

INTRODUCED 5/4/15
PUBLIC HEARING 5/18/15
COUNCIL ACTION 5/22/15
EXEC. ACTION 6/1/15
EFFECTIVE DATE 8/1/15

County Council Of Howard County, Maryland

2014 Legislative Session

Legislative Day No. 5

Bill No. 25-2015

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 \$134,446,000 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 water and sewer capital projects which are specified and described in the County's 2016 Capital Budget (including, without limitation, borrowings for certain water and sewer capital projects previously authorized in prior calendar years which such authorization has lapsed or will lapse), and to pay costs of issuance of such bonds or other obligations; 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 May 4, 2015. Ordered posted and hearing scheduled.

By order

Jessica Feldmark
Jessica Feldmark, 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, 2015.

By order

Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on May 22, 2015 and Passed ☒ Passed with amendments _____, Failed _____.

By order

Jessica Feldmark
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 24th day of May, 2015 at 3 a.m./p.m.

By order

Jessica Feldmark
Jessica Feldmark, Administrator

Approved by the County Executive June 1st, 2015.

Allan H. Kittleman
Allan H. Kittleman, 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

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As a part of the Capital Budget, it is necessary that Howard County, Maryland borrow a sum not exceeding \$134,446,000 to be used for (i) the financing and refinancing of certain water and sewer capital projects, specified and described in the Capital Budget (each a “Project”, collectively, the “Projects”), and more particularly described in Appendix A attached hereto and incorporated herein, and (ii) payment of costs of issuance of any obligations issued to evidence such borrowing. Of such amount, \$13,583,000 appropriated for certain of such Projects was previously authorized to be borrowed by the County during prior calendar years, as indicated in Appendix A in the column captioned “Amount to be Borrowed (Reauthorizations)”, but such authorizations are expected to expire prior to the completion of such Projects or the sale of general obligation bonds to provide permanent financing therefor. Accordingly, it is necessary that such borrowing be reauthorized (“Reauthorizations”).

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 or other obligations therefor, at one time or from time to time, an amount not exceeding \$134,446,000 the proceeds thereof to be used to finance and refinance the Projects particularly specified and described in Appendix A attached hereto and in the Capital Budget; and for each Project, without limitation, the cost of planning, design, construction, reconstruction, equipping, improvements, rehabilitation, remodeling, enlargements, engineering services, professional services, surveys, landscaping, site development, evaluation studies, land acquisition and other items, appurtenances and incidental activities. The Projects and the amount to be borrowed for

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

Proceeds of any bonds or other obligations authorized by this Act may also be used to pay costs of issuance of such bonds or other obligations.

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

That, pursuant to and in accordance with Section 19-212 of the Local Government Article 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 or other obligations authorized by this Act and described in Section 1 hereof, and all references to “bonds” or “obligations” in this Act 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 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 or other obligations 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

1 references to “bonds” or “obligations” in this Act shall include such installment purchase agreements,
2 unless the 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 and policies of the
6 County, shall provide for (a) the issuance and sale of, (b) the maximum principal amount, designation,
7 form, tenor and denomination or denominations of, (c) the dates of the first maturity and the last maturity
8 (not more than 30 years after the date of issue) of, and (d) the interest rate or rates per annum (or the
9 method of determining such rate or rates) payable on, any bonds or other obligations issued from time to
10 time under this Act; and may by any such ordinance, or by separate resolution, provide that the issue of
11 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 ad valorem taxes upon assessable
15 property in the Metropolitan District and other available funds, together with benefit assessments, to pay
16 the principal of and interest on such bonds or other obligations until all of such bonds or other obligations
17 shall mature and be redeemed. In the event of a deficiency of such funds at any time while any of such
18 Metropolitan District Bonds are outstanding, for the purpose of paying the principal of and interest on
19 such bonds, the County shall promptly levy upon all legally assessable property within the Metropolitan
20 District a tax or taxes in an amount or amounts sufficient to make up any such deficiency, and in the event
21 the proceeds of such tax or taxes so levied shall prove insufficient, then the County shall levy ad valorem
22 taxes upon all of the legally assessable property within the entire corporate limits of the County in rate
23 and amount sufficient to pay the principal of and interest on such bonds. The full faith and credit and
24 unlimited taxing power of the County are hereby irrevocably pledged to the payment of the principal of
25 and interest on such bonds.

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

2 That any bonds or other obligations issued from time to time under this Act are specifically exempt from
3 the provisions of Sections 19-205 and 19-206 of the Annotated Code of Maryland, as amended, and any
4 successor provision of law.

