

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

## County Council Of Howard County, Maryland

2009 Legislative Session

Legislative Day No. 5

### Bill No. 23-2009

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 the principal amount of up to \$46,629,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of certain County water and sewer capital projects which are specified and described in the County's 2010 Capital Budget (including, without limitation, borrowings for certain water and sewer capital projects previously authorized in calendar year 2005), and to pay costs of issuance of such bonds; authorizing 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 benefit assessments, ad valorem taxes levied upon the assessable property in the Metropolitan District 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 \_\_\_\_\_, 2009. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
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 \_\_\_\_\_, 2009.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

This Bill was read the third time on \_\_\_\_\_, 2009 and Passed \_\_\_\_, Passed with amendments \_\_\_\_, Failed \_\_\_\_.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_ day of \_\_\_\_\_, 2009 at \_\_ a.m./p.m.

By order \_\_\_\_\_  
Stephen LeGendre, Administrator

Approved by the County Executive \_\_\_\_\_, 2009.

\_\_\_\_\_  
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

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 2010 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, 2010 (the “Capital Budget”).

6 As a part of the Capital Budget, it is necessary that Howard County, Maryland borrow a sum not  
7 exceeding \$46,629,000 to be used for (i) the financing and refinancing of certain water and sewer capital  
8 projects, specified and described in the Capital Budget (each a “Project”, collectively, the “Projects”), and  
9 more particularly described in Appendix A attached hereto and incorporated herein, and (ii) payment of  
10 costs of issuance of any obligations issued to evidence such borrowing. Of such amount, \$3,529,000  
11 appropriated for certain of such Projects was previously authorized to be borrowed by the County during  
12 calendar year 2005, as indicated in Appendix A in the column captioned “Amount to be Borrowed  
13 (Reauthorizations)”, but such authorizations are expected to expire prior to the completion of such  
14 Projects or the sale of general obligation bonds to provide permanent financing therefor. Accordingly, it is  
15 necessary that such borrowing be reauthorized (“Reauthorizations”).

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

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 borrow on its full faith and  
19 credit, and issue and sell its bonds therefor, at one time or from time to time, an amount not exceeding  
20 \$46,629,000 the proceeds thereof to be used to finance and refinance the Projects more particularly  
21 specified and described in Appendix A attached hereto and in the Capital Budget; including for each  
22 Project, without limitation, the cost of planning, design, construction, reconstruction, furnishing,  
23 equipping, improvements, rehabilitation, remodeling, enlargements, engineering services, architects  
24 services, surveys, landscaping, site development, evaluation studies, land acquisition and related items,  
25 appurtenances and incidental activities. The Projects and the amount to be borrowed for each (including,

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

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

5 **Section 2. And be it further enacted by the County Council of Howard County, Maryland,**

6 That, pursuant to and in accordance with Article 31, Section 12 of the Annotated Code of Maryland, as  
7 amended, the County is also authorized to issue bond anticipation notes in anticipation of the issuance of  
8 the bonds authorized by this Act and described in Section 1 hereof, and all references to “bonds” or  
9 “obligations” in this Act shall include such bond anticipation notes, unless the context clearly requires a  
10 contrary meaning. It is intended that the aggregate principal amount of issued and outstanding bond  
11 anticipation notes when added to the aggregate principal amount of issued and outstanding bonds in  
12 anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in  
13 Section 1 of this Act at any time. The County will agree in each ordinance described in Section 4 of this  
14 Act relating to any notes issued pursuant to this Act to pay such notes and the interest and premium, if  
15 any, thereon from the proceeds of the bonds in anticipation of the sale of which such notes are issued, and  
16 the County will agree to issue such bonds when, and as soon as, the reason for deferring their issuance no  
17 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 for such acquisition. The  
23 principal amount of any such installment purchase agreement shall not exceed the lesser of (a) the  
24 maximum principal amount permitted by Section 4.201A or (b) the portion of the amount to be borrowed  
25 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 Howard 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 benefit assessments, ad valorem taxes  
16 levied upon assessable property in the Metropolitan District and other available funds, to pay the principal  
17 of and interest on such bonds or other obligations until all of such bonds or other obligations shall mature  
18 and be redeemed.

