

INTRODUCED 9/3/2019
PUBLIC HEARING 9/16/2019
COUNCIL ACTION 10/7/2019
EXECUTIVE ACTION 10/14/2019
EFFECTIVE DATE 10/14/2019

**County Council Of
Howard County, Maryland**

2019 Legislative Session

Legislative Day No. 11

Bill No. 44-2019

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

AN ORDINANCE authorizing the issuance, sale and delivery of up to \$150,000,000 consolidated public improvement bonds and up to \$100,000,000 metropolitan district bonds, pursuant to various bond enabling laws; providing that such bonds shall be general obligations of the County; authorizing the County Executive to specify, prescribe, determine, provide for or approve the final principal amounts, maturity schedules, interest rates and redemption provisions for such bonds, and other matters, details, forms, documents or procedures and to determine the method of sale of such bonds; providing for the disbursement of the proceeds of such bonds and for the levying of taxes to pay debt service on such bonds; and providing for and determining various matters in connection therewith.

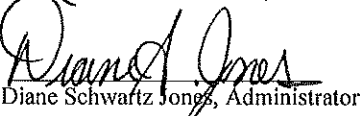
Introduced and read first time September 3, 2019. Ordered posted and hearing scheduled.

By order 
Diane Schwartz Jones, 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 16, 2019 and concluded on _____, 2019.

By order 
Diane Schwartz Jones, Administrator

This Bill was read the third time on October 7, 2019 and Passed, Passed with amendments ~~Failed~~

By order 
Diane Schwartz Jones, Administrator

Approved by the County Executive October 14, 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 Howard County, Maryland (the “County”) is authorized pursuant to Council Bills
3 29-2016 enacted on May 26, 2016 by the County Council and effective on August 3, 2016,
4 30-2016 enacted on May 26, 2016 by the County Council and effective on August 3, 2016,
5 31-2016 enacted on May 26, 2016 by the County Council and effective on August 3, 2016,
6 41-2017 enacted on May 24, 2017 by the County Council and effective on August 1, 2017,
7 43-2017 enacted on May 24, 2017 by the County, 26-2018 enacted on May 31, 2018 by
8 the County Council and effective on August 8, 2018, 27-2018 enacted on May 31, 2018 by
9 the County Council and effective on August 8, 2018, 28-2018 enacted on May 31, 2018 by
10 the County Council and effective on August 8, 2018, 30-2018 enacted on May 31, 2018 by
11 the County Council and effective on August 8, 2018, 31-2018 enacted on May 31, 2018 by
12 the County Council and effective on August 8, 2018, 25-2019 enacted on May 29, 2019 by
13 the County Council and effective on August 5, 2019, 27-2019 enacted on May 29, 2019 by
14 the County Council and effective on August 5, 2019, 28-2019 enacted on May 29, 2019
15 and effective on August 5, 2019 and 29-2019 enacted on May 29, 2019 and effective on
16 August 5, 2019 (collectively, the “Consolidated Public Improvement Bond Enabling
17 Laws”) (a) to borrow on its full faith and credit and issue and sell its bonds, at one time or
18 from time to time, for the purposes and in the amounts set forth in the Consolidated Public
19 Improvement Bond Enabling Laws; (b) to enact an ordinance in accordance with Article
20 VI of the Charter of the County (the “Charter”) and other applicable provisions of law
21 providing for the issuance and sale of such bonds; and (c) to levy annually ad valorem taxes
22 upon the assessable property within the geographic boundaries of the County sufficient,

1 together with funds available from other sources, to provide for the payment of the
2 principal of and interest on such bonds until all such bonds shall be redeemed or paid.

3 The County is authorized pursuant to Council Bills No. 29-2016 enacted on May
4 26, 2016 by the County Council and effective on August 3, 2016, 30-2016 enacted by the
5 County Council on May 26, 2016 and effective on August 3, 2016, 42-2017 enacted by the
6 County Council on May 24, 2017 and effective on August 1, 2017, 27-2018 enacted on
7 May 31, 2018 by the County Council and effective on August 8, 2018 and 26-2019 enacted
8 on May 29, 2019 and effective on August 5, 2019 (the "Metropolitan District Bond
9 Enabling Laws" and, collectively with the Consolidated Public Improvement Bond
10 Enabling Laws, the "Bond Enabling Laws") (a) to borrow on its full faith and credit and
11 issue and sell its bonds, at one time or from time to time, for the purposes and in the
12 amounts set forth in the Metropolitan District Bond Enabling Laws; (b) to enact an
13 ordinance in accordance with Article VI of the Charter and other applicable provisions of
14 law providing for the issuance and sale of such bonds; and (c) to levy annually ad valorem
15 taxes upon the assessable property within the County sufficient, together with benefit
16 assessments, ad valorem taxes levied upon assessable property in the Metropolitan District
17 of the County and other available funds, to provide for the payment of the principal of and
18 interest on such bonds until all of such bonds shall be paid or redeemed.

