

INTRODUCED 05.04.2022
PUBLIC HEARING 05-16-2022
COUNCIL ACTION 05-25-2022
EXEC. ACTION 05.31.2022
EFFECTIVE DATE 07-31-2022

County Council Of Howard County, Maryland

2022 Legislative Session

Legislative Day No. 7

Bill No. 40-2022

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 \$15,751,000 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 watershed protection and restoration projects as more particularly described in the County's 2023 Capital Budget, and to pay costs of issuance of such bonds or other obligations; 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 amounts held in the Watershed Protection and Restoration Fund 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, 2022. Ordered posted and hearing scheduled.

By order

Michelle Harrod
Michelle Harrod, 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 16, 2022.

By order

Michelle Harrod
Michelle Harrod, Administrator

This Bill was read the third time on May 25, 2022 and Passed ☒ Passed with amendments _____, Failed _____.

By order

Michelle Harrod
Michelle Harrod, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 27 day of May, 2022 at 12 a.m./p.m.

By order

Michelle Harrod
Michelle Harrod, Administrator

Approved by the County Executive May 31, 2022.

Calvin Ball
Calvin Ball, 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

1 **Recitals**

2 In accordance with the provisions of Section 603 of the Charter of Howard County, Maryland (the
3 “Charter”), the County Executive has submitted a proposed Capital Budget for the fiscal year 2023 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, 2023 (the “Capital Budget”).

6 As a part of the Capital Budget for the fiscal year ending June 30, 2023, it is necessary that Howard
7 County, Maryland borrow a sum not exceeding \$15,751,000 to be used for payment of the costs of certain
8 watershed protection and restoration projects specified in the 2023 Capital Budget (each a “Project”,
9 collectively, the “Projects”), which Projects are more particularly described in Appendix A attached hereto
10 and incorporated herein, and for payment of costs of issuance of any obligations issued to evidence such
11 borrowing. Of such amount, \$2,101,000 appropriated for certain of such Projects was previously authorized
12 to be borrowed by the County during prior calendar years, as indicated in Appendix A in the column
13 captioned “Amount to be Borrowed (Reauthorizations)”, but such authorizations are expected to expire
14 prior to the completion of such Projects or the sale of general obligation bonds to provide permanent
15 financing therefor. Accordingly, it is necessary that such borrowing be reauthorized (“Reauthorizations”).

16 **Now therefore, in accordance with the provisions of Article VI of the Charter of Howard**
17 **County, Maryland:**

18 **Section 1. Be it enacted by the County Council of Howard County, Maryland,** That Howard
19 County, Maryland (the “County”), is hereby authorized and empowered to borrow on its full faith and
20 credit, and issue and sell its bonds or other obligations therefor, at one time or from time to time, an
21 aggregate principal amount not exceeding \$15,751,000, the proceeds thereof to be used to finance and
22 refinance the Projects more particularly specified and described in Appendix A attached hereto and in the
23 Capital Budget; including for each Project, without limitation, the cost of planning, design, construction,
24 reconstruction, furnishing, equipping, improvements, renovations, remodeling, enlargements, engineering
25 services, architects services, surveys, landscaping, site development, evaluation studies, land acquisition
26 and related items, appurtenances and incidental activities.

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

3 **Section 2. And be it further enacted by the County Council of Howard County, Maryland,**
4 That, pursuant to and in accordance with Section 19-212 of the Local Government Article of the Annotated
5 Code of Maryland, as amended, the County is also authorized to issue bond anticipation notes in
6 anticipation of the issuance of the bonds or other obligations authorized by this Act and described in Section
7 1 hereof, and all references to “bonds” or “obligations” shall include such bond anticipation notes, unless
8 the context clearly requires a contrary meaning. It is intended that the aggregate principal amount of issued
9 and outstanding bond anticipation notes when added to the aggregate principal amount of issued and
10 outstanding bonds in anticipation of which such notes were issued, shall not exceed the aggregate principal
11 amount set forth in Section 1 of this Act at any time. The County will agree in each ordinance described in
12 Section 4 of this Act relating to any notes issued pursuant to this Act to pay such notes and the interest and
13 premium, if any, thereon from the proceeds of the bonds in anticipation of the sale of which such notes are
14 issued and other available funds, and the County will agree to issue such bonds when, and as soon as, the
15 reason for deferring their issuance no longer exists.

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

1 **Section 4. And be it further enacted by the County Council of Howard County, Maryland,**

2 That the County Council of the County, by an ordinance or ordinances adopted from time to time in
3 accordance with Article VI of the Charter and other applicable provisions of law and the policies of the
4 County, shall provide for (a) the issuance and sale of, (b) the maximum principal amount, designation,
5 form, tenor and denomination or denominations of, (c) the dates of the first maturity (not more than two
6 years after the date of issue) and the last maturity (not more than 30 years after the date of issue) of, and (d)
7 the interest rate or rates per annum (or the method of determining such rate or rates) payable on, any bonds
8 or other obligations issued from time to time under this Act; and may by any such ordinance, or by separate
9 resolution, provide that the issue of bonds or other obligations hereby authorized be consolidated with one
10 or more other issues.

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

12 That for the purpose of paying the principal of and interest on such bonds or other obligations as the same
13 shall become payable, the County Council of Howard County shall levy annually ad valorem taxes upon
14 the assessable property in the County sufficient, together with amounts held in the Watershed Protection
15 and Restoration Fund and other available funds, to pay the principal of and interest on such bonds or other
16 obligations until all of such bonds or other obligations shall mature and be redeemed.

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

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

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

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

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

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

7 Accordingly, the County reasonably expects to reimburse costs of the Projects (as described herein)
8 with proceeds of the bonds or other obligations authorized hereby, such bonds or other obligations to be
9 issued by the County in the maximum principal amount of \$15,751,000.

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

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

Watershed Protection and Restoration Projects

Project Description	Amount to be Borrowed (Reauthorizations)	Amount to be Borrowed (New Authorizations)
D1148-FY2007 NPDES WATERSHED MANAGEMENT PROGRAM A project for permitting and implementing the requirements of the National Pollutant Discharge Elimination System (NPDES) to detect and reduce pollutants in stormwater system discharges and to perform studies related to storm water utility financing.	-0-	\$350,000
D1165-FY2013 FLOOD MITIGATION and STORMWATER/WATERWAY ENHANCEMENT This project is for the study, design, and construction of flood mitigation and stormwater waterway enhancement efforts in downtown Ellicott City.	\$2,101,000	-0-
D1176 - WATERSHED MANAGEMENT CONSTRUCTION This project is for design and construction of stormwater facility improvements.	-0-	4,800,000
D1177 - STORMWATER MANAGEMENT FACILITY RECONSTRUCTION A fund for Howard County to undertake construction or repairs to stormwater management on an as needed basis meeting the provisions of the County Code.	-0-	8,500,000
Watershed Protection and Restoration Projects – Reauthorizations/New Authorizations	<u>\$2,101,000</u>	<u>\$13,650,000</u>
TOTAL AMOUNT TO BE BORROWED:		<u>\$15,751,000</u>

BY THE COUNCIL

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

May 31, 2022.

Michelle Harrod
Michelle Harrod, 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 _____, 2022.

Michelle Harrod, 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 _____, 2022.

Michelle Harrod, 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 _____, 2022.

Michelle Harrod, 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 _____, 2022.

Michelle Harrod, 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 _____, 2022.

Michelle Harrod, Administrator to the County Council