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

20 That any bonds or other obligations issued from time to time under this Act are specifically exempt from  
21 the provisions of Article 31, Sections 9, 10 and 11 of the Annotated Code of Maryland, as amended, and  
22 any successor provision of law.

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

24 That all bonds or other obligations authorized hereby shall be issued within four years from the date this  
25 Act becomes effective. Notwithstanding the foregoing, if bond anticipation notes are issued within such

1 period in accordance with Section 2 hereof, the bonds authorized hereby may be issued until the final  
2 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  
5 the issuance of the bonds or other obligations authorized hereby. The amount of such costs so paid will  
6 depend on various factors, including, without limitation, the timing and speed of progress on the Projects,  
7 the availability of other funds to pay such costs on an interim basis, bond and money market conditions  
8 and compliance with federal and State laws and regulations.

9 Accordingly, the County reasonably expects to reimburse costs of the Projects (as described  
10 herein) with proceeds of the bonds or other obligations authorized hereby, such bonds or other obligations  
11 to be issued by the County in the maximum principal amount of \$46,629,000.

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.

## Sewer Projects

<b>Project Description</b>	<b>Amount to be Borrowed (New Authorizations)</b>	<b>Amount to be Borrowed (Reauthorizations)</b>
S6175 FY2001 LITTLE PATUXENT PARALLEL SEWER A project for the study, design and construction of the Little Patuxent Parallel Sewer.	\$8,000,000	\$2,300,000
S6214 SEWER CONTINGENCY FUND The fund is designed for use as a revenue source for transfers of appropriations when either construction costs are higher than originally estimated or engineering must be advanced from future years to the present fiscal year for critical sewer needs.		\$100,000
S6237 FY2001 PATAPSCO CONVEY/TREATMENT FACILITIES A project for Howard County's participation in the cost sharing for the capital funding of the Patapsco Treatment Plant at Wagners Point and the related Patapsco Interceptor, Pump Station, and Force Main.	\$22,400,000	
S6239 FY2004 TROTTER ROAD WATER & SEWER EXTENSION A project for the design and construction of approximately 2,500 LF of sewer and 1,100 LF of water main to serve two properties on Trotter Road.	\$105,000	
S6251 FY2005 HOLIDAY HILLS/RIVERSIDE EXT WATER-SEWER A project for the design and construction of 7,200 LF of 8-inch sewer main and 4,200 LF of 8-inch water main to serve the existing homes on Hunting Lane, Judy Lane, Moosberger Court and Cleos Court.	\$640,000	
S6253 FY2006 CARLEE RUN COURT SEWER EXTENSION A project for the design and construction of 1,900 LF of sewer to serve properties located on Baltimore National Pike (US40).		\$110,000
S6257 FY2006 MD ROUTE 99 SEWER EXTENSION A project for the design and construction of 1,400 LF of sewer to serve eleven properties on Old Frederick Road (MD99) in the vicinity of Marriottsville Road.		\$130,000
S6260 FY2007 ROCKBURN HILL ROAD SEWER A project to provide sewer service to properties along Rockburn Hill Road.	\$200,000	
S6262 FY2010 MD 108 WATER AND SEWER EXTENSION A project to provide water and sewer service to properties along MD108 east of Eliot's Oak Road.	\$950,000	
S6263 FY2010 SCAGGSVILLE ROAD SEWER EXTENSION A project to provide sewer service to one property along Scaggsville Road (MD216) west of US RT29.	\$400,000	

## Sewer Projects

Project Description	Amount to be Borrowed (New Authorizations)	Amount to be Borrowed (Reauthorizations)
S6271 FY2010 DEEP RUN INTERCEPTOR IMPROVEMENTS A project for the design and construction of 1,100 LF of parallel sewer, a third 150-foot 16-inch siphon and junction chambers on the Deep Run Interceptor in the vicinity of the Patapsco River.	\$975,000	
S6272 FY2010 CEDAR LANE SEWER EXTENSION A project for the construction of 650 LF of sewer to serve the Robinson Nature Center.	\$190,000	
S6698 ROUTINE SEWER EXTENSION PROGRAM A project to design and construct routine sewer main extensions in the Metropolitan District requested by landowners.	_____	<u>\$228,000</u>
<b>Sewer Projects – New Authorizations/Reauthorizations</b>	<b><u>\$33,860,000</u></b>	<b><u>\$2,868,000</u></b>
<b>Sewer Projects Total</b>		<b><u>\$36,728,000</u></b>

