
By: Harford County Delegation

Introduced and read first time: February 16, 1996
Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Harford County - Revenue Authority**

3 FOR the purpose of authorizing Harford County to establish by local law a revenue
4 authority, a body corporate and politic, for specified purposes; specifying
5 procedures governing the selection of Revenue Authority members; providing that
6 members are subject to certain financial disclosure requirements; requiring and
7 authorizing the inclusion of certain provisions in a local law enacted under this Act;
8 granting specified powers to the revenue authority; authorizing the County
9 Executive and the County Council of Harford County to take certain actions
10 relating to the revenue authority; authorizing the issuance of certain tax exempt
11 debt instruments; providing that certain provisions of law are not applicable to debt
12 issued by the revenue authority; and generally relating to authorization for and
13 operation of a revenue authority in Harford County.

14 BY adding to

15 The Public Local Laws of Harford County
16 Section 9-202 to be under the new part "Part 5. Quasi-Governmental Agencies"
17 Article 13 - Public Local Laws of Maryland
18 (1986 Edition and August 1995 Supplement, as amended)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article 13 - Harford County**

22 PART 5. QUASI-GOVERNMENTAL AGENCIES

23 ARTICLE XXXVII. REVENUE AUTHORITY

24 9-202.

25 (A) (1) HARFORD COUNTY MAY ESTABLISH BY LOCAL LAW A REVENUE
26 AUTHORITY IN THE COUNTY.

27 (2) IN ENACTING A LOCAL LAW UNDER THIS SECTION, THE COUNTY
28 MAY GRANT TO THE REVENUE AUTHORITY ANY AUTHORIZATION REQUIRED OR
29 AUTHORIZED UNDER THIS SECTION, AND MAY SUPPLEMENT ANY PROVISION OF

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1 THIS SECTION, AS LONG AS PROVISIONS OF THE LOCAL LAW ARE NOT IN CONFLICT
2 WITH ANY PROVISION REQUIRED UNDER THIS SECTION.

3 (3) A LOCAL LAW ENACTED UNDER THIS SECTION SHALL:

4 (I) SPECIFY THE ORGANIZATION AND, SUBJECT TO PARAGRAPH
5 (4) OF THIS SUBSECTION, MEMBERSHIP OF THE REVENUE AUTHORITY, INCLUDING
6 TRANSITIONAL PROVISIONS FOR ITS MEMBERS AND OFFICERS;

7 (II) SPECIFY THE PURPOSES OF THE REVENUE AUTHORITY;

8 (III) SPECIFY THE POWERS TO BE EXERCISED BY THE REVENUE
9 AUTHORITY;

10 (IV) PROVIDE FOR THE EXERCISE OF ALL POWERS, AUTHORITY,
11 RIGHTS, AND OBLIGATIONS REQUIRED BY THIS SECTION; AND

12 (V) SPECIFY ANY OTHER MATTERS RELATING TO THE REVENUE
13 AUTHORITY AS THE COUNTY MAY DETERMINE APPROPRIATE.

14 (4) (I) THE MEMBERS OF THE REVENUE AUTHORITY SHALL BE
15 APPOINTED IN ACCORDANCE WITH THIS PARAGRAPH.

16 (II) THE COUNTY EXECUTIVE SHALL PRESENT A LIST OF
17 NOMINEES TO THE HARFORD COUNTY SENATE AND HOUSE DELEGATION TO THE
18 GENERAL ASSEMBLY FOR THE DELEGATION'S ADVICE AND CONSENT. THE LIST
19 SHALL CONTAIN A MINIMUM OF THREE NAMES FOR EACH VACANCY AND SHALL BE
20 PRESENTED AT LEAST 60 DAYS PRIOR TO THE OCCURRENCE OF A VACANCY.

21 (III) WITHIN 7 WORKING DAYS FROM THE RECEIPT OF THE LIST,
22 THE HARFORD COUNTY DELEGATION SHALL:

23 1. CONSENT BY APPROVING NOMINEES ON THE LIST; OR

24 2. DELETE FROM THE LIST NOMINEES THAT THE
25 DELEGATION REJECTS.

26 (IV) IF THE DELEGATION FAILS TO ACT ON THE LIST WITHIN THE 7
27 WORKING DAY PERIOD, THE NOMINEES ON THE LIST ARE DEEMED APPROVED BY
28 OPERATION OF LAW.