19 The County is also authorized pursuant to Title 19 of the Local Government Article
20 of the Annotated Code of Maryland (2013 Replacement Volume and 2018 Supplement)
21 and Council Bill No. 3-2014 enacted by the County Council on March 5, 2014 and effective
22 on March 7, 2014 ("Note Ordinance"), to issue and sell its bond anticipation notes in the
23 maximum aggregate principal amount not greater than the amount of bonds which the

1 County is authorized to issue (the "Notes"). The principal of and interest on such Notes
2 are payable from the first proceeds of sale of such bonds or from tax or other revenue that
3 the County makes available for the payment of such Notes and the interest thereon. As of
4 the date of introduction of this Ordinance, the actual principal amount of the Notes
5 outstanding is \$45,476,149.

6 The outstanding Notes were issued in anticipation of the issuance of the County's
7 consolidated public improvement bonds and metropolitan district bonds, and the County
8 authorized the issuance of such bonds in one or more series pursuant to Council Bill No.
9 34-2006 enacted by the County Council and effective on June 7, 2006, as amended and
10 supplemented from time to time (as so amended and supplemented and together with this
11 Ordinance, the "Master Bond Ordinance"). The Master Bond Ordinance provides that
12 prior to the issuance of any series of such bonds, the County Council shall enact an
13 ordinance supplemental thereto to specify and provide for various matters in connection
14 with the issuance and sale of such bonds, as provided in the Master Bond Ordinance.

15 Section 19-101 of the Local Government Article of the Annotated Code of
16 Maryland (2013 Replacement Volume and 2018 Supplement) and the Consolidated Public
17 Improvement Bond Enabling Laws provide that the County Council may provide that
18 bonds authorized to be issued by separate acts of enabling legislation shall be consolidated
19 for sale and issued, sold and delivered as a single issue of bonds.

20 The County Council has determined that it is in the best interest of the County to
21 consolidate bonds issued, sold and delivered pursuant to the Consolidated Public
22 Improvement Bond Enabling Laws (the "Consolidated Public Improvement Bonds") from
23 time to time.

1 Pursuant to the Metropolitan District Bond Enabling Law, bonds authorized
2 thereunder may be consolidated for sale and issued, sold and delivered as a single issue of
3 bonds.

4 The County Council has determined that it is in the best interest of the County to
5 consolidate bonds issued, sold and delivered pursuant to the Metropolitan District Bond
6 Enabling Law (the "Metropolitan District Bonds") from time to time.

7 **Now, therefore, be it enacted by the County Council of Howard County,**
8 **Maryland:**

9 **Section 1.** All terms used herein which are defined in the Recitals hereof shall
10 have the meanings given such terms therein.

11 **Section 2.** It is hereby found, determined and declared as follows:

12 (1) It is in the best interest of the County to issue the Consolidated Public
13 Improvement Bonds pursuant to and in accordance with the Consolidated Public
14 Improvement Bond Enabling Laws and the Master Bond Ordinance in the aggregate
15 principal amount of \$150,000,000 or such lesser principal amount as may be specified in
16 an Executive Order in accordance with Section 14 hereof, for the purpose of (a) paying the
17 principal amount of the Notes (the "Refunded Notes") and expenses required to be paid
18 pursuant to a line of credit secured by such Notes (together with the Refunded Notes, the
19 "Refunded Obligations"), the proceeds of which have been or will be used, after payment
20 of certain costs, fees and expenses incurred in the issuance thereof, to pay or refinance a
21 portion of the costs of capital projects authorized by the Consolidated Public Improvement
22 Bond Enabling Laws, as specified in Appendix A hereto (the "Public Improvement Capital
23 Projects"), (b) defraying a portion of the costs of Public Improvement Capital Projects not

1 funded with proceeds of the Notes (the “Other Public Improvement Capital Projects”), and
2 (c) paying the costs, fees and expenses incurred in the issuance and sale of the Consolidated
3 Public Improvement Bonds, in each case to the extent that such costs are not payable from
4 other sources, as specified in an Executive Order in accordance with Section 14 hereof.

