
By: Harford County Delegation

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

Committee Report: Favorable
House action: Adopted
Read second time: March 18, 1996

CHAPTER ____

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:

2

1 **Article 13 - Harford County**

2 PART 5. QUASI-GOVERNMENTAL AGENCIES

3 ARTICLE XXXVII. REVENUE AUTHORITY

4 9-202.

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

7 (2) IN ENACTING A LOCAL LAW UNDER THIS SECTION, THE COUNTY
8 MAY GRANT TO THE REVENUE AUTHORITY ANY AUTHORIZATION REQUIRED OR
9 AUTHORIZED UNDER THIS SECTION, AND MAY SUPPLEMENT ANY PROVISION OF
10 THIS SECTION, AS LONG AS PROVISIONS OF THE LOCAL LAW ARE NOT IN CONFLICT
11 WITH ANY PROVISION REQUIRED UNDER THIS SECTION.

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

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

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

17 (III) SPECIFY THE POWERS TO BE EXERCISED BY THE REVENUE
18 AUTHORITY;

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

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

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

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

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

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

33 2. DELETE FROM THE LIST NOMINEES THAT THE
34 DELEGATION REJECTS.

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1 (IV) IF THE DELEGATION FAILS TO ACT ON THE LIST WITHIN THE7
2 WORKING DAY PERIOD, THE NOMINEES ON THE LIST ARE DEEMED APPROVED BY
3 OPERATION OF LAW.

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

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

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

15 (B) THE REVENUE AUTHORITY ESTABLISHED BY THE COUNTY IS A BODY
16 CORPORATE AND POLITIC, CREATED FOR THE PURPOSE OF OWNING, LEASING,
17 PLANNING, DESIGNING, CONSTRUCTING, RECONSTRUCTING, IMPROVING,
18 REPAVING, RENOVATING, REHABILITATING, EQUIPPING, FURNISHING,
19 MAINTAINING, ACQUIRING, DISPOSING OF, DEMOLISHING, AND OPERATING ANY
20 AND ALL PROJECTS RELATED TO AFFORDABLE HOUSING, SENIOR HOUSING, PARKS
21 AND RECREATION ACTIVITIES, ECONOMIC DEVELOPMENT, OR UTILITY FACILITIES
22 IN HARFORD COUNTY.

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

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

27 (2) TO SUE AND BE SUED, IMPLEAD AND BE IMPLEADED, COMPLAIN
28 AND DEFEND IN ALL COURTS;

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

30 (4) TO ACQUIRE, PURCHASE, HOLD, AND USE ANY PROPERTY, REAL,
31 PERSONAL, OR MIXED, TANGIBLE OR INTANGIBLE, OR ANY INTEREST NECESSARY
32 OR DESIRABLE FOR CARRYING OUT THE PURPOSES OF THE REVENUE AUTHORITY,
33 AND TO LEASE AS LESSEE ANY PROPERTY, REAL, PERSONAL, OR MIXED, OR ANY
34 INTEREST THEREIN, FOR A TERM NOT EXCEEDING 99 YEARS AT A NOMINAL RENTAL
35 OR SUCH ANNUAL RENTAL AS MAY BE DETERMINED; TO LEASE AS LESSOR TO THE
36 STATE OR THE COUNTY, OR TO ANY POLITICAL SUBDIVISION THEREOF, OR TO ANY
37 PERSON ANY PROJECT AT ANY TIME CONSTRUCTED BY THE REVENUE AUTHORITY,
38 WHETHER WHOLLY OR PARTIALLY COMPLETED, AND ANY PROPERTY, REAL,
39 PERSONAL, OR MIXED, TANGIBLE OR INTANGIBLE, OR ANY INTEREST THEREIN, AT
40 ANY TIME ACQUIRED BY THE REVENUE AUTHORITY, WHETHER WHOLLY OR
41 PARTIALLY COMPLETED; AND TO SELL, TRANSFER, AND CONVEY TO THE COUNTY
42 ANY PROJECT AT ANY TIME CONSTRUCTED BY THE REVENUE AUTHORITY, AND

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1 ANY PROPERTY, REAL, PERSONAL, OR MIXED, TANGIBLE OR INTANGIBLE, OR ANY
2 INTEREST THEREIN, AT ANY TIME ACQUIRED BY THE REVENUE AUTHORITY;

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

6 (6) TO APPOINT OFFICERS, ATTORNEYS, ACCOUNTANTS, AGENTS,
7 EMPLOYEES, AND SERVANTS; TO PRESCRIBE THEIR DUTIES AND FIX THEIR
8 COMPENSATION;

9 (7) TO MAKE BYLAWS FOR THE MANAGEMENT AND REGULATION OF
10 ITS AFFAIRS;

11 (8) TO FIX, CHARGE AND COLLECT TOLLS, RATES, RENTALS, AND
12 OTHER CHARGES FOR THE USE OF THE FACILITIES OF, OR FOR THE SERVICES
13 RENDERED BY, THE REVENUE AUTHORITY OR PROJECTS THEREOF, AT
14 REASONABLE RATES, TO BE DETERMINED BY IT, FOR THE PURPOSE OF PROVIDING
15 FOR THE PAYMENT OF THE EXPENSES OF THE REVENUE AUTHORITY, THE
16 CONSTRUCTION, IMPROVEMENT, REPAIR, EQUIPPING, FURNISHING, MAINTENANCE,
17 AND OPERATION OF ITS FACILITIES AND PROJECTS, THE PAYMENT OF THE
18 PRINCIPAL OF AND INTEREST ON ITS BONDS AND OBLIGATIONS, AND TO FULFILL
19 THE TERMS AND PROVISIONS OF ANY AGREEMENTS MADE WITH THE PURCHASERS
20 OR HOLDERS OF ANY SUCH BONDS AND OBLIGATIONS;

