

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

Bill No. 40-2021

Legislative Day No. 7

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 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 and concluded 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 26 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 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 up on 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.

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