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

6 That all bonds or other obligations authorized hereby shall be issued within four years from the date this
7 Act becomes effective. Notwithstanding the foregoing, if bond anticipation notes are issued within such
8 period in accordance with Section 2 hereof, the bonds authorized hereby may be issued until the final
9 maturity date of such notes.

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

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

16 Accordingly, the County reasonably expects to reimburse costs of the Projects (as described
17 herein) with proceeds of the bonds or other obligations authorized hereby, such bonds or other obligations
18 to be issued by the County in the maximum principal amount of \$134,446,000.

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

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

Sewer Projects

Project Description				Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
500	S	6260	07 ROCKBURN HILL ROAD SEWER	490,000	-
A project to provide sewer service to properties along Rockburn Hill Road.					
500	S	6264	08 LPWRP CAPITAL REPAIRS	-	330,000
A project to systematically repair, replace, or upgrade existing facilities at the Little Patuxent Water Reclamation Plant (LPWRP), and existing water distribution and wastewater collection system facilities.					
500	S	6273	11 LITTLE PATUXENT INTERCEPTOR	7,680,000	-
A project to reline and repair the 10 1/2 miles of the original Little Patuxent Interceptor from the Water Reclamation Plant to RT108.					
500	S	6274	15 UPPER LITTLE PATUXENT PARALLEL SEWER	-	100,000
A project for the design and construction of 2,500 LF of parallel sewer, adjacent to the Little Patuxent Interceptor Sewer, north of MD108.					
500	S	6275	12 DANIELS AREA PUMPING STATION	17,000	700,000
A project for the study, design and construction of a wastewater pumping station and force main to serve the Daniels Area east of Old Frederick Road.					
500	S	6279	13 MEADOWRIDGE FORCE MAIN REPLACE	-	650,000
A project for the design and construction of 2,500 LF of 8- inch replacement force main and improvements to the Meadowridge Wastewater Pumping Station.					

Project Description				Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
500	S	6280	13 HAMMOND/PAX INTERCEPTOR IMPS	-	3,395,000
			A project for the design and construction of 20,000 feet of parallel sewer in the Hammond Branch and Patuxent sewer drainage areas.		
500	S	6281	13 DORSEY/GUILFORD INTERCEPTOR	-	55,000
			A project for the design and construction of 14,600 feet of parallel sewer in the Dorsey Run and Guilford Run sewer drainage areas.		
500	S	6283	13 TIBER/SUCKER BRANCH IMPROVS	-	3,360,000
			A project for the design and construction of 18,000 feet of parallel sewer in the Tiber Branch and Sucker Branch sewer drainage areas.		
500	S	6284	13 DEEP/SHALLOW RUN IMPROVEMENTS	-	8,410,000
			A project for the design and construction of 39,000 feet of parallel sewer in the Deep Run and Shallow Run sewer drainage areas.		
500	S	6290	14 SAVAGE AREA SEWER STUDY	-	2,050,000
			A project for the study and realignment of 3,500 linear feet of sewer in the area of Baltimore Street and Washington Street, west of William Street in Savage, Maryland.		
500	S	6698	98 ROUTINE SEWER EXT	-	625,000
			A project to design and construct routine sewer main extensions in the Metropolitan District requested by landowners.		

Project Description			Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
500	S	6699 ON SITE SEPTIC CONVERSION PGM	-	3,000,000
A project for the study, design and implementation of converting properties within the water and sewer Planned Service Area, that are currently on private on-site septic systems, to public sewer service.				
500	S	6297 16 OLD FREDERICK ROAD PUMPING STATION UPGRADE	-	235,000
A project for the design and construction of upgrades to increase the pumping capacity of the Old Frederick Road Pumping Station.				
500	S	6295 16 LPWRP 8th ADDITION BIOSOLIDS PROCESSING FACILITIES	-	84,000,000
A project to design and construct new Biosolids Processing Facilities at the LPWRP for the purposes of meeting new Maryland Department of the Environment (MDE) biosolids storage and disposal regulations, achieve biosolids volume reduction, and enhance biosolids quality for end use purposes.				
Sewer Projects – Reauthorizations/New Authorizations			\$ 8,187,000	\$ 106,910,000
Sewer Projects Total				\$115,097,000