5 (2) It is in the best interest of the County to issue the Metropolitan District
6 Bonds pursuant to and in accordance with the Metropolitan District Bond Enabling Law in
7 the aggregate principal amount of \$100,000,000, or such lesser principal amount as may
8 be specified in an Executive Order in accordance with Section 14 hereof, for the purpose
9 of (a) paying the Refunded Obligations, the proceeds of which have been or will be used,
10 after the payment of certain costs, fees and expenses incurred in the issuance thereof, to
11 pay or refinance a portion of the costs of capital projects authorized by the Metropolitan
12 District Bond Enabling Law, as specified in Appendix A hereto (the “Metropolitan District
13 Capital Projects”), (b) defraying a portion of the costs of Metropolitan District Capital
14 Projects not funded with the proceeds of the Notes (the “Other Metropolitan District
15 Capital Projects”), and (c) paying the costs, fees and expenses incurred in the issuance and
16 sale of the Metropolitan District Bonds, in each case to the extent such costs are not payable
17 from other sources, as specified in an Executive Order in accordance with Section 14
18 hereof.

19 (3) The outstanding general obligation indebtedness of the County on June 30,
20 2019 (exclusive of indebtedness issued or guaranteed by the County that is payable
21 primarily or exclusively from taxes levied in or on, or other revenues of, special taxing
22 areas or districts heretofore established by law and indebtedness issued for self- liquidating
23 and other projects payable primarily or exclusively from the proceeds of the assessments

1 or charges for special benefits or services), plus the \$150,000,000 aggregate principal
2 amount of Consolidated Public Improvement Bonds authorized hereby is equal to
3 \$1,261,895,000. The full cash value assessable base of the County on June 30, 2019 was
4 ~~\$53,338,993,958~~ \$53,357,952,612. As of the date of enactment of this Ordinance, the
5 issuance of the aggregate principal amount of Consolidated Public Improvement Bonds
6 authorized by this Ordinance is within every debt and other limitation prescribed by the
7 Constitution and Laws of the State of Maryland and the Charter.

8 (4) Current market conditions are volatile and an inflexible approach to
9 borrowing by the County threatens its ability to initiate necessary capital projects and will
10 diminish the resources available to provide for the needs of the citizens of the County in
11 the future, and the interests of the County are best served by providing the County with
12 reasonable flexibility in accessing the capital markets. Accordingly, any sale of
13 Consolidated Public Improvement Bonds and Metropolitan District Bonds (collectively,
14 "Bonds") pursuant to this Ordinance by private negotiation will provide significant benefits
15 to the County which would not be achieved if such Bonds were sold at public sale and is
16 in the County's best interest.

17 (5) The probable remaining average useful life of (a) the Public Improvement
18 Capital Projects financed and refinanced with proceeds of the Refunded Obligations and
19 to be refinanced with the proceeds of the Consolidated Public Improvement Bonds and (b)
20 the Other Public Improvement Capital Projects (if any) is more than 25 years, and all of
21 the Consolidated Public Improvement Bonds shall be payable within such probable average
22 useful life.

1 (6) The probable remaining average useful life of (a) the Metropolitan District
2 Capital Projects financed and refinanced with proceeds of the Refunded Obligations and
3 to be refinanced with the proceeds of the Metropolitan District Bonds and (b) the Other
4 Metropolitan District Capital Projects (if any) is more than 35 years, and all of the
5 Metropolitan District Bonds shall be payable within 30 years of the date of their issuance.

6 **Section 3.** The Bond Enabling Laws authorize the County to borrow money to
7 pay the costs of certain capital projects specified in the County's Fiscal Year 2020 Capital
8 Budget and in Appendix A attached hereto.

9 **Section 4.** (a) Pursuant to the authority contained in the Consolidated Public
10 Improvement Bond Enabling Laws, and in accordance with the Master Bond Ordinance,
11 the County shall borrow money upon the full faith and credit of the County and shall issue
12 and sell Consolidated Public Improvement Bonds upon the full faith and credit of the
13 County from time to time in the aggregate principal amount of \$150,000,000 or such lesser
14 principal amount as may be specified in an Executive Order in accordance with Section 14
15 hereof.

16 (b) The Consolidated Public Improvement Bonds shall be dated the date of their
17 delivery.

18 (c) The Consolidated Public Improvement Bonds may be issued in one or a
19 combination of serial bonds, installment bonds, or term bonds as may be specified in an
20 Executive Order in accordance with Section 14 hereof.

21 (d) The maturity dates of the Consolidated Public Improvement Bonds shall be
22 such dates as shall be specified in an Executive Order in accordance with Section 14 hereof,
23 provided that the date of the last maturity of the Consolidated Public Improvement Bonds

1 shall not be later than 20 years after the date of delivery of the Consolidated Public
2 Improvement Bonds.

