

INTRODUCED 05-01-2023
PUBLIC HEARING 05-15-2023
COUNCIL ACTION 05-24-2023
EXEC. ACTION 06-01-2023
EFFECTIVE DATE 08-01-2023

County Council Of Howard County, Maryland

2023 Legislative Session

Legislative Day No. 5

Bill No. 24 -2023

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 a principal amount of up to \$8,524,387 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 road construction projects which are specified and described in the County's 2024 Capital Budget (including, without limitation, borrowings for certain of such capital projects previously authorized), 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 building excise taxes 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 1, 2023. 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 15, 2023.

By order Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on May 24, 2023 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 2023 at 5⁰⁰ a.m./p.m.

By order Michelle Harrod
Michelle Harrod, Administrator

Approved by the County Executive June 1, 2023.

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 (the
3 “Charter”), the County Executive has submitted a proposed Capital Budget for fiscal year 2024 to the
4 County Council, and, prior to the passage of this Act, the County Council of Howard County, Maryland
5 has adopted a Capital Budget for the fiscal year ending June 30, 2024 (the “Capital Budget”).

6 As a part of the Capital Budget, it is necessary that Howard County, Maryland borrow a sum not
7 exceeding \$8,524,387 to be used for road construction projects, specified and described in the Capital
8 Budget (each a “Project”, collectively, the “Projects”), which Projects are more particularly described in
9 Appendix A attached hereto and incorporated herein, for payment of costs of issuance of any obligations
10 issued to evidence such borrowing. Of such amount, \$8,524,387 appropriated for certain of such Projects,
11 as indicated in Appendix A hereto in the column captioned “Amount to be Borrowed (Reauthorizations)”,
12 was previously authorized to be borrowed by the County during prior calendar years, but such authorized
13 borrowing is expected to expire prior to the completion of such Projects and/or the sale of general obligation
14 bonds to provide permanent financing therefor. Accordingly, it is necessary that such borrowing be
15 reauthorized (“Reauthorizations”).

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

18 **Section 1. Be it enacted by the County Council of Howard County, Maryland,** That Howard
19 County, Maryland (the “County”), is hereby authorized and empowered to borrow on its full faith and
20 credit, and issue and sell its bonds or other obligations therefor, at one time or from time to time, an
21 aggregate principal amount not exceeding \$8,524,387, the proceeds thereof to be used to finance and
22 refinance the Projects more particularly specified and described in Appendix A attached hereto and in the
23 Capital Budget; including for each Project, without limitation, the cost of planning, design, construction,
24 reconstruction, furnishing, equipping, improvements, renovations, remodeling, enlargements, engineering
25 services, architects services, surveys, landscaping, site development, evaluation studies, land acquisition
26 and related items, appurtenances and incidental activities. The Projects and the amounts to be borrowed for

1 each (including, without limitation, any Reauthorizations), are more specifically identified and described
2 in Appendix A attached hereto.

3 Proceeds of any bonds or other obligations authorized by this Act may also be used to pay costs of
4 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 Annotated
7 Code of Maryland, as amended, the County is also authorized to issue bond anticipation notes in
8 anticipation of the issuance of the bonds or other obligations authorized by this Act and described in Section
9 1 hereof, and all references to “bonds” or “obligations” shall include such bond anticipation notes, unless
10 the context clearly requires a contrary meaning. It is intended that the aggregate principal amount of issued
11 and outstanding bond anticipation notes when added to the aggregate principal amount of issued and
12 outstanding bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal
13 amount set forth in Section 1 of this Act at any time. The County will agree in each ordinance described in
14 Section 4 of this Act relating to any notes issued pursuant to this Act to pay such notes and the interest and
15 premium, if any, thereon from the proceeds of the bonds in anticipation of the sale of which such notes are
16 issued, and the County will agree to issue such bonds when, and as soon as, the reason for deferring their
17 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 such
23 acquisition. The principal amount of any such installment purchase agreement shall not exceed the lesser
24 of (a) the maximum principal amount permitted by Section 4.201A or (b) the portion of the amount to be
25 borrowed for such Project (as set forth in Section 1 hereof) which relates to such acquisition. All references

1 to “bonds” or “obligations” in this Act shall include such installment purchase agreements, unless the
2 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 policies of the County,
6 shall provide for (a) the issuance and sale of, (b) the maximum principal amount, designation, form, tenor
7 and denomination or denominations of, (c) the dates of the first maturity and the last maturity (not more
8 than 30 years after the date of issue) of, and (d) the interest rate or rates per annum (or the method of
9 determining such rate or rates) payable on, any bonds or other obligations issued from time to time under
10 this Act; and may by any such ordinance, or by separate resolution, provide that the issue of bonds or other
11 obligations hereby authorized be consolidated with one or more other issues.