Water Projects

Project Description			Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)	
500	W	8218	WATER CONTINGENCY FUND	100,000	200,000
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.					
500	W	8220	98 SHARED WTR FACILITY IMP	1,000,000	-
A project for the planning, design and construction of major water facilities, mains, pumping stations, reservoirs and treatment plants in the Baltimore City Central Water System.					
500	W	8269	PART. 3RD ZONE WAT SUPP	950,000	-
A project for the construction of major water transmission and distribution mains to convey water from Baltimore City to Howard County.					
500	W	8276	07 SOUTHWEST TRANSMISSION MAIN RE	-	2,000,000
A project to assess the condition of 38,000 LF of 54-inch and 36-inch diameter water mains in Baltimore City, Baltimore County and Howard County and to relocate and/or replace defective or inadequate portions of pipeline.					
500	W	8300	11 LEVERING AVE WATER MAIN	2,200,000	-
A project for the design and construction of 6,350 LF of 16- inch water main from Gun Road in the Patapsco State Park in Baltimore County to Levering Avenue in Howard County to US1.					
500	W	8301	12 GRACE DRIVE WATER MAIN LOOP	344,000	-
A project for the design and construction of 900 LF of 12-inch water main loop along Grace Drive (550 zone) to Quiet Night Ride (630 west zone).					

Project Description			Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
500	W	8307 13 BROKEN LAND PKWY WATER MAIN	-	100,000
A project for the design and construction of 4,100 LF of 30-inch water main along Broken Land Parkway from Stevens Forest Road to Cradlerock Way.				
500	W	8309 14 MISSION RD - MD 175 WATER MAIN	-	500,000
A project for the design and construction of 9,500 LF of 12- inch water main along Mission Road to MD175.				
500	W	8311 11 US 40 WATER SVC MAIN REPLACE	433,000	-
A project for the design and construction of 6,200 LF of 8-inch replacement water main within US40 from US29 to Dogwood Drive.				
500	W	8312 11 ROCKBURN HILL WATER MAIN	200,000	-
A project for the design and construction of 1,200 LF of 8-inch water main from the terminus of County owned Rockburn Hill Road, west to Crossview Road to serve 6 properties.				
500	W	8313 11 FIRE HYDRANT INSPECTION PROGRAM	-	873,000
Develop a water Fire Hydrant Inspection Program that will include all County owned water Fire Hydrants within the distribution system.				
500	W	8316 13 ILCHESTER RD WATER MAIN REHAB	-	500,000
A project for the rehabilitation of 5,800 feet of 12-inch water main within Ilchester Road from Montgomery Road to Ellis Lane.				
500	W	8317 13 ELKRIDGE PUMP STATION POWER	-	220,000
A project for the design and installation of a 1,000 kW emergency generator and electrical, mechanical, and structural improvements at the Elkridge Water Pumping Station.				

Project Description			Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
500	W	8318 13 MONTGOMERY RD WATER MAIN	-	160,000
A project for the rehabilitation of 12,000 feet of 12-inch water main within Montgomery Road from Lawyers Hill Road to Rockburn Drive.				
500	W	8320 13 WHISKEY BOTTOM PUMP STATION	-	4,000,000
A project to upgrade the Whiskey Bottom Road pumping station and related suction and discharge pipelines to increase pumping capacity.				
500	W	8323 13 FT MEADE RECLAIMED WATER	-	2,000,000
A project for the design and construction of a pumping station and water line to supply Fort Meade with reclaimed water to be used for non-potable purposes.				
500	W	8324 14 WATER SYSTEM FIRE PROTECTION UPG	-	500,000
A project for the design and construction of various water system upgrades and improvements to meet County standards for water system redundancy, pressure and flow rates required for fire protection.				
500	W	8326 15 SAINT PAUL ST WATER MAIN	-	225,000
A project for the design and construction of 400 LF of 8-inch water main in Saint Paul Street in Ellicott City.				
500	W	8602 16 SLEEVES, RELOCATIONS & APPURTENANCES	-	2,050,000
A project for funding design and construction of sewer and water lines in conjunction with Maryland State Highway Administration (SHA) and Howard County projects prior to construction.				
500	W	8698 98 ROUTINE WATER EXT	169,000	625,000
A project to design and construct routine water main extensions in the Metropolitan District requested by landowners.				
Water Projects – Reauthorizations/New Authorizations			\$ 5,396,000	\$ 13,953,000
Water Projects Total				19,349,000

**TOTAL REAUTHORIZATIONS/ NEW
AUTHORIZATIONS**

\$ 13,583,000

\$ 120,863,000

TOTAL AMOUNT TO BE BORROWED

\$ 134,446,000

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on June 1, 2015.

Jessica Feldmark
Jessica Feldmark, 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 _____, 2015.

Jessica Feldmark, 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 _____, 2015.

Jessica Feldmark, 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 _____, 2015.

Jessica Feldmark, 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 _____, 2015.

Jessica Feldmark, 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 _____, 2015.

Jessica Feldmark, Administrator to the County Council