

INTRODUCED May 4, 2009
PUBLIC HEARING May 18, 2009
COUNCIL ACTION May 20, 2009
EXEC. ACTION May 28, 2009
EFFECTIVE DATE July 29, 2009

County Council Of Howard County, Maryland

2009 Legislative Session

Legislative Day No. 5

Bill No. 22 -2009

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 \$39,451,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of certain County road construction projects and other capital projects specified and described in the County's 2010 Capital Budget (including, without limitation, borrowings for certain of such capital projects previously authorized in calendar year 2005), and to pay costs of issuance of such bonds; 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 4, 2009. Ordered posted and hearing scheduled.

By order Stephen LeGendre
Stephen LeGendre, 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 18, 2009.

By order Stephen LeGendre
Stephen LeGendre, Administrator

This Bill was read the third time on May 20, 2009 and Passed ☒, Passed with amendments _____, Failed _____.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 21st day of May, 2009 at 1:00 a.m./p.m.

By order Stephen LeGendre
Stephen LeGendre, Administrator

Approved by the County Executive May 28, 2009.

Ken Ulman
Ken Ulman, 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

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In accordance with the provisions of Section 603 of the Charter of Howard County, Maryland (the "Charter"), the County Executive has submitted a proposed Capital Budget for fiscal year 2009 to the County Council, and, prior to the passage of this Act, the County Council of Howard County, Maryland has adopted a Capital Budget for the fiscal year ending June 30, 2010 (the "Capital Budget").

As a part of the Capital Budget, it is necessary that Howard County, Maryland borrow a sum not exceeding \$39,451,000 to be used for road construction projects and other capital projects specified in the Capital Budget (each a "Project", collectively, the "Projects"), which Projects are more particularly described in Appendix A attached hereto and incorporated herein, for payment of costs of issuance of any obligations issued to evidence such borrowing. Of such amount, \$8,251,000 appropriated for certain of such Projects, as indicated in Appendix A hereto in the column captioned "Amount to be Borrowed (Reauthorizations)", was previously authorized to be borrowed by the County during calendar year 2005, but such authorized borrowing is expected to expire prior to the completion of such Projects and/or the sale of general obligation bonds to provide permanent financing therefor. Accordingly, it is necessary that such borrowing be reauthorized ("Reauthorizations").

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

Section 1. Be it enacted by the County Council of Howard County, Maryland, That Howard County, Maryland (the "County"), is hereby authorized and empowered to borrow on its full faith and credit, and issue and sell its bonds therefor, at one time or from time to time, an amount not exceeding \$39,451,000, the proceeds thereof to be used to finance and refinance the Projects more particularly specified and described in Appendix A attached hereto and in the Capital Budget; including for each Project, without limitation, the cost of planning, design, construction, reconstruction, furnishing, equipping, improvements, renovations, remodeling, enlargements, engineering services, architects services, surveys, landscaping, site development, evaluation studies, land acquisition and related items,

1 appurtenances and incidental activities. The Projects and the amounts to be borrowed for each (including,
2 without limitation, any Reauthorizations), are more specifically identified and described in Appendix A
3 attached hereto.

4 Proceeds of any bonds authorized by this Act may also be used to pay costs of issuance of such
5 bonds.

6 **Section 2. And be it further enacted by the County Council of Howard County, Maryland,**
7 That, pursuant to and in accordance with Article 31, Section 12 of the Annotated Code of Maryland, as
8 amended, the County is also authorized to issue bond anticipation notes in anticipation of the issuance of
9 the bonds authorized by this Act and described in Section 1 hereof, and all references to “bonds” or
10 “obligations” shall include such bond anticipation notes, unless the context clearly requires a contrary
11 meaning. It is intended that the aggregate principal amount of issued and outstanding bond anticipation
12 notes when added to the aggregate principal amount of issued and outstanding bonds in anticipation of
13 which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 1 of
14 this Act at any time. The County will agree in each ordinance described in Section 4 of this Act relating
15 to any notes issued pursuant to this Act to pay such notes and the interest and premium, if any, thereon
16 from the proceeds of the bonds in anticipation of the sale of which such notes are issued, and the County
17 will agree to issue such bonds when, and as soon as, the reason for deferring their issuance no longer
18 exists.