3 **Section 5.** (a) The proceeds of the Consolidated Public Improvement
4 Bonds shall be paid to the Director of Finance of the County (the "Director of Finance")
5 and shall be set apart in an account or accounts and applied as follows:

6 (i) All or a portion of the proceeds of the Consolidated Public
7 Improvement Bonds, as specified in an Executive Order, shall be applied first to the
8 payment of all or a portion of the principal of the Refunded Obligations. The actual cost
9 of each Public Improvement Capital Project, which has been or will be financed or
10 refinanced from the proceeds of the sale of the Notes, is set forth in Appendix A hereto in
11 the column captioned "Bond Anticipation Note Funded."

12 (ii) The remaining proceeds of the Consolidated Public Improvement
13 Bonds, if any, shall be applied (A) to the payment of costs, fees and expenses incurred in
14 the issuance and sale of the Consolidated Public Improvement Bonds, to the extent such
15 costs, fees and expenses are not paid from other sources, and (B) to defray a portion of the
16 costs of Other Public Improvement Capital Projects. The actual costs of the Other Public
17 Improvement Capital Projects to be defrayed from the proceeds of the Consolidated Public
18 Improvement Bonds, if any, shall be determined by the Director of Finance, provided that
19 the amount so applied shall not exceed the difference between the amount set forth in
20 Appendix A in the column captioned "Unsold Bonds" for the Other Public Improvement
21 Capital Projects and the amount of proceeds of the Notes applied to finance the costs of the
22 Other Public Improvement Capital Projects.

1 No proceeds of the Consolidated Public Improvement Bonds will be applied in any
2 way which would violate the covenants contained in Section 16 hereof.

3 Notwithstanding the foregoing, the Director of Finance is hereby authorized to
4 reallocate the proceeds of the Consolidated Public Improvement Bonds to the payment of
5 any other costs of Other Public Improvement Capital Projects which could have been
6 financed with the proceeds of the Notes or Consolidated Public Improvement Bonds in
7 accordance with the Bond Enabling Laws and this Ordinance, respectively, in the event
8 that it is determined after the enactment of this Ordinance and the initial application of the
9 proceeds of the Consolidated Public Improvement Bonds that any of the amounts financed
10 with proceeds of the Notes or Consolidated Public Improvement Bonds should not have
11 been funded with proceeds thereof, whether as a result of the receipt of a grant for such
12 purpose or for any other reason. Any such reallocation shall be made to any one or more
13 of the Other Public Improvement Capital Projects in such manner and in such amounts as
14 the Director of Finance shall determine in her discretion.

15 The provisions of this Section shall be subject in all respects to Section 16 hereof.

16 (b) The costs of each Public Improvement Capital Project and Other Public
17 Improvement Capital Project (if any) shall include, without limitation, the cost of planning,
18 design, construction, reconstruction, furnishing, equipping, improvements, renovations,
19 remodeling, enlargements, engineering services, architects' services, surveys, landscaping,
20 site development, evaluation studies, land acquisition and related items, appurtenances and
21 incidental activities. The estimated cost of each Public Improvement Capital Project and
22 Other Public Improvement Capital Project and the other sources of funds for each Public
23 Improvement Capital Project and Other Public Improvement Capital Project are set forth

1 in Appendix A. Such other sources of funds shall include, without limitation, the amount
2 shown in the column captioned "Unsold Bonds" for each such Public Improvement Capital
3 Project and such Other Public Improvement Capital Project (if any) as listed in Appendix
4 A, which amounts shall be paid from prior or subsequent bond or bond anticipation note
5 issues of the County, from such other sources as the County may hereafter determine and,
6 for the Other Public Improvement Capital Projects, from the proceeds of the Consolidated
7 Public Improvement Bonds.

8 (c) Any remaining proceeds shall be used to pay the interest on or the principal
9 of the Consolidated Public Improvement Bonds, as the Director of Finance shall determine
10 in her sole discretion.

11 **Section 6.** For the purpose of paying the principal of and interest on the
12 Consolidated Public Improvement Bonds when due and payable, there is hereby levied and
13 there shall hereafter be levied in each fiscal year that any of the Consolidated Public
14 Improvement Bonds are outstanding, ad valorem taxes on real and tangible personal
15 property and intangible property subject to taxation by the County without limitation of
16 rate or amount and, in addition, upon such other intangible property as may be subject to
17 taxation by the County within limitations prescribed by law, in an amount sufficient,
18 together with funds available from other sources (including, without limitation, building
19 excise taxes, school facilities surcharges, watershed protection fees, broadband user fees
20 and revenues from Howard Community College fees to the extent provided in the
21 Consolidated Public Improvement Bond Enabling Laws), to pay such principal and interest
22 and the full faith and credit and the unlimited taxing power of the County are hereby

1 irrevocably pledged to the punctual payment of the principal of and interest on the
2 Consolidated Public Improvement Bonds as and when the same respectively become due.

