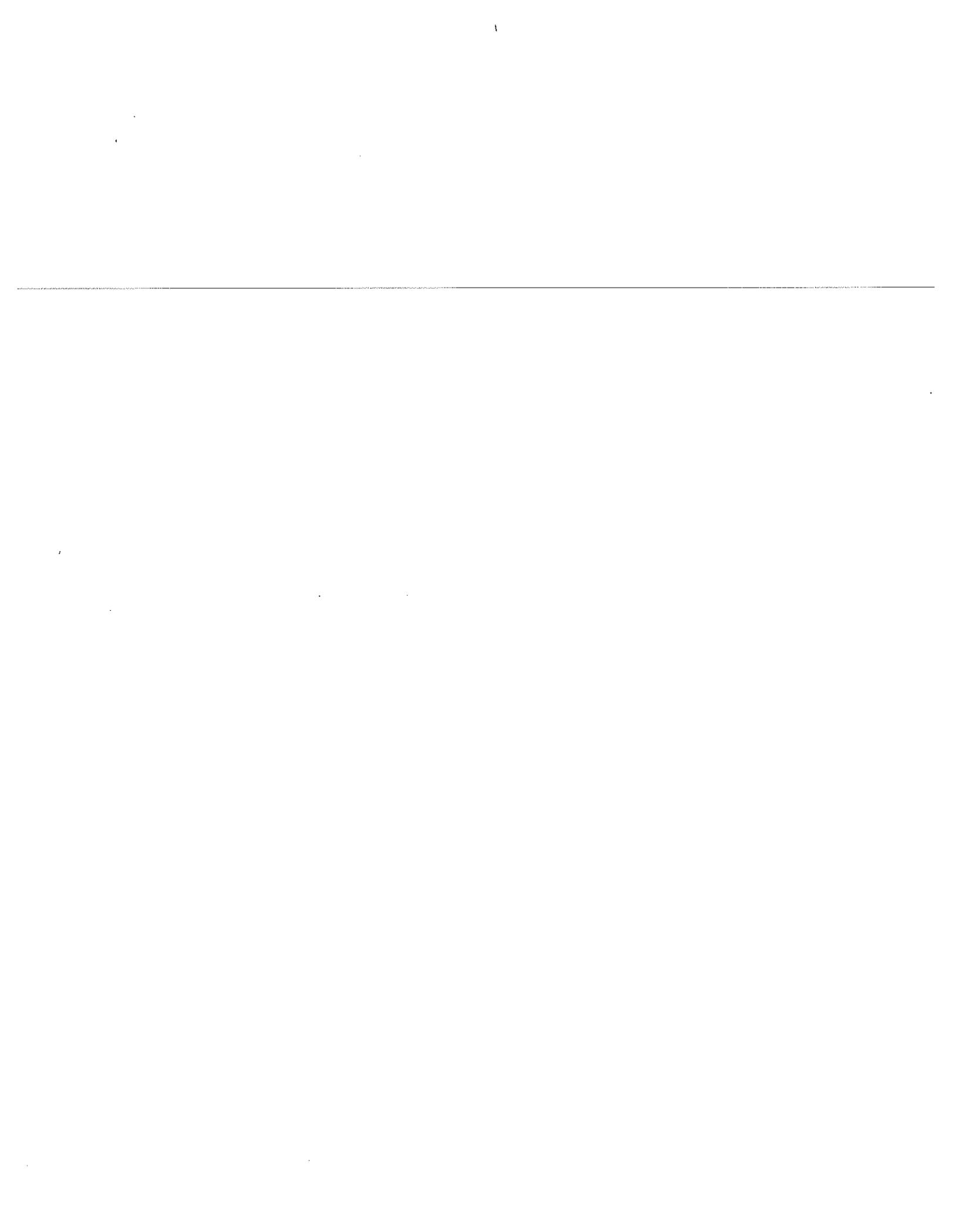
This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2019.

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





HCCA

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