

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

**County Council of Howard County, Maryland**

2021 Legislative Session

Legislative Day No. 7

**Bill No. 40 - 2021**

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

AN ACT to authorize and empower Howard County, Maryland, to enter into installment purchase agreements to acquire development rights in agricultural lands located within the County (Project No. G-0163), for an aggregate purchase price of not more than \$22,590,000, plus interest thereon; providing that the County's obligation to pay the purchase price under and interest on such agreements shall be a general obligation of the County made upon its full faith and credit; and to levy taxes upon the assessable property within the County sufficient, together with the portion of the transfer tax imposed on transfers of real property in Howard County which is dedicated to agricultural land preservation and other available funds, to provide for the payment of the purchase price under and interest on any agreements so entered into; 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 and concluded 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 ALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Recitals**

2 On May 23, 2013, the County Council of Howard County (the “County Council”) passed Council  
3 Bill No. 31-2013 (“Council Bill No. 31-2013”), which bill was approved by the County Executive and  
4 enacted on May 31, 2013 and became effective on July 31, 2013. Council Bill No. 31-2013 authorized  
5 and empowered Howard County, Maryland (the “County”) to enter into installment purchase agreements  
6 (each, an “Installment Purchase Agreement”) to acquire development rights in agricultural lands located  
7 within the County (Project No. G-0163), on or before July 31, 2017, as such date was extended to August  
8 1, 2021 by Council Bill No. 47-2017 (“Council Bill No. 47-2017”), enacted on June 1, 2017 and effective  
9 on August 1, 2017. The County has used a portion of the authorization under Council Bill No. 47-2017 to  
10 enter into Installment Purchase Agreements, but up to \$22,590,000 of such authorization is expected to  
11 expire unused.

12 Accordingly, as part of the Capital Budget for the fiscal year ending June 30, 2022, it is necessary  
13 that Howard County, Maryland, be reauthorized and re-empowered to enter into such Installment  
14 Purchase Agreements for an aggregate purchase price of not more than \$22,590,000, plus interest thereon.

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

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 enter into installment purchase  
19 agreements (each, an “Installment Purchase Agreement”) to acquire development rights in agricultural  
20 lands located within the County (Project No. G-0163), at one time or from time to time within four years  
21 from the date this Act becomes effective, for an aggregate purchase price of not more than \$22,590,000,  
22 plus interest thereon; provided that such maximum aggregate purchase price shall be reduced by the  
23 aggregate purchase price under any Installment Purchase Agreements entered into by the County under  
24 the authorization contained in Council Bill No. 47-2017 between the date of pre-filing of this Act and the  
25 effective date of this Act. The County’s obligation to make payments of the purchase price under the  
26 Installment Purchase Agreements authorized hereby and to pay interest thereon under each such

1 Installment Purchase Agreement shall be a general obligation of the County and shall be made upon its  
2 full faith and credit. Such obligation may be evidenced by the applicable Installment Purchase  
3 Agreement or by a separate certificate of payment or other instrument of indebtedness.

4 **Section 2. Be it further enacted by the County Council of Howard County, Maryland,** That  
5 the County shall select the properties for which development rights are to be acquired and shall negotiate  
6 the purchase price for such development rights and all other conditions of the Installment Purchase  
7 Agreement, subject to and in accordance with Sections 15.500 to 15.520, inclusive, of the Howard  
8 County Code, as amended from time to time, and this Act.

9 **Section 3. Be it further enacted by the County Council of Howard County, Maryland,** That  
10 the County Council of Howard County, by an ordinance or ordinances adopted from time to time in  
11 accordance with Article VI of the Charter of Howard County and other applicable provisions of law, shall  
12 approve and provide for (a) the acquisition of the development rights in each particular parcel of  
13 agricultural property which is to be the subject of an Installment Purchase Agreement, (b) the form and  
14 content of each Installment Purchase Agreement, including, without limitation, (i) the aggregate purchase  
15 price thereunder (or the maximum aggregate purchase price and the method of determining the final  
16 purchase price subject to such limitation) and the dates of payments of installments of the purchase price  
17 (not exceeding twenty years from the date of execution and delivery of the Installment Purchase  
18 Agreement), (ii) the interest rate or rates per annum (or the method of determining such rate or rates)  
19 payable on, any Installment Purchase Agreement from time to time under this Act, and (iii) the required  
20 signatures on such documents.

21 **Section 4. Be it further enacted by the County Council of Howard County, Maryland,** That  
22 for the purpose of paying the purchase price under and interest on such Installment Purchase Agreements  
23 as the same shall become payable, the County Council of Howard County shall levy annually ad valorem  
24 taxes upon the assessable property in Howard County sufficient, together with the portion of the transfer  
25 tax imposed on transfers of real property in Howard County which is dedicated to agricultural land

1 preservation and other available funds, to pay the purchase price under and interest on such Installment  
2 Purchase Agreements until all of such purchase price and interest has been paid in full.

3 **Section 5. Be it further enacted by the County Council of Howard County, Maryland,** That  
4 any Installment Purchase Agreements entered into from time to time under this Act are specifically  
5 exempt from the provisions of Sections 19-205 and 19-206 of the Local Government Article of the  
6 Annotated Code of Maryland, as amended, and any successor provision of law.

7 **Section 6. Be it further enacted by the County Council of Howard, County, Maryland,** That  
8 this Act shall take effect sixty-one (61) days after its enactment.