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

13 That for the purpose of paying the principal of and interest on such bonds or other obligations as the same
14 shall become payable, the County Council of Howard County shall levy annually ad valorem taxes upon
15 the assessable property in the County sufficient, together with building excise taxes and other available
16 funds, to pay the principal of and interest on such bonds or other obligations until all of such bonds or other
17 obligations shall mature and be redeemed. The full faith and credit and unlimited taxing power of the
18 County are hereby irrevocably pledged to the payment of the principal of and interest on such bonds or
19 other obligations.

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

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

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

25 That all bonds or other obligations authorized hereby shall be issued within four years from the date this
26 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 issued
2 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 the
5 issuance of the bonds or other obligations authorized hereby. The amount of such costs so paid will depend
6 on various factors, including, without limitation, the timing and speed of progress on the Projects, the
7 availability of other funds to pay such costs on an interim basis, bond and money market conditions and
8 compliance with federal and State laws and regulations.

9 Accordingly, the County reasonably expects to reimburse costs of the Projects (as described herein)
10 with proceeds of the bonds or other obligations authorized hereby, such bonds or other obligations to be
11 issued by the County in the maximum principal amount of \$8,524,387.

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.

Excise Tax Projects

Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
J 4110 FY1991 DORSEY RUN ROAD - SOUTH LINK A project for design and construction of approximately 5,000 feet of Dorsey Run Road from Guilford Road north to the CSX railroad spur crossing.	\$1,457,000	-0-
J 4170 FY2004 ROGER'S AVENUE IMPROVEMENTS A project for design and construction of approximately 1,500 LF of Rogers Avenue from existing improvements near US40 to Court House Drive.	189,000	-0-
J 4173 FY2000 HANOVER ROAD IMPROVEMENTS A project for the study, design, and reconstruction of the Hanover Road at Hi-Tech Road intersection.	82,000	-0-
J 4181 FY2003 GUILFORD RD (US1 to DORSEY RUN RD) This project is to study, design, and reconstruct Guilford Road to three lanes from US1 to Old Dorsey Run Road; a distance of 5,800 LF.	644,000	-0-
J 4202 FY2004 STEPHENS RD IMPROVEMENTS A project for the design and reconstruction of Stephens Road from Whiskey Bottom Road to Gorman Road.	136,000	-0-
J 4206 FY2007 MONTEVIDEO ROAD IMPROVEMENTS A project to improve Montevideo Road as detailed in the Montevideo Road Study.	1,722,505	-0-
J 4211 FY2007 ROADWAY CAPACITY IMPROVEMENTS A project to provide increased capacity and safety on various County roads and intersections.	491,882	-0-
J 4215 FY2007 MARRIOTTSVILLE ROAD from US40 to MD144 Realignment and shoulder improvements to Marriottsville Road from US40 to MD144.	2,656,000	-0-
J 4237 FY2010 MD175/OAKLAND MILLS ROAD INTERCHANGE A project to design and construct a new MD175 & Oakland Mills Road interchange and the realignment of Oakland Mills Road through the proposed Blandair Park.	773,000	-0-
T 7101 FY2008 STATE COUNTY SHARED INTERSECTIONS A project for the design, review and construction funding of geometric and traffic control modifications at various intersections of State State and State County roads.	373,000	-0-

Excise Tax Projects—Reauthorizations/New Authorizations

\$8,524,387

\$-0-

TOTAL AMOUNT TO BE BORROWED:

\$8,524,387

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on _____, 2023.

June 1
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 _____, 2023.

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 _____, 2023.

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 _____, 2023.

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 _____, 2023.

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 _____, 2023.

Michelle Harrod, Administrator to the County Council