

INTRODUCED 5-3-2021
PUBLIC HEARING 5-17-2021
COUNCIL ACTION 5-26-2021
EXEC. ACTION 6-3-2021
EFFECTIVE DATE 8-3-2021

County Council Of Howard County, Maryland

2021 Legislative Session

Legislative Day No. 7

Bill No. 41 -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 \$75,000,000 on its full faith and credit, and issue debt obligations therefor, to be used to pay costs of certain General County projects as more particularly described in the County's Fiscal Year 2022 Capital Budget, and to pay costs of issuance of such debt obligations; and to levy taxes upon the assessable property within the County sufficient, together with 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 3, 2021. Ordered posted and hearing scheduled.

By order Michelle Harrod
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 May 17, 2021.

By order Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on May 26, 2021 and Passed , Passed with amendments _____, Failed _____.

By order Michelle Harrod
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 28 day of May, 2021 at 5 a.m./p.m.

By order Michelle Harrod
Michelle Harrod, Administrator

Approved by the County Executive June 3, 2021.

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 2022 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, 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 \$75,000,000 to be used for payment of the costs
8 of certain general county capital projects specified in the Capital Budget (each a “Project”, collectively,
9 the “Projects”), which Projects are more particularly described in Appendix A attached hereto and
10 incorporated herein, and for payment of costs of issuance of any obligations issued to evidence such
11 borrowing.

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

14 **Section 1. Be it enacted by the County Council of Howard County, Maryland,** That Howard
15 County, Maryland (the “County”), is hereby authorized and empowered to borrow on its full faith and
16 credit, and issue and sell its debt obligations therefor, at one time or from time to time, an aggregate
17 principal amount not exceeding \$75,000,000, the proceeds thereof to be used to finance and refinance the
18 Projects more particularly specified and described in Appendix A attached hereto and in the Capital
19 Budget; including for each Project, without limitation, the cost of applications, planning, design,
20 construction, reconstruction, furnishing, equipping, improvements, renovations, remodeling,
21 enlargements, engineering services, architects services, surveys, landscaping, site development,
22 evaluation studies, land acquisition and related items, appurtenances and incidental activities.

23 Proceeds of any debt obligations authorized by this Act may also be used to pay costs of issuance
24 of such debt obligations.

25 **Section 2. And be it further enacted by the County Council of Howard County, Maryland,**
26 That, in connection with the acquisition of real property as part of a Project, the County may incur all or

1 any portion of the indebtedness authorized by this Act for such acquisition by entering into an installment
2 purchase agreement pursuant to and in accordance with Section 4.201A of the Howard County Code
3 (“Section 4.201A”) or any successor provisions of law in lieu of issuing debt obligations for such
4 acquisition. The principal amount of any such installment purchase agreement shall not exceed the lesser
5 of (a) the maximum principal amount permitted by Section 4.201A or (b) the portion of the amount to be
6 borrowed for such Project (as set forth in Section 1 hereof) which relates to such acquisition. All
7 references to “bonds” or “obligations” in this Act shall include such installment purchase agreements,
8 unless the context clearly requires a contrary meaning.

9 **Section 3. And be it further enacted by the County Council of Howard County, Maryland,**

10 That the County Council of the County, by an ordinance or ordinances adopted from time to time in
11 accordance with Article VI of the Charter and other applicable provisions of law and the policies of the
12 County, shall provide for (a) the issuance and sale of, (b) the maximum principal amount, designation,
13 form, tenor and denomination or denominations of, (c) the dates of the first maturity and the last maturity
14 of, and (d) the interest rate or rates per annum (or the method of determining such rate or rates) payable
15 on, any debt obligations issued from time to time under this Act; and may by any such ordinance, or by
16 separate resolution, provide that the issue of debt obligations hereby authorized be consolidated with one
17 or more other issues.

18 **Section 4. And be it further enacted by the County Council of Howard County, Maryland,**

19 That for the purpose of paying the principal of and interest on such debt obligations as the same shall
20 become payable, the County Council of Howard County shall levy annually ad valorem taxes upon the
21 assessable property in the County sufficient, together with other available funds, to pay the principal of
22 and interest on such debt obligations until all of such debt obligations shall mature and be redeemed.

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

24 That any debt obligations issued from time to time under this Act are specifically exempt from the
25 provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated Code of
26 Maryland, as amended, and any successor provision of law.

1 **Section 6. And be it further enacted by the County Council of Howard County, Maryland,**
2 That all debt obligations authorized hereby shall be issued within four years from the date this Act
3 becomes effective.

4 **Section 7. And be it further enacted by the County Council of Howard County, Maryland,**
5 That the County anticipates that a portion of the costs of some or all of the Projects may be paid prior to
6 the issuance of the debt obligations authorized hereby. The amount of such costs so paid will depend on
7 various factors, including, without limitation, the timing and speed of progress on the Projects, the
8 availability of other funds to pay such costs on an interim basis, bond and money market conditions and
9 compliance with federal and State laws and regulations.

10 Accordingly, the County reasonably expects to reimburse costs of the Projects (as described
11 herein) with proceeds of the debt obligations authorized hereby, such debt obligations to be issued by the
12 County in the maximum principal amount of \$75,000,000.

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

General County Projects

Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
C0337-FY2014 ELLICOTT CITY IMPROVEMENTS and ENHANCEMENTS This is a project to provide a variety of repairs and improvements to public infrastructure and address other community improvements and to make improvements to the downtown and historic district of the Howard County Seat.	\$-	\$75,000,000
General County Projects – Reauthorizations/New Authorizations	<u>\$-0-</u>	<u>\$75,000,000</u>
TOTAL AMOUNT TO BE BORROWED:		<u>\$75,000,000</u>

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on June 3, 2021.

Michelle Harrod
Michelle Harrod, 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 _____, 2021.

Michelle Harrod, 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 _____, 2021.

Michelle Harrod, 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 _____, 2021.

Michelle Harrod, 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 _____, 2021.

Michelle Harrod, 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 _____, 2021.

Michelle Harrod, Administrator to the County Council