## Water Projects

Project Description	Amount to be Borrowed (New Authorizations)	Amount to be Borrowed (Reauthorizations)
<b>W8218 WATER CONTINGENCY FUND</b> The fund is designed for use as a revenue source for the transfer of appropriations when either the construction costs are higher than originally estimated or engineering costs must be advanced from future years to the present fiscal year for critical water needs.		\$100,000
<b>W8255 FY2003 HARWOOD PARK WATER REHABILITATION</b> A project for the rehabilitation or replacement of 17,000 LF of water main in the Harwood Park area.	\$320,000	
<b>W8270 FY2005 400 ZONE WATER IMPROVEMENTS</b> A project for the design and construction of upgrades and improvements to the 400 Zone water supply.		\$536,000
<b>W8280 FY2007 FULTON ELEVATED TANK and PUMPING STATION</b> A project for the design and construction of a 500,000 gallon elevated water tank, a 500,000 gallon per day water pumping station and upgrades to an existing 500,000 gallon per day pumping station to serve the Fulton Elevation 630 water Zone.	\$1,170,000	
<b>W8286 FY2008 DUCKETTS LANE WATER MAIN REHABILITATION</b> A project to assess the condition of 12,500 LF of water main in the Ducketts Lane area between US Route 1 and I-95 and to rehabilitate or replace defective portions of main.	\$2,320,000	
<b>W8295 FY2010 GLEN OAKS WATER MAIN LOOP</b> A project for the design and construction of 250 LF of 8-inch water main connecting the water mains in Glen Oaks Lane and Guilford Road north of I-95.	\$100,000	
<b>W8296 FY2010 US29 WATER MAIN/MD108 TO BROKEN LAND PKWY</b> A project for the design and construction of 18,000 LF of 36-inch water main parallel to US29 from MD108 to Brokenland Parkway.	\$2,150,000	
<b>W8297 FY2010 KINDLER ROAD WATER MAIN</b> A project for the design and construction of 3,100 LF of 12-inch water main on Kindler Road from First League to Woodstream Way.	\$1,100,000	
<b>W8298 FY2010 GUILFORD ROAD WATER MAIN LOOP</b> A project for the design and construction of 820 LF of 12-inch water main along Guilford Road from South Trotter Road to Walter Scott Way.	\$350,000	
<b>W8310 2010 MARLO AUSTIN WAY WATER MAIN EXTENSION</b> A project for the design and construction of 700 LF of 8-inch water main from Marlo Austin Way to serve 7 properties off of Kerger Road.	\$230,000	



## Water Projects

Project Description	Amount to be Borrowed (New Authorizations)	Amount to be Borrowed (Reauthorizations)
W8600 UTILITY SYSTEMIC ADDITIONS / IMPROVEMENTS A project for the design and construction of various additions and improvements to the water and sewer system or its associated infrastructure.	\$1,500,000	
W8698 ROUTINE WATER EXTENSION PROGRAM A project to design and construct routine water main extensions in the Metropolitan District requested by landowners.	<u>                    </u>	<u>\$25,000</u>
<b>Water Projects – New Authorizations/Reauthorizations</b>	<b><u>\$9,240,000</u></b>	<b><u>\$661,000</u></b>
<b>Water Projects Total</b>		<b><u>\$9,901,000</u></b>
 <b>TOTAL NEW AUTHORIZATIONS/REAUTHORIZATIONS</b>	 <b><u>\$43,100,000</u></b>	 <b><u>\$3,529,000</u></b>
<b>TOTAL AMOUNT TO BE BORROWED:</b>		<b><u>\$46,629,000</u></b>