29 (V) WITHIN 7 WORKING DAYS AFTER RECEIPT OF THE LIST ACTED
30 UPON BY THE DELEGATION, THE COUNTY EXECUTIVE MAY REPLACE THE NAME OF
31 ANY NOMINEE DELETED BY THE DELEGATION AND RESUBMIT THE LIST TO THE
32 DELEGATION FOR CONSIDERATION IN ACCORDANCE WITH SUBPARAGRAPHS (III)
33 AND (IV) OF THIS PARAGRAPH.

34 (VI) AFTER COMPLETION OF THE DELEGATION'S REVIEW, THE
35 COUNTY EXECUTIVE SHALL SUBMIT TO THE COUNTY COUNCIL ONE NOMINEE FOR
36 EACH VACANCY FOR ITS ADVICE AND CONSENT.

37 (5) THE MEMBERS OF THE REVENUE AUTHORITY SHALL BE SUBJECT TO
38 THE COUNTY'S FINANCIAL DISCLOSURE PROVISIONS AS PROVIDED IN §§ 23-12.B(8)
39 AND 23-14.C. OF THE HARFORD COUNTY CODE, AS AMENDED.

1 (B) THE REVENUE AUTHORITY ESTABLISHED BY THE COUNTY IS A BODY
2 CORPORATE AND POLITIC, CREATED FOR THE PURPOSE OF OWNING, LEASING,
3 PLANNING, DESIGNING, CONSTRUCTING, RECONSTRUCTING, IMPROVING,
4 REPAVING, RENOVATING, REHABILITATING, EQUIPPING, FURNISHING,
5 MAINTAINING, ACQUIRING, DISPOSING OF, DEMOLISHING, AND OPERATING ANY
6 AND ALL PROJECTS RELATED TO AFFORDABLE HOUSING, SENIOR HOUSING, PARKS
7 AND RECREATION ACTIVITIES, ECONOMIC DEVELOPMENT, OR UTILITY FACILITIES
8 IN HARFORD COUNTY.

9 (C) THE REVENUE AUTHORITY IS HEREBY GRANTED AND MAY EXERCISE
10 ALL POWERS NECESSARY OR CONVENIENT FOR THE CARRYING OUT OF ITS
11 PURPOSES, INCLUDING THE FOLLOWING RIGHTS AND POWERS:

12 (1) TO HAVE PERPETUAL EXISTENCE AS A CORPORATION;

13 (2) TO SUE AND BE SUED, IMPEAD AND BE IMPEADED, COMPLAIN
14 AND DEFEND IN ALL COURTS;

15 (3) TO ADOPT, USE, AND ALTER AT WILL A CORPORATE SEAL;

16 (4) TO ACQUIRE, PURCHASE, HOLD, AND USE ANY PROPERTY, REAL,
17 PERSONAL, OR MIXED, TANGIBLE OR INTANGIBLE, OR ANY INTEREST NECESSARY
18 OR DESIRABLE FOR CARRYING OUT THE PURPOSES OF THE REVENUE AUTHORITY,
19 AND TO LEASE AS LESSEE ANY PROPERTY, REAL, PERSONAL, OR MIXED, OR ANY
20 INTEREST THEREIN, FOR A TERM NOT EXCEEDING 99 YEARS AT A NOMINAL RENTAL
21 OR SUCH ANNUAL RENTAL AS MAY BE DETERMINED; TO LEASE AS LESSOR TO THE
22 STATE OR THE COUNTY, OR TO ANY POLITICAL SUBDIVISION THEREOF, OR TO ANY
23 PERSON ANY PROJECT AT ANY TIME CONSTRUCTED BY THE REVENUE AUTHORITY,
24 WHETHER WHOLLY OR PARTIALLY COMPLETED, AND ANY PROPERTY, REAL,
25 PERSONAL, OR MIXED, TANGIBLE OR INTANGIBLE, OR ANY INTEREST THEREIN, AT
26 ANY TIME ACQUIRED BY THE REVENUE AUTHORITY, WHETHER WHOLLY OR
27 PARTIALLY COMPLETED; AND TO SELL, TRANSFER, AND CONVEY TO THE COUNTY
28 ANY PROJECT AT ANY TIME CONSTRUCTED BY THE REVENUE AUTHORITY, AND
29 ANY PROPERTY, REAL, PERSONAL, OR MIXED, TANGIBLE OR INTANGIBLE, OR ANY
30 INTEREST THEREIN, AT ANY TIME ACQUIRED BY THE REVENUE AUTHORITY;