3 **Section 7.** No Notes shall be issued to pay the principal of any Refunded
4 Obligations on or after the date of delivery of Bonds issued to provide for such payment.

5 **Section 8.** (a) Pursuant to the authority contained in the Metropolitan
6 District Bond Enabling Law, the County shall borrow money upon the full faith and credit
7 of the County and shall issue and sell Metropolitan District Bonds upon the full faith and
8 credit of the County from time to time in the aggregate principal amount of \$100,000,000,
9 or such lesser principal amount as may be specified in an Executive Order in accordance
10 with Section 14 hereof.

11 (b) The Metropolitan District Bonds shall be dated as of the date of their
12 delivery.

13 (c) The Metropolitan District Bonds may be issued in one or a combination of
14 serial bonds, installment bonds, or term bonds as may be specified in an Executive Order
15 in accordance with Section 14 hereof.

16 (d) The maturity dates of the Metropolitan District Bonds shall be such dates as
17 shall be specified in an Executive Order in accordance with Section 14 hereof, provided
18 that the date of the last maturity of the Metropolitan District Bonds shall not be later than
19 30 years after the date of delivery of the Metropolitan District Bonds.

20 **Section 9.** (a) The proceeds of the Metropolitan District Bonds shall be
21 paid to the Director of Finance and shall be set apart in an account or accounts and applied
22 as follows:

1 (i) All or a portion of the proceeds of the Metropolitan District Bonds,
2 as specified in an Executive Order, shall be applied first to the payment of all or a portion
3 of the principal of the Refunded Obligations. The actual cost of each Metropolitan District
4 Capital Project which has been or will be financed or refinanced from the proceeds of the
5 sale of Notes, if any is set forth in Appendix A hereto in the column captioned "Bond
6 Anticipation Note Funded."

7 (ii) The remaining proceeds of the Metropolitan District Bonds, if any,
8 shall be applied (A) to the payment of costs, fees and expenses incurred in the issuance and
9 sale of the Metropolitan District Bonds, to the extent such costs, fees and expenses are not
10 paid from other sources, and (B) to defray a portion of the costs of Other Metropolitan
11 District Capital Projects. The actual costs of the Other Metropolitan District Capital
12 Projects to be defrayed from the proceeds of the Metropolitan District Bonds, if any, shall
13 be determined by the Director of Finance, provided that the amount so applied shall not
14 exceed the difference between the amount set forth in Appendix A in the column captioned
15 "Unsold Bonds" for the Metropolitan District Capital Projects and the amount of proceeds
16 of the Notes applied to finance the costs of the Other Metropolitan District Capital Projects.

17 No proceeds of the Metropolitan District Bonds will be applied in any way which
18 would violate the covenants contained in Section 16 hereof.

19 Notwithstanding the foregoing, the Director of Finance is hereby authorized to
20 reallocate the proceeds of the Metropolitan District Bonds to the payment of any other costs
21 of Other Metropolitan District Capital Projects which could have been financed with the
22 proceeds of the Notes or Metropolitan District Bonds in accordance with the Bond
23 Enabling Laws and this Ordinance, respectively, in the event that it is determined after the

1 enactment of this Ordinance and the initial application of the proceeds of the Metropolitan
2 District Bonds that any of the amounts financed with proceeds of the Notes or Metropolitan
3 District Bonds should not have been funded with proceeds thereof, whether as a result of
4 the receipt of a grant for such purpose or for any other reason. Any such reallocation shall
5 be made to any one or more of Other Metropolitan District Capital Projects in such manner
6 and in such amounts as the Director of Finance shall determine in her discretion.

7 (b) The costs of each Metropolitan District Capital Project and Other
8 Metropolitan District Capital Project shall include, without limitation, the cost of planning,
9 design, construction, reconstruction, furnishing, equipping, improvements, renovations,
10 remodeling, enlargements, engineering services, architects' services, surveys, landscaping,
11 site development, evaluation studies, land acquisition and related items, appurtenances and
12 incidental activities. The estimated cost of the Metropolitan District Capital Projects and
13 Other Metropolitan District Capital Projects and the other sources of funds for such capital
14 projects are set forth in Appendix A. Such other sources of funds shall include, without
15 limitation, the amount shown in the column captioned "Unsold Bonds" for each such
16 Metropolitan District Capital Project and such Other Metropolitan District Capital Project
17 (if any) as listed in Appendix A, which amounts shall be paid from prior or subsequent
18 bond or bond anticipation note issues of the County, from such other sources as the County
19 may hereafter determine and, for the Other Metropolitan District Capital Projects, from the
20 proceeds of the Metropolitan District Bonds.

