

INTRODUCED May 6, 2013  
PUBLIC HEARING May 20, 2013  
COUNCIL ACTION May 23, 2013  
EXEC. ACTION May 31, 2013  
EFFECTIVE DATE July 31, 2013

**County Council of Howard County, Maryland**

2013 Legislative Session

Legislative Day No. 6

Bill No. 31 - 2013

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 \$50,000,000, 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 May 6, 2013. Ordered posted and hearing scheduled.

By order Sheila M. Tolliver  
Sheila M. Tolliver,  
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 20, 2013 and concluded on May 20, 2013.

By order Sheila M. Tolliver  
Sheila M. Tolliver,  
Administrator

This Bill was read the third time on May 23, 2013 and Passed Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_

By order Sheila M. Tolliver  
Sheila M. Tolliver,  
Administrator

Sealed with the County Seal and presented to the County Executive for approval this 24<sup>th</sup> day of May, 2013 at 2:00 a.m./p.m.

By order Sheila M. Tolliver  
Sheila M. Tolliver,  
Administrator

Approved by the County Executive May 31, 2013

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.

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 2014 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, 2014 (the "Capital Budget").

6 As part of the Capital Budget, it is necessary that Howard County, Maryland, be authorized and  
7 empowered to enter into installment purchase agreements to acquire development rights in agricultural  
8 lands located within the County (Project No. G-0163) for an aggregate purchase price of not more than  
9 \$50,000,000, plus interest thereon.

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

12 **Section 1. Be it enacted by the County Council of Howard County, Maryland,** That Howard  
13 County, Maryland (the "County"), is hereby authorized and empowered to enter into installment purchase  
14 agreements (each, an "Installment Purchase Agreement") to acquire development rights in agricultural  
15 lands located within the County (Project No. G-0163), at one time or from time to time within four years  
16 from the date this Act becomes effective, for an aggregate purchase price of not more than \$50,000,000,  
17 plus interest thereon. The County's obligation to make payments of the purchase price under such  
18 Installment Purchase Agreements and to pay interest thereon under each Installment Purchase Agreement  
19 shall be a general obligation of the County and shall be made upon its full faith and credit. Such  
20 obligation may be evidenced by the applicable Installment Purchase Agreement.

21 **Section 2. Be it further enacted by the County Council of Howard County, Maryland,** That  
22 the County shall select the properties for which development rights are to be acquired and shall establish  
23 the purchase price for such development rights and all other conditions of the Installment Purchase  
24 Agreement, subject to and in accordance with Sections 15.500 to 15.521, inclusive, of the Howard  
25 County Code, as amended from time to time.

1           **Section 3. Be it further enacted by the County Council of Howard County, Maryland, That**  
2 the County Council of Howard County, by an ordinance or ordinances adopted from time to time in  
3 accordance with Article VI of the Charter of Howard County and other applicable provisions of law, shall  
4 approve and provide for (a) the acquisition of the development rights in each particular parcel of  
5 agricultural property which is to be the subject of an Installment Purchase Agreement through a deed of  
6 agricultural land preservation easement, (b) the form and content of each Installment Purchase  
7 Agreement, including, without limitation, (i) the aggregate purchase price thereunder (or the maximum  
8 aggregate purchase price and the method of determining the final purchase price subject to such  
9 limitation) and the dates of payments of installments of the purchase price (not exceeding 20 years from  
10 the date of execution and delivery of the Installment Purchase Agreement), (ii) the interest rate or rates  
11 per annum (or the method of determining such rate or rates) payable on, any Installment Purchase  
12 Agreement from time to time under this Act, and (iii) the required signatures on such documents.

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

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

24           **Section 6. Be it further enacted by the County Council of Howard, County, Maryland, That**  
25 this Act shall take effect sixty-one (61) days after its enactment.  
26

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on May 31, 2013.

Sheila M. Tolliver  
Sheila M. Tolliver, 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 \_\_\_\_\_, 2013.

Sheila M. Tolliver, 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 \_\_\_\_\_, 2013.

Sheila M. Tolliver, 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 \_\_\_\_\_, 2013.

Sheila M. Tolliver, 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 \_\_\_\_\_, 2013.

Sheila M. Tolliver, 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 \_\_\_\_\_, 2013.

Sheila M. Tolliver, Administrator to the County Council