

INTRODUCED _____
PUBLIC HEARING _____
COUNCIL ACTION _____
EXEC. ACTION _____
EFFECTIVE DATE _____

County Council Of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 7

Bill No. 39-2021

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 aggregate principal amount of up to \$12,755,634 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 watershed protection and restoration projects as more particularly described in the County's 2022 Capital Budget, 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 amounts held in the Watershed Protection and Restoration Fund 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 _____, 2021. Ordered posted and hearing scheduled.

By order _____
Michelle Harrod, 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 _____, 2021.

By order _____
Michelle Harrod, Administrator

This Bill was read the third time on _____, 2021 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this __ day of _____, 2021 at __ a.m./p.m.

By order _____
Michelle Harrod, Administrator

Approved by the County Executive _____, 2021.

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 the fiscal year 2022 to
4 the County Council of Howard County, Maryland, and, prior to the passage of this Act, the County
5 Council has adopted a Capital Budget for the fiscal year ending June 30, 2022 (the “Capital Budget”).

6 As a part of the Capital Budget for the fiscal year ending June 30, 2022, it is necessary that
7 Howard County, Maryland borrow a sum not exceeding \$12,755,634 to be used for payment of the costs
8 of certain watershed protection and restoration projects specified in the 2022 Capital Budget (each a
9 “Project”, collectively, the “Projects”), which Projects are more particularly described in Appendix A
10 attached hereto and incorporated herein, and for payment of costs of issuance of any obligations issued to
11 evidence such borrowing. Of such amount, \$2,255,634 appropriated for certain of such Projects was
12 previously authorized to be borrowed by the County during prior calendar years, as indicated in Appendix
13 A in the column captioned “Amount to be Borrowed (Reauthorizations)”, but such authorizations are
14 expected to expire prior to the completion of such Projects or the sale of general obligation bonds to
15 provide permanent financing therefor. Accordingly, it is necessary that such borrowing be reauthorized
16 (“Reauthorizations”).

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

19 **Section 1. Be it enacted by the County Council of Howard County, Maryland,** That Howard
20 County, Maryland (the “County”), is hereby authorized and empowered to borrow on its full faith and
21 credit, and issue and sell its bonds or other obligations therefor, at one time or from time to time, an
22 aggregate principal amount not exceeding \$12,755,634, the proceeds thereof to be used to finance and
23 refinance the Projects more particularly specified and described in Appendix A attached hereto and in the
24 Capital Budget; including for each Project, without limitation, the cost of planning, design, construction,
25 reconstruction, furnishing, equipping, improvements, renovations, remodeling, enlargements, engineering

1 services, architects services, surveys, landscaping, site development, evaluation studies, land acquisition
2 and related items, appurtenances and incidental activities.

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 other available funds, and the County will agree to issue such
17 bonds when, and as soon 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 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 the 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 (not more than two
8 years after the date of issue) and the last maturity (not more than 30 years after the date of issue) of, and
9 (d) the interest rate or rates per annum (or the method of determining such rate or rates) payable on, any
10 bonds or other obligations issued from time to time under this Act; and may by any such ordinance, or by
11 separate resolution, provide that the issue of bonds or other obligations hereby authorized be consolidated
12 with one or more other issues.

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

14 That for the purpose of paying the principal of and interest on such bonds or other obligations as the same
15 shall become payable, the County Council of Howard County shall levy annually ad valorem taxes upon
16 the assessable property in the County sufficient, together with amounts held in the Watershed Protection
17 and Restoration Fund and other available funds, to pay the principal of and interest on such bonds or other
18 obligations until all of such bonds or other obligations shall mature and be redeemed.

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

20 That any bonds or other obligations issued from time to time under this Act are specifically exempt from
21 the provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated Code of
22 Maryland, as amended, and any successor provision of law.

23 **Section 7. And be it further enacted by the County Council of Howard County, Maryland,**

24 That all bonds or other obligations authorized hereby shall be issued within four years from the date this
25 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 \$12,755,634.

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.

Watershed Protection and Restoration Projects

Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
D1112 – FY1997 DAVIS AVE AREA DRAINAGE IMPROVS This project is for the design and construction of storm drainage facilities in the area of Davis Avenue in North Laurel.	\$255,634	-0-
D1148-FY2007 NPDES WATERSHED MANAGEMENT PROGRAM A project for permitting and implementing the requirements of the National Pollutant Discharge Elimination System (NPDES) to detect and reduce pollutants in stormwater system discharges and to perform studies related to storm water utility financing.	-0-	\$300,000
D1164-FY2013 COMMUNITY ENVIRONMENTAL PARTNERSHIPS This project is for design and construction of Environmental Site Design (ESD) small scale storm water facilities.	-0-	400,000
D1176 - WATERSHED MANAGEMENT CONSTRUCTION This project is for design and construction of stormwater facility improvements.	-0-	2,200,000
D1177 - STORMWATER MANAGEMENT FACILITY RECONSTRUCTION A fund for Howard County to undertake construction or repairs to stormwater management on an as needed basis meeting the provisions of the County Code.	2,000,000	7,600,000
Watershed Protection and Restoration Projects – Reauthorizations/New Authorizations	<u>\$2,255,634</u>	<u>\$10,500,000</u>
TOTAL AMOUNT TO BE BORROWED:		<u>\$12,755,634</u>