21 (c) Any remaining proceeds shall be used to pay interest on or the principal of
22 the Metropolitan District Bonds, as the Director of Finance shall determine in her sole
23 discretion.

1 **Section 10.** For the purpose of paying the principal of and interest on the
2 Metropolitan District Bonds when due and payable, there is hereby levied and there shall
3 hereafter be levied in each fiscal year that any of the Metropolitan District Bonds are
4 outstanding, ad valorem taxes on real and tangible personal property and intangible
5 property subject to taxation by the County without limitation of rate or amount and, in
6 addition, upon such other intangible property as may be subject to taxation by the County
7 within limitations prescribed by law, in an amount sufficient, together with benefit
8 assessments, ad valorem taxes upon assessable property in the Metropolitan District of the
9 County and other available funds, to pay such principal and interest and the full faith and
10 credit and the unlimited taxing power of the County are hereby irrevocably pledged to the
11 punctual payment of the principal of and interest on the Metropolitan District Bonds as and
12 when the same respectively become due.

13 **Section 11.** Except as otherwise provided in an Executive Order, the Bonds shall
14 be signed by the County Executive of the County (the "County Executive") and by the
15 Director of Finance by manual or facsimile signature, and the Bonds shall bear the
16 corporate seal of the County, or a facsimile thereof, attested by the manual or facsimile
17 signature of the Chief Administrative Officer of the County (the "Chief Administrative
18 Officer"). In the event that any officer whose signature shall appear on the Bonds shall
19 cease to be such officer before the delivery of the Bonds, such signature shall nevertheless
20 be valid and sufficient for all purposes, the same as if such officer had remained in office
21 until delivery.

22 **Section 12.** Except as otherwise provided in this Ordinance or in an Executive
23 Order, the Director of Finance is hereby designated and appointed as bond registrar and

1 paying agent for the Bonds and shall maintain books of the County for the registration and
2 transfer of the Bonds. The Director of Finance, either prior to or following the issuance of
3 the Bonds, may designate and appoint the Department of Finance of the County, any officer
4 or employee of the County or one or more banks, trust companies, corporations or other
5 financial institutions, or disclosure firm to act as bond registrar, paying agent,
6 authenticating agent, or disclosure agent.

7 **Section 13.** The Bonds hereby authorized may be sold for a price at, above or
8 below par, plus accrued interest to the date of delivery. Authority is hereby conferred on
9 the County Executive to sell the Bonds through a public sale or through a private
10 (negotiated) sale, without solicitation of competitive bids, as the County Executive, upon
11 consultation with the Director of Finance and the County's financial advisor, shall
12 determine to be in the best interests of the County.

13 If the County Executive shall determine in accordance with this Section to sell any
14 Bonds at a public sale through the solicitation of competitive bids, then the County
15 Executive may sell such Bonds in accordance with such procedures as shall be determined
16 by the County Executive.

17 Bonds issued under this Ordinance are hereby specifically exempted from the
18 provisions of Sections 19-205 and 19-206 of the Local Government Article of the
19 Annotated Code of Maryland (2013 Replacement Volume and 2018 Supplement).

20 The County Executive is hereby authorized and empowered for and on behalf of
21 the County (a) to cause the preparation, printing, execution and delivery of a preliminary
22 and final official statement or other offering document with respect to any Bonds issued

1 from time to time hereunder, and (b) to do all such things as may be necessary or desirable
2 in the opinion of the County Executive in connection therewith.

3 **Section 14.** Notwithstanding any provisions of the Bond Enabling Laws to the
4 contrary, subject to and in accordance with the provisions of this Ordinance, the County
5 Executive shall determine by Executive Order, for each and every Bond or series of Bonds
6 issued pursuant to and in accordance with this Ordinance, all matters relating to the sale,
7 issuance, delivery and payment of the Bonds, including (without limitation) the purposes
8 for which such Bonds are issued, the date or dates of sale of the Bonds, the designation of
9 the Bonds, the date of delivery of the Bonds, the authorized denominations for the Bonds,
10 the redemption provisions, if any, pertaining to the Bonds, the manner of authentication
11 and numbering of the Bonds, the date from which interest on the Bonds shall accrue, the
12 rate or rates of interest borne by the Bonds or the method of determining the same, the
13 interest payment and maturity dates of the Bonds, including provisions for mandatory
14 sinking fund redemption of any term bonds, the forms of the Bonds, whether the Bonds are
15 to be issued in book-entry form and all matters incident to the issuance of Bonds in book-
16 entry form and the provisions for the registration of Bonds. The execution and delivery of
17 Bonds as herein provided shall be conclusive evidence of the approval of all terms and
18 provisions of such Bonds on behalf of the County.