31 (5) TO ACQUIRE BY PURCHASE, LEASE, OR OTHERWISE AND TO
32 CONSTRUCT, IMPROVE, EQUIP, FURNISH, MAINTAIN, REPAIR, AND OPERATE
33 PROJECTS;

34 (6) TO APPOINT OFFICERS, ATTORNEYS, ACCOUNTANTS, AGENTS,
35 EMPLOYEES, AND SERVANTS; TO PRESCRIBE THEIR DUTIES AND FIX THEIR
36 COMPENSATION;

37 (7) TO MAKE BYLAWS FOR THE MANAGEMENT AND REGULATION OF
38 ITS AFFAIRS;

39 (8) TO FIX, CHARGE AND COLLECT TOLLS, RATES, RENTALS, AND
40 OTHER CHARGES FOR THE USE OF THE FACILITIES OF, OR FOR THE SERVICES
41 RENDERED BY, THE REVENUE AUTHORITY OR PROJECTS THEREOF, AT
42 REASONABLE RATES, TO BE DETERMINED BY IT, FOR THE PURPOSE OF PROVIDING
43 FOR THE PAYMENT OF THE EXPENSES OF THE REVENUE AUTHORITY, THE

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1 CONSTRUCTION, IMPROVEMENT, REPAIR, EQUIPPING, FURNISHING, MAINTENANCE,
2 AND OPERATION OF ITS FACILITIES AND PROJECTS, THE PAYMENT OF THE
3 PRINCIPAL OF AND INTEREST ON ITS BONDS AND OBLIGATIONS, AND TO FULFILL
4 THE TERMS AND PROVISIONS OF ANY AGREEMENTS MADE WITH THE PURCHASERS
5 OR HOLDERS OF ANY SUCH BONDS AND OBLIGATIONS;

6 (9) TO BORROW MONEY AND ISSUE NEGOTIABLE REVENUE BONDS,
7 CERTIFICATES, OR OTHER EVIDENCES OF INDEBTEDNESS OR OBLIGATIONS AND TO
8 SECURE THE PAYMENT OF SUCH BONDS, OR ANY PART THEREOF, BY PLEDGE OR
9 INDENTURE OF TRUST OF ALL OR ANY PART OF ITS REVENUES, RENTALS AND
10 RECEIPTS, ALL AS MAY BE PROVIDED IN THE RESOLUTION AUTHORIZING THE
11 ISSUANCE OF SUCH BONDS, WHICH RESOLUTION SHALL BE TAKEN AS PART OF THE
12 CONTRACT WITH THE HOLDERS OF SUCH BONDS, AND TO MAKE SUCH AGREEMENTS
13 WITH THE PURCHASERS OR HOLDERS OF SUCH BONDS OR WITH OTHERS IN
14 CONNECTION WITH ANY SUCH BONDS WHETHER ISSUED OR TO BE ISSUED, AS THE
15 REVENUE AUTHORITY SHALL DEEM ADVISABLE, AND IN GENERAL TO PROVIDE
16 FOR THE SECURITY FOR THE BONDS AND THE RIGHTS OF THE HOLDERS THEREOF;

17 (10) TO MAKE CONTRACTS OF EVERY NAME AND NATURE, AND TO
18 EXECUTE ALL INSTRUMENTS NECESSARY OR CONVENIENT FOR THE CARRYING ON
19 OF ITS BUSINESS;

20 (11) TO BORROW MONEY AND ACCEPT GRANTS FROM, AND TO ENTER
21 INTO CONTRACTS, LEASES, OR OTHER TRANSACTIONS WITH, ANY FEDERAL
22 AGENCY; AND

23 (12) TO PLEDGE, MORTGAGE, ENCUMBER, SELL, LEASE, TRANSFER, OR
24 CONVEY ANY INTEREST IN ITS REAL AND PERSONAL PROPERTY TO THE COUNTY OR
25 TO ANY PERSON.

26 (D) PROVISIONS OF THE COUNTY CHARTER OR OF OTHER COUNTY LAW
27 THAT WOULD OTHERWISE APPLY TO A COUNTY AGENCY DO NOT APPLY TO THE
28 REVENUE AUTHORITY, UNLESS THE COUNTY EXPRESSLY PROVIDES BY LAW THAT
29 THE CHARTER PROVISION OR LOCAL LAW SO APPLIES.