19 **Section 3. And be it further enacted by the County Council of Howard County, Maryland,**
20 That, in connection with the acquisition of real property as part of a Project, the County may incur all or
21 any portion of the indebtedness authorized by this Act for such acquisition by entering into an installment
22 purchase agreement pursuant to and in accordance with Section 4.201A of the Howard County Code
23 (“Section 4.201A”) or any successor provisions of law in lieu of issuing bonds for such acquisition. The
24 principal amount of any such installment purchase agreement shall not exceed the lesser of (a) the
25 maximum principal amount permitted by Section 4.201A or (b) the portion of the amount to be borrowed
26 for such Project (as set forth in Section 1 hereof) which relates to such acquisition. All references to

1 “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, shall provide for (a) the
6 issuance and sale of, (b) the maximum principal amount, designation, form, tenor and denomination or
7 denominations of, (c) the dates of the first maturity (not more than two years after the date of issue) and
8 the last maturity (not more than 30 years after the date of issue) of, and (d) the interest rate or rates per
9 annum (or the method of determining such rate or rates) payable on, any bonds or other obligations issued
10 from time to time under this Act; and may by any such ordinance, or by separate resolution, provide that
11 the issue of bonds or other 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
17 other obligations shall mature and be redeemed.

18 **Section 6. And be it further enacted by the County Council of Howard County, Maryland,**
19 That any bonds or other obligations issued from time to time under this Act are specifically exempt from
20 the provisions of Article 31, Sections 9, 10 and 11 of the Annotated Code of Maryland, as amended, and
21 any successor provision of law.

22 **Section 7. And be it further enacted by the County Council of Howard County, Maryland,**
23 That all bonds or other obligations authorized hereby shall be issued within four years from the date this
24 Act becomes effective. Notwithstanding the foregoing, if bond anticipation notes are issued within such
25 period in accordance with Section 2 hereof, the bonds authorized hereby may be issued until the final
26 maturity date of such notes.

1 **Section 8. And be it further enacted by the County Council of Howard County, Maryland,**

2 That the County anticipates that a portion of the costs of some or all of the Projects may be paid prior to
3 the issuance of the bonds or other obligations authorized hereby. The amount of such costs so paid will
4 depend on various factors, including, without limitation, the timing and speed of progress on the Projects,
5 the availability of other funds to pay such costs on an interim basis, bond and money market conditions
6 and compliance with federal and State laws and regulations.

7 Accordingly, the County reasonably expects to reimburse costs of the Projects (as described
8 herein) with proceeds of the bonds or other obligations authorized hereby, such bonds or other obligations
9 to be issued by the County in the maximum principal amount of \$39,451,000.