19 **Section 15.** In connection with the issuance of any Bonds pursuant to this
20 Ordinance, the County is hereby authorized to enter into one or more agreements as the
21 County Executive shall deem necessary or appropriate for the issuance, sale, delivery or
22 security of such Bonds, which may include (without limitation) (i) underwriting, purchase
23 or placement agreements for Bonds sold at private (negotiated) sale in accordance with the

1 provisions of this Ordinance; (ii) trust agreements with commercial banks or trust
2 companies providing for the issuance and security of such Bonds; (iii) any dealer,
3 remarketing or similar agreements providing for the placement or remarketing of such
4 Bonds; (iv) agreements providing for any credit or liquidity facilities supporting any
5 Bonds; (v) agreements with commercial banks or trust companies providing for the deposit
6 of proceeds of any Bonds; (vi) agreements with fiscal agents providing for the issuance of
7 Bonds, their authentication, registration or payment or other similar services; (vii)
8 continuing disclosure agreements, including any such agreements required to enable the
9 underwriters of any Bonds to meet the requirements of paragraph (b)(5) of Rule 15c2-12
10 promulgated by the United States Securities and Exchange Commission (the "SEC"); (viii)
11 agreements with a data collection and disclosure institution to enable the County to
12 research and post accurate disclosures related to any Bonds in accordance with the rules
13 and regulations approved by the SEC; and (ix) agreements with dissemination agents to
14 collect and post continuing disclosure information and event notices to meet certain
15 requirements of the SEC. Each such agreement shall be in such form as shall be determined
16 by the County Executive by Executive Order. The execution and delivery of each such
17 agreement by the County Executive shall be conclusive evidence of the approval of the
18 form of such agreement on behalf of the County.

19 **Section 16.** The County hereby covenants with each of the holders of any Bonds,
20 the interest on which is expected to be excludable from federal income taxation (such
21 Bonds being referred to herein collectively as "Tax-Exempt Obligations"), that it will not
22 use, or suffer or permit to be used, the proceeds received from sale of such Tax-Exempt
23 Obligations, or any moneys on deposit to the credit of any account of the County which

1 may be deemed to be proceeds of such Tax-Exempt Obligations, pursuant to Section 148
2 (“Section 148”) of the Internal Revenue Code of 1986, as amended (the “Code”), and
3 applicable regulations thereunder, which use would cause such Tax-Exempt Obligations to
4 be “arbitrage bonds” within the meaning of Section 148 and the regulations thereunder.
5 The County further covenants that it will comply with Section 148 and the regulations
6 thereunder which are applicable to Tax-Exempt Obligations on the date of issuance of such
7 Tax-Exempt Obligations and which may subsequently lawfully be made applicable to such
8 Tax-Exempt Obligations. The County Executive, the County Administrative Officer and
9 the Director of Finance shall be officers of the County responsible for issuing any Tax-
10 Exempt Obligations. The County Executive or the Director of Finance is hereby authorized
11 and directed to prepare or cause to be prepared and to execute, any certification, opinion
12 or other document which may be required to assure that such Tax-Exempt Obligations will
13 not be deemed to be “arbitrage bonds” within the meaning of Section 148 and the
14 regulations thereunder.

15 The County is hereby authorized to take any and all actions as may be necessary or
16 desirable to assure that interest on Tax-Exempt Bonds is and remains excludable from gross
17 income for federal income tax purposes.

18 The County is hereby authorized to take any and all actions as may be necessary or
19 desirable to assure that any Bonds authorized by this Ordinance are allowed a tax credit,
20 that the County is entitled to a subsidy from the United States of America or any agency or
21 instrumentality thereof with respect to such Bonds or the interest payable thereon, or that
22 any such Bond or the interest thereon is entitled to any other available benefits under the

1 Code (any such Bonds being referred to herein as “Tax Advantaged Obligations”). Any
2 such actions may be authorized by an order of the County Executive.

