

INTRODUCED July 6, 2009
PUBLIC HEARING July 20, 2009
COUNCIL ACTION July 20, 2009
EXEC. ACTION August 3, 2009
EFFECTIVE DATE October 4, 2009

County Council Of Howard County, Maryland

2009 Legislative Session

Legislative Day No. 8

Bill No. 35 -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 aggregate principal amount of up to \$1,450,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of certain County education capital projects as more particularly described in the County's 2010 Capital Budget, 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 school facility surcharges 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 July 6, 2009. Ordered posted and hearing scheduled.

By order Stephen M 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 July 20, 2009.

By order Stephen M LeGendre
Stephen LeGendre, Administrator

This Bill was read the third time on July 30, 2009 and Passed ☒ Passed with amendments ☐ Failed ☐.

By order Stephen M LeGendre
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 31ST day of July, 2009 at 10 a.m./p.m.

By order Stephen M LeGendre
Stephen LeGendre, Administrator

Approved by the County Executive Aug 3, 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

Recitals

As a part of the Capital Budget for the fiscal year ending June 30, 2010 (the "Capital Budget"), it is necessary that Howard County, Maryland borrow a sum not exceeding \$1,450,000 to be used for payment of the costs of certain educational 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, and for payment of costs of issuance of any obligations issued to evidence such borrowing.

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 aggregate principal amount not exceeding \$1,450,000, 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, appurtenances and incidental activities. Proceeds of any bonds authorized by this Act may also be used to pay costs of issuance of such bonds.

Section 2. And be it further enacted by the County Council of Howard County, Maryland, That, pursuant to and in accordance with Article 31, Section 12 of the Annotated Code of Maryland, as amended, the County is also authorized to issue bond anticipation notes in anticipation of the issuance of the bonds authorized by this Act and described in Section 1 hereof, and all references to "bonds" or "obligations" shall include such bond anticipation notes, unless the context clearly requires a contrary meaning. It is intended that the aggregate principal amount of issued and outstanding bond anticipation

notes when added to the aggregate principal amount of issued and outstanding bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in Section 1 of this Act at any time. The County will agree in each ordinance described in Section 4 of this Act relating to any notes issued pursuant to this Act to pay such notes and the interest and premium, if any, thereon from the proceeds of the bonds in anticipation of the sale of which such notes are issued and other available funds, and the County will agree to issue such bonds when, and as soon as, the reason for deferring their issuance no longer exists.

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

Section 4. And be it further enacted by the County Council of Howard County, Maryland, That the County Council of the County, by an ordinance or ordinances adopted from time to time in accordance with Article VI of the Charter and other applicable provisions of law and the policies of the County, shall provide for (a) the issuance and sale of, (b) the maximum principal amount, designation, form, tenor and denomination or denominations of, (c) the dates of the first maturity (not more than two years after the date of issue) and the last maturity (not more than 30 years after the date of issue) of, and (d) the interest rate or rates per annum (or the method of determining such rate or rates) payable on, any bonds or other obligations issued from time to time under this Act; and may by any such ordinance, or by

separate resolution, provide that the issue of bonds or other obligations hereby authorized be consolidated with one or more other issues.

Section 5. And be it further enacted by the County Council of Howard County, Maryland,
That for the purpose of paying the principal of and interest on such bonds or other obligations as the same shall become payable, the County Council of Howard County shall levy annually ad valorem taxes upon the assessable property in the County sufficient, together with school facilities surcharges and other available funds, to pay the principal of and interest on such bonds or other obligations until all of such bonds or other obligations shall mature and be redeemed.

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

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

Section 8. And be it further enacted by the County Council of Howard County, Maryland,
That the County anticipates that a portion of the costs of some or all of the Projects may be paid prior to the issuance of the bonds or other obligations authorized hereby. The amount of such costs so paid will depend on various factors, including, without limitation, the timing and speed of progress on the Projects, the availability of other funds to pay such costs on an interim basis, bond and money market conditions and compliance with federal and State laws and regulations.

Accordingly, the County reasonably expects to reimburse costs of the Projects (as described herein) with proceeds of the bonds or other obligations authorized hereby, such bonds or other obligations to be issued by the County in the maximum principal amount of \$1,450,000.

Section 9. And be it further enacted by the County Council of Howard County, Maryland,
That this Act shall take effect sixty-one (61) days after its enactment.

School System Projects

Project Description	Amount to be Borrowed
E0943 FY2002 HOWARD HIGH ADDITION / RENOVATION Construction of additional classroom space for 169 seats above existing capacity (Grades 9-12) and partial renovation of the existing school.	\$450,000
E0980 FY2004 SYSTEMIC RENOVATIONS Improvements and installation of systemic renovations at various schools.	<u>\$1,000,000</u>
TOTAL AMOUNT TO BE BORROWED:	<u>\$1,450,000</u>

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on August 3, 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