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

11 That this Act shall take effect sixty-one (61) days after its enactment.

Road Construction Projects

| Project Description | Amount to be Borrowed (New Authorizations) | Amount to be Borrowed (Reauthorizations) |
|---|--|--|
| J4110 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. | \$240,000 | \$300,000 |
| J4134 FY1999 DEVELOPER/COUNTY SHARE IMPROVEMENTS A project to facilitate the design, land acquisition and construction of roadway modifications and their appurtenances at various intersections or roadway segments. | | \$220,000 |
| J4148 FY2000 DORSEY RUN ROAD EXTENSION This project is for the extension of Dorsey Run Road from MD103 to MD175, a total of approximately 3.2 miles. | \$3,830,000 | |
| J4167 FY2010 SNOWDEN RIVER/BROKEN LAND INTERSECTION A project for design and reconstruction of the Snowden River Parkway/Broken Land Parkway intersection. | \$100,000 | |
| J4169 FY1999 DAISY/WARFIELD/UNION CHAPEL INTERSECTION A project to design and reconstruct the compound intersection of Union Chapel Road with Daisy Road and Ed Warfield Road. | | \$200,000 |
| J4170 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. | \$2,255,000 | |
| J4171 FY1998 STATE/COUNTY RD INTERSECTION/SEGMENTS A project to design and construct State or County roadway intersections or segments within the County that facilitate the improved capacity of the combined systems. | | \$1,719,000 |
| J4177 FY2001 STATE ROAD CONSTRUCTION A project for cost sharing of new State roadway construction within Howard County that is consistent with the objectives of the 2000 General Plan. | \$3,860,000 | \$2,457,000 |
| J4181 FY2003 GUILFORD ROAD (US1 to DORSEY RUN ROAD) This project is to study, design, and reconstruct Guilford Road to four lanes from US1 to Dorsey Run Road; a distance of 5,800 LF. | \$490,000 | |
| J4182 FY2002 DORSEY RUN RD IMPROVEMENTS This project is to study, design and reconstruct Dorsey Run Road to four lanes from MD175 south to the CSX railroad spur crossing; a distance of 6,000 LF. | | \$615,000 |

Road Construction Projects

| Project Description | Amount to be Borrowed (New Authorizations) | Amount to be Borrowed (Reauthorizations) |
|---|--|--|
| J4190 FY2004 TEN OAKS at MD108 IMPROVEMENTS A project to design and construct improvements on Ten Oaks Road (major collector) in the vicinity of MD108. | \$280,000 | |
| J4198 FY2006 WOODBINE/WELLER RD IMPROVEMENTS A project for the design and reconstruction of the intersection of Weller Drive and Woodbine Road (minor arterial), and elimination of the adjacent curve. | \$400,000 | |
| J4201 FY2006 MARY LANE IMPROVEMENTS A project for the design and reconstruction of the Mary Lane/Guilford Road intersection. | | \$65,000 |
| J4202 FY2004 STEPHENS RD IMPROVEMENTS A project for the design and re-construction of Stephens Road from Whiskey Bottom Road to Gorman Road. | \$25,000 | |
| J4205 FY2006 MARRIOTTSTVILLE ROAD IMPROVEMENTS A project to widen Marriottsville Rd from MD99 To 40. | | \$2,675,000 |
| J4206 FY2007 MONTEVIDEO RD IMPROVEMENTS A project to improve Montevideo Road as detailed in the Montevideo Road Study. | \$200,000 | |
| J4212 FY2007 STATE ROAD CONSTRUCTION A project for cost sharing of new State roadway construction within Howard County that is consistent with the objectives of the 2000 General Plan. | \$14,500,000 | |
| J4222 FY2008 SNOWDEN RIVER PARKWAY WIDENING EAST BOUND <i>A project to design and construct a widening of Snowden River Parkway (intermediate arterial) by adding a third lane and sidewalks on the eastbound roadway from Broken Land Parkway to Oakland Mills Rd.</i> | \$1,020,000 | |
| J4225 FY2008 ELLICOTT CENTER DR CONNECTION to ROGERS A project to design and construct a road to connect Ellicott Center Drive to Rogers Ave. | \$1,800,000 | |
| J4226 FY2008 ROAD PJTS CONTINGENCY FUND A project to provide funds for unanticipated needs related to bridges and roadways. | \$200,000 | |
| J4234 FY2010 SNOWDEN RIVER PARKWAY IMPROVEMENTS A project to add a third lane to Snowden River Parkway, in each direction, from Oakland Mills Road to MD108. | \$500,000 | |
| J4237 FY2010 MD175/OAKLAND MILLS RD 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. | \$1,500,000 | |
| Road Construction Projects ~ New Authorizations/Reauthorizations | <u>\$8,251,000</u> | <u>\$31,200,000</u> |

BY THE COUNCIL

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

May 28, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, 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 _____, 2009.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council