30 (E) (1) THE COUNTY EXECUTIVE MAY CONVEY TO THE REVENUE
31 AUTHORITY THE COUNTY'S TITLE TO ANY LAND, STREETS, ALLEYS, BUILDINGS,
32 FACILITIES, OR OTHER PUBLIC PLACES, UPON PAYMENT TO THE COUNTY OF THE
33 REASONABLE VALUE OF SUCH PROPERTIES.

34 (2) THE VALUE OF THE PROPERTY SHALL BE DETERMINED BY A STATE
35 CERTIFIED INDEPENDENT APPRAISER WHOSE APPRAISAL SHALL BE APPROVED BY
36 THE HARFORD COUNTY BOARD OF ESTIMATES.

37 (3) PAYMENT SHALL BE MADE IN CASH OR IN BONDS OF THE REVENUE
38 AUTHORITY AT PAR VALUE.

39 (F) THE COUNTY EXECUTIVE MAY ASSIGN TO THE REVENUE AUTHORITY
40 ANY RATES, RENTALS, FEES, OR CHARGES NOW BEING OR HEREAFTER RECEIVED
41 BY THE COUNTY. THE ASSIGNMENT IS TO BE FOR THE PURPOSE OF PROVIDING
42 ADDITIONAL SECURITY FOR ANY BONDS TO BE ISSUED UNDER THIS SECTION OR

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1 FOR ANY OTHER PURPOSES AS MAY BE AGREED TO BETWEEN THE REVENUE
2 AUTHORITY AND THE COUNTY.

3 (G) (1) THE COUNTY COUNCIL MAY ADVANCE TO THE REVENUE
4 AUTHORITY FROM THE GENERAL FUNDS OF THE COUNTY MONEY TO BE USED BY
5 THE REVENUE AUTHORITY TO DEFRAY EXPENSES FOR INVESTIGATION,
6 ENGINEERING AND ARCHITECTURAL STUDIES, OPINIONS, AND COMPENSATION OF
7 EMPLOYEES AND COUNSEL WHICH MAY BE INCURRED PRIOR TO THE SALE OF ITS
8 REVENUE BONDS.

9 (2) ADVANCES SHALL BE REPAID OUT OF THE FIRST PROCEEDS OF THE
10 SALE OF REVENUE BONDS BY THE REVENUE AUTHORITY FOLLOWING ANY SUCH
11 ADVANCE.

12 (H) THE REVENUE AUTHORITY MAY ISSUE REVENUE BONDS, NOTES, OR
13 OTHER EVIDENCES OF INDEBTEDNESS ON BEHALF OF THE COUNTY FOR THE
14 PUBLIC PURPOSES OF THE COUNTY.

15 (I) (1) REVENUE BONDS, CERTIFICATES, OR OTHER EVIDENCES OF
16 INDEBTEDNESS ISSUED UNDER THE PROVISIONS OF THIS SECTION MAY NOT BE
17 DEEMED TO CONSTITUTE A DEBT OF THE COUNTY OR A PLEDGE OF THE FAITH AND
18 CREDIT OF THE COUNTY OR OF THE STATE OF MARYLAND OR ANY POLITICAL
19 SUBDIVISION OF THE STATE OF MARYLAND.

20 (2) THE REVENUE BONDS, CERTIFICATES, OR OTHER EVIDENCES OF
21 INDEBTEDNESS SHALL BE PAYABLE FROM THE FUNDS OF THE REVENUE
22 AUTHORITY PROVIDED FROM REVENUES OF THE PROJECT OR PROJECTS OF THE
23 REVENUE AUTHORITY.

24 (3) REVENUE BONDS SHALL CONTAIN A STATEMENT ON THEIR FACE TO
25 THE EFFECT THAT THE FULL FAITH AND CREDIT OF THE COUNTY, STATE, OR ANY
26 POLITICAL SUBDIVISION OF THE STATE OF MARYLAND IS NOT PLEDGED TO PAY
27 SUCH BONDS OR THE INTEREST THEREON.

28 (4) EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (5) OF THIS
29 SUBSECTION, THE ISSUANCE OF THE REVENUE BONDS, CERTIFICATES, OR OTHER
30 EVIDENCES OF INDEBTEDNESS UNDER THE PROVISIONS OF THIS SECTION MAY NOT
31 DIRECTLY, INDIRECTLY, OR CONTINGENTLY OBLIGATE HARFORD COUNTY TO
32 LEVY OR PLEDGE ANY FORM OF TAXATION OR ANY APPROPRIATION FOR THEIR
33 PAYMENT.

