

INTRODUCED June 1, 2009  
PUBLIC HEARING June 15, 2009  
COUNCIL ACTION July 6, 2009  
EXEC. ACTION July 9, 2009  
EFFECTIVE DATE Sept 9, 2009

County Council of Howard County, Maryland

2009 Legislative Session

Bill No. 28 - 2009

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 \$4,154,800, 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 June 1, 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 June 15, 2009 and concluded on June 15, 2009.

By order Stephen LeGendre  
Stephen LeGendre,  
Administrator

This Bill was read the third time on July 6, 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 7<sup>th</sup> day of July, 2009 at 2:00 p.m.

By order Stephen LeGendre  
Stephen LeGendre,  
Administrator

Approved by the County Executive July 9, 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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On July 6, 2005, the County Council of Howard County (the "County Council") passed Council Bill No. 37-2005 ("Council Bill No. 37-2005"), which bill was approved by the County Executive and enacted on July 6, 2005 and became effective on September 6, 2005. Council Bill No. 37-2005 authorized and empowered Howard County, Maryland (the "County") to enter into installment purchase agreements (each, an "Installment Purchase Agreement") to acquire development rights in agricultural lands located within the County (Project No. G-0163), on or before September 6, 2009. Pursuant to such authorization, the County has entered into two Installment Purchase Agreements having an aggregate purchase price of \$8,369,200, but the remaining \$4,154,800 of such authorization is expected to expire unused.

Accordingly, as part of the Capital Budget for the fiscal year ending June 30, 2010, it is necessary that Howard County, Maryland, be reauthorized and re-empowered to enter into such Installment Purchase Agreements for an aggregate purchase price of not more than \$4,154,800, plus interest thereon.

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

**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 enter into installment purchase agreements (each, an "Installment Purchase Agreement") to acquire development rights in agricultural lands located within the County (Project No. G-0163), at one time or from time to time within four years from the date this Act becomes effective, for an aggregate purchase price of not more than \$4,154,800, plus interest thereon. The County's obligation to make payments of the purchase price under such Installment Purchase Agreements and to pay interest thereon under each Installment Purchase Agreement shall be a general obligation of the County and shall be made upon its full faith and credit. Such obligation may be evidenced by the applicable Installment Purchase Agreement or by a separate certificate of payment or other instrument of indebtedness.**

**Section 2. Be it further enacted by the County Council of Howard County, Maryland, That**  
**the County shall select the properties for which development rights are to be acquired and shall negotiate**

1 the purchase price for such development rights and all other conditions of the Installment Purchase  
2 Agreement, subject to and in accordance with Sections 15.500 to 15.521, inclusive, of the Howard  
3 County Code, as amended from time to time.

4 **Section 3. Be it further enacted by the County Council of Howard County, Maryland, That**  
5 the County Council of Howard County, by an ordinance or ordinances adopted from time to time in  
6 accordance with Article VI of the Charter of Howard County and other applicable provisions of law, shall  
7 approve and provide for (a) the acquisition of the development rights in each particular parcel of  
8 agricultural property which is to be the subject of an Installment Purchase Agreement, (b) the form and  
9 content of each Installment Purchase Agreement, including, without limitation, (i) the aggregate purchase  
10 price thereunder (or the maximum aggregate purchase price and the method of determining the final  
11 purchase price subject to such limitation) and the dates of payments of installments of the purchase price  
12 (not exceeding thirty years from the date of execution and delivery of the Installment Purchase  
13 Agreement), (ii) the interest rate or rates per annum (or the method of determining such rate or rates)  
14 payable on, any Installment Purchase Agreement from time to time under this Act, and (iii) the required  
15 signatures on such documents.

16 **Section 4. Be it further enacted by the County Council of Howard County, Maryland, That**  
17 for the purpose of paying the purchase price under and interest on such Installment Purchase Agreements  
18 as the same shall become payable, the County Council of Howard County shall levy annually ad valorem  
19 taxes upon the assessable property in Howard County sufficient, together with the portion of the transfer  
20 tax imposed on transfers of real property in Howard County which is dedicated to agricultural land  
21 preservation and other available funds, to pay the purchase price under and interest on such Installment  
22 Purchase Agreements until all of such purchase price and interest has been paid in full.

23 **Section 5. Be it further enacted by the County Council of Howard County, Maryland, That**  
24 any Installment Purchase Agreements entered into from time to time under this Act are specifically  
25 exempt from the provisions of Article 31, Sections 9, 10 and 11 of the Annotated Code of Maryland, as  
26 amended, and any successor provision of law.

1           **Section 6. Be it further enacted by the County Council of Howard, County, Maryland, That**  
2   **this Act shall take effect sixty-one (61) days after its enactment.**

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6           ND: 4835-2052-8643, v. 1

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on July 9, 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, 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, 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, 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, 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, Administrator to the County Council