3 The County Executive is hereby authorized to make such covenants or agreements
4 in connection with the issuance of any Tax-Exempt Obligations or Tax Advantaged
5 Obligations as he shall deem advisable in order to assure (i) the holders of any such Tax-
6 Exempt Obligations that interest thereon shall be and remain exempt from federal income
7 taxation, (ii) the holders of any such Tax Advantaged Obligations that such Tax
8 Advantaged Obligations will be entitled to such benefits, and (iii) that the County is entitled
9 to any subsidy available for any such Tax Advantaged Obligations. Such covenants or
10 agreements shall be binding on the County so long as the observance by the County of any
11 such covenants or agreements is necessary in connection with the maintenance of the
12 exemption from federal income taxation of the interest on such Tax-Exempt Obligations
13 or the entitlement of such Tax Advantaged Obligations to such benefits, respectively. The
14 foregoing covenants and agreements may include (without limitation) covenants or
15 agreements on behalf of the County relating to the investment of proceeds of such Tax-
16 Exempt Obligations or Tax Advantaged Obligations, the rebate of certain earnings
17 resulting from such investment to the United States of America (or the payment of penalties
18 in lieu of such rebate), limitations on the times within which, and the purposes for which,
19 such proceeds may be expended or the utilization of specified procedures for accounting
20 for and segregating such proceeds. Any covenant or agreement made by the County
21 Executive pursuant to this paragraph in an order or certificate executed by the County
22 Executive shall be binding upon the County.

1 In furtherance of the foregoing, in order to qualify for and maintain the tax-exempt
2 status of any Tax-Exempt Obligations or the benefits inuring with respect to any Tax
3 Advantaged Obligation, the County Executive shall be authorized to make any elections or
4 designations permitted or required under the Code, to apply for an allocation from the State
5 of Maryland or the federal government in the case of Bonds or Notes subject to any volume
6 limitation and to apply for any tax credit, to take such actions as shall be necessary to permit
7 any tax credit to be stripped and sold separately from the ownership interest in any Tax
8 Advantaged Bond and to claim any cash subsidy with respect to any Tax Advantaged
9 Obligation. It is confirmed that the County Executive is authorized to declare official intent
10 to reimburse expenditures from proceeds of Tax Advantaged Obligations.

11 For purposes of establishing compliance with Section 148 of the Code regarding
12 the expenditure of proceeds of Tax-Exempt Obligations or Tax Advantaged Obligations,
13 the source of Capital Projects Fund monies for capital expenditures may be specifically
14 attributed to funds deposited to the Capital Projects Fund as a reimbursement from the
15 proceeds of County debt issuances in accordance with a certificate executed by the County
16 Executive.

17 It is confirmed that bond premium, consisting of net bond proceeds from the sale
18 of bonds sold at a price above par, may be allocated for expenditure purposes permitted
19 under provisions of federal income tax law pertaining to excludability of interest on the
20 bonds from gross income or the tax status of Tax Advantaged Obligations, as applicable.

21 **Section 17.** In accordance with the provisions of Section 402(a) of the Charter,
22 the County Executive is hereby authorized to delegate to the Chief Administrative Officer

1 the power and authority to take any and all actions required or permitted to be taken by the
2 County Executive pursuant to this Ordinance.

3 **Section 18.** (a) This Ordinance shall be supplemental to the Master Bond
4 Ordinance and shall be a “Supplemental Ordinance” as defined therein; provided, however,
5 that to the extent that any of the terms and provisions of this Ordinance conflict with the
6 terms and provisions of the Master Bond Ordinance, the terms and provisions of this
7 Ordinance shall control.

8 (b) It is hereby found and determined that the modification and
9 supplementation of the Master Bond Ordinance, as provided herein, is in the best interest
10 of the County and is not adverse to the interests of the holders of the Notes.

11 (c) Except as hereby or heretofore supplemented, the Master Bond Ordinance
12 shall remain in full force and effect; and the Master Bond Ordinance, as so modified and
13 supplemented, is ratified and confirmed.

14 (d) On and after the date of enactment hereof, all references to “Bond
15 Ordinance” in the Note Ordinance or the Master Bond Ordinance shall mean the Master
16 Bond Ordinance as supplemented hereby.

17 **Section 19.** If any one or more of the provisions of this Ordinance, including any
18 covenants or agreements provided herein on the part of the County to be performed, should
19 be contrary to law, then such provision or provisions shall be null and void and shall in no
20 way affect the validity of the other provisions of this Ordinance or of the Bonds.

21 **Section 20.** This Ordinance shall take effect on the date of its enactment.

22 *[Remainder of page left blank intentionally.]*

APPENDIX A

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on October 14, 2019.

Diane Schwartz Jones
Diane Schwartz Jones, 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.

Diane Schwartz Jones, 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.

Diane Schwartz Jones, 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.

Diane Schwartz Jones, 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.

Diane Schwartz Jones, 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.

Diane Schwartz Jones, Administrator to the County Council