34 (5) THE COUNTY EXECUTIVE MAY, WITH THE APPROVAL OF THE
35 COUNCIL, COLLATERALLY AGREE TO PROVIDE SUFFICIENT MONEY FROM THE
36 GENERAL FUND OF THE COUNTY TO PAY ANY DEFICIENCY IN THE DEBT SERVICE
37 REQUIREMENTS OF SUCH BONDS FOR ANY YEAR IN WHICH THERE IS A DEFICIT.

38 (6) AN ADVANCE OF MONEY FROM THE GENERAL FUND OF THE
39 COUNTY SHALL BE REPAID FROM THE RECEIPTS, RENTALS, OR REVENUES OF THE
40 AUTHORITY IN THE NEXT SUCCEEDING YEAR IN WHICH SUCH RECEIPTS, RENTALS,
41 OR REVENUES EXCEED DEBT SERVICE REQUIREMENTS AND OPERATING EXPENSES.

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1 (7) AN ADVANCE OF MONEY FROM THE GENERAL FUND OF THE
2 COUNTY UNDER ANY AGREEMENT OR AGREEMENTS MAY NOT EXCEED A
3 MAXIMUM AMOUNT ESTABLISHED BY LOCAL LAW, OR IN THE ABSENCE OF LOCAL
4 LAW ESTABLISHING A CAP ON ADVANCES, A MAXIMUM PAYMENT BY THE COUNTY
5 OF \$25,000 FOR ANY SINGLE YEAR.

6 (J) (1) REVENUE BONDS ISSUED BY THE REVENUE AUTHORITY AS
7 AUTHORIZED BY THIS SECTION ARE HEREBY MADE SECURITIES IN WHICH ALL
8 PUBLIC OFFICERS AND PUBLIC AGENCIES OF THE STATE AND ITS POLITICAL
9 SUBDIVISIONS, AND ALL BANKS, TRUST COMPANIES, SAVINGS AND LOAN
10 ASSOCIATIONS, INVESTMENT COMPANIES, AND OTHERS CARRYING ON A BANKING
11 BUSINESS, ALL ADMINISTRATORS, EXECUTORS, GUARDIANS, TRUSTEES, AND OTHER
12 FIDUCIARIES, AND ALL OTHER PERSONS MAY LEGALLY AND PROPERLY INVEST
13 FUNDS, INCLUDING CAPITAL, IN THEIR CONTROL OR BELONGING TO THEM.

14 (2) REVENUE BONDS ISSUED BY THE REVENUE AUTHORITY ARE
15 HEREBY MADE SECURITIES WHICH MAY PROPERLY AND LEGALLY BE DEPOSITED
16 WITH AND RECEIVED BY ANY STATE OR MUNICIPAL OFFICER OR ANY AGENCY OR
17 POLITICAL SUBDIVISION OF THE STATE FOR ANY PURPOSE FOR WHICH THE DEPOSIT
18 OF BONDS OR OTHER OBLIGATIONS OF THE STATE IS NOW OR MAY HEREAFTER BE
19 AUTHORIZED BY LAW.

20 (K) THE BONDS, NOTES, AND OTHER EVIDENCES OF INDEBTEDNESS ISSUED
21 BY THE REVENUE AUTHORITY ESTABLISHED BY THE COUNTY, THEIR TRANSFER,
22 THE INTEREST PAYABLE ON THEM, AND ANY INCOME DERIVED FROM THEM
23 INCLUDING ANY PROFIT REALIZED IN THEIR SALE OR EXCHANGE, SHALL BE
24 EXEMPT AT ALL TIMES FROM TAXATION BY THE STATE, OR BY ANY OF ITS
25 COUNTIES, MUNICIPAL CORPORATIONS, OR PUBLIC AGENCIES OF ANY KIND.

26 (L) THE BONDS, NOTES, AND OTHER EVIDENCES OF INDEBTEDNESS ISSUED
27 BY THE REVENUE AUTHORITY ESTABLISHED BY THE COUNTY SHALL BE EXEMPT
28 FROM THE PROVISIONS OF ARTICLE 31, §§ 9, 10, AND 11 OF THE ANNOTATED CODE OF
29 MARYLAND, OR ANY SUCCESSOR PROVISION.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 1996.