21 (9) TO BORROW MONEY AND ISSUE NEGOTIABLE REVENUE BONDS,
22 CERTIFICATES, OR OTHER EVIDENCES OF INDEBTEDNESS OR OBLIGATIONS AND TO
23 SECURE THE PAYMENT OF SUCH BONDS, OR ANY PART THEREOF, BY PLEDGE OR
24 INDENTURE OF TRUST OF ALL OR ANY PART OF ITS REVENUES, RENTALS AND
25 RECEIPTS, ALL AS MAY BE PROVIDED IN THE RESOLUTION AUTHORIZING THE
26 ISSUANCE OF SUCH BONDS, WHICH RESOLUTION SHALL BE TAKEN AS PART OF THE
27 CONTRACT WITH THE HOLDERS OF SUCH BONDS, AND TO MAKE SUCH AGREEMENTS
28 WITH THE PURCHASERS OR HOLDERS OF SUCH BONDS OR WITH OTHERS IN
29 CONNECTION WITH ANY SUCH BONDS WHETHER ISSUED OR TO BE ISSUED, AS THE
30 REVENUE AUTHORITY SHALL DEEM ADVISABLE, AND IN GENERAL TO PROVIDE
31 FOR THE SECURITY FOR THE BONDS AND THE RIGHTS OF THE HOLDERS THEREOF;

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

35 (11) TO BORROW MONEY AND ACCEPT GRANTS FROM, AND TO ENTER
36 INTO CONTRACTS, LEASES, OR OTHER TRANSACTIONS WITH, ANY FEDERAL
37 AGENCY; AND

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

41 (D) PROVISIONS OF THE COUNTY CHARTER OR OF OTHER COUNTY LAW
42 THAT WOULD OTHERWISE APPLY TO A COUNTY AGENCY DO NOT APPLY TO THE

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1 REVENUE AUTHORITY, UNLESS THE COUNTY EXPRESSLY PROVIDES BY LAW THAT
2 THE CHARTER PROVISION OR LOCAL LAW SO APPLIES.

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

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

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

12 (F) THE COUNTY EXECUTIVE MAY ASSIGN TO THE REVENUE AUTHORITY
13 ANY RATES, RENTALS, FEES, OR CHARGES NOW BEING OR HEREAFTER RECEIVED
14 BY THE COUNTY. THE ASSIGNMENT IS TO BE FOR THE PURPOSE OF PROVIDING
15 ADDITIONAL SECURITY FOR ANY BONDS TO BE ISSUED UNDER THIS SECTION OR
16 FOR ANY OTHER PURPOSES AS MAY BE AGREED TO BETWEEN THE REVENUE
17 AUTHORITY AND THE COUNTY.

18 (G) (1) THE COUNTY COUNCIL MAY ADVANCE TO THE REVENUE
19 AUTHORITY FROM THE GENERAL FUNDS OF THE COUNTY MONEY TO BE USED BY
20 THE REVENUE AUTHORITY TO DEFRAY EXPENSES FOR INVESTIGATION,
21 ENGINEERING AND ARCHITECTURAL STUDIES, OPINIONS, AND COMPENSATION OF
22 EMPLOYEES AND COUNSEL WHICH MAY BE INCURRED PRIOR TO THE SALE OF ITS
23 REVENUE BONDS.

24 (2) ADVANCES SHALL BE REPAID OUT OF THE FIRST PROCEEDS OF THE
25 SALE OF REVENUE BONDS BY THE REVENUE AUTHORITY FOLLOWING ANY SUCH
26 ADVANCE.

27 (H) THE REVENUE AUTHORITY MAY ISSUE REVENUE BONDS, NOTES, OR
28 OTHER EVIDENCES OF INDEBTEDNESS ON BEHALF OF THE COUNTY FOR THE
29 PUBLIC PURPOSES OF THE COUNTY.

30 (I) (1) REVENUE BONDS, CERTIFICATES, OR OTHER EVIDENCES OF
31 INDEBTEDNESS ISSUED UNDER THE PROVISIONS OF THIS SECTION MAY NOT BE
32 DEEMED TO CONSTITUTE A DEBT OF THE COUNTY OR A PLEDGE OF THE FAITH AND
33 CREDIT OF THE COUNTY OR OF THE STATE OF MARYLAND OR ANY POLITICAL
34 SUBDIVISION OF THE STATE OF MARYLAND.

35 (2) THE REVENUE BONDS, CERTIFICATES, OR OTHER EVIDENCES OF
36 INDEBTEDNESS SHALL BE PAYABLE FROM THE FUNDS OF THE REVENUE
37 AUTHORITY PROVIDED FROM REVENUES OF THE PROJECT OR PROJECTS OF THE
38 REVENUE AUTHORITY.

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

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

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

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

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

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

28 (2) REVENUE BONDS ISSUED BY THE REVENUE AUTHORITY ARE
29 HEREBY MADE SECURITIES WHICH MAY PROPERLY AND LEGALLY BE DEPOSITED
30 WITH AND RECEIVED BY ANY STATE OR MUNICIPAL OFFICER OR ANY AGENCY OR
31 POLITICAL SUBDIVISION OF THE STATE FOR ANY PURPOSE FOR WHICH THE DEPOSIT
32 OF BONDS OR OTHER OBLIGATIONS OF THE STATE IS NOW OR MAY HEREAFTER BE
33 AUTHORIZED BY LAW.

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

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

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