

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 10-0461**

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Introduced by: The Council President  
At the request of: The Administration (Department of Planning)  
Introduced and read first time: April 12, 2010  
Assigned to: Taxation, Finance and Economic Development Committee

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Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: June 7, 2010

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**AN ORDINANCE CONCERNING**

**Bond Issue — Economic Development Loan — \$16,775,000**

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2           **Bond Issue — Economic Development Loan — \$16,775,000**  
3       FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution  
4       IV of 2010 approved by the members of the Maryland General Assembly representing  
5       Baltimore City) to create a debt, and to issue and sell its certificates of indebtedness as  
6       evidence thereof, and proceeds not exceeding \$16,775,000 from the sale of such certificates  
7       of indebtedness to be used for the cost of issuance, including the expense of engraving,  
8       printing, advertising, attorneys' fees, and all other incidental expenses connected therewith,  
9       and the remainder of such proceeds to be used for or in connection with planning,  
10       developing, executing, and making operative the commercial and industrial economic  
11       development program of the Mayor and City Council of Baltimore, including, but not limited  
12       to, the acquisition, by purchase, lease, condemnation or any other legal means, of land or  
13       property, or any right, interest, franchise, easement or privilege therein, in the City of  
14       Baltimore; the payment of any and all costs and expenses incurred in connection with or  
15       incidental to the acquisition and management of said land or property, including any and all  
16       rights or interests therein hereinbefore mentioned; the payment of any and all costs and  
17       expenses incurred for or in connection with relocating and moving persons or other legal  
18       entities displaced by the acquisition of said land or property, or any of the rights or interests  
19       therein hereinbefore mentioned; the development, or redevelopment, including, but not  
20       limited to, the comprehensive renovation or rehabilitation of any land or property, or any  
21       rights or interests therein hereinbefore mentioned, in the City of Baltimore, and the  
22       disposition of land and property for such purposes; the elimination of unhealthful, unsanitary  
23       or unsafe conditions, lessening density, eliminating obsolete or other uses detrimental to the  
24       public welfare or otherwise removing or preventing the spread of blight or deterioration in  
25       the City of Baltimore; the demolition, removal, relocation, renovation or alteration of land,  
26       buildings, streets, highways, alleys, utilities or services, and other structures or  
27       improvements, and for the construction, reconstruction, installation, relocation or repair of  
28       buildings, streets, highways, alleys, utilities or services, and other structures or  
29       improvements; the payment of any and all costs and expenses incurred for or in connection  
30       with doing any or all of the things herein mentioned, including, but not limited to, the costs  
31       and expenses of securing administrative, appraisal, economic analysis, engineering, planning,  
32       designing, architectural, surveying, and other professional services; authorizing making ~~loans~~  
grants to various projects and programs related to improving the cultural life and promotion

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by  
amendment or deleted from existing law by amendment.

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1 of tourism in Baltimore City, including but not limited to the Everyman Theater, the Port  
2 Discovery Children's Museum and the Creative Alliance; authorizing the making of loans  
3 and grants to persons and other legal entities; and for doing any and all things necessary,  
4 proper or expedient in connection with or pertaining to any or all of the matters or things  
5 hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and  
6 imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing  
7 the submission of this Ordinance to the legal voters of the City of Baltimore, for their  
8 approval or disapproval, at the General Election to be held in Baltimore City on Tuesday, the  
9 2nd day of November, 2010; and providing for the expenditure of the proceeds of sale of said  
10 certificates of indebtedness in accordance with the provisions of the Charter of the Mayor  
11 and City Council of Baltimore, and by the municipal agency designated in the annual  
12 Ordinance of Estimates of the Mayor and City Council of Baltimore.

13 **WHEREAS**, By Resolution IV of 2010, approved by the members of the Maryland General  
14 Assembly representing Baltimore City, the Mayor and City Council of Baltimore is authorized to  
15 create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as  
16 evidence thereof, and proceeds not exceeding \$16,775,000 from the sale of such bonds to be  
17 used in connection with the economic development program of the Mayor and City Council of  
18 Baltimore as authorized by said Resolution; and

19 **WHEREAS**, Funds are now needed for said purposes; now, therefore,

20 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the  
21 Mayor and City Council of Baltimore, acting by and through the Board of Finance of said  
22 municipality, be and it is hereby authorized and empowered to create a debt and to issue and sell  
23 bonds of the Mayor and City Council of Baltimore from time to time, as may be needed or  
24 required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance  
25 from time to time and at such times as shall be requisite, and proceeds not exceeding  
26 \$16,775,000 from the sale of such bonds shall be used for the purposes hereinafter named,  
27 provided that this Ordinance shall not become effective unless it shall be approved by a majority  
28 of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated  
29 by this Ordinance.

30 **SECTION 2. AND BE IT FURTHER ORDAINED**, That:

31 (a) The denomination or denominations of the bonds to be issued at any particular time  
32 and the place or places for the payment of principal and interest thereof are to be determined by  
33 the Board of Finance.

34 (b) The bonds authorized to be issued and sold under the provisions of this Ordinance  
35 may be issued to mature on such dates and in such amounts as the Board of Finance may  
36 determine; provided that the entire principal amount represented thereby shall be discharged not  
37 more than 40 years from the date of issuance of the bonds.

38 (c) The bonds, when issued, shall bear interest at such rate or rates as may be determined  
39 by the Board of Finance, which rate or rates may be fixed or variable or as determined by a  
40 method approved by the Board of Finance, and such interest shall be payable at such time or  
41 times as may be determined by the Board of Finance.

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1       **SECTION 3. AND BE IT FURTHER ORDAINED,** That a majority of the Board of Finance of the  
2 Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or  
3 resolutions, from time to time, to determine and set forth any or all of the following:

4           (a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any  
5 particular time, and from time to time, under and pursuant to the provisions of this Ordinance;  
6 the date or dates when any bonds representing said debt, or any part thereof, are to mature, and  
7 the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid  
8 date or dates; and the date or dates in each year, during the entire period of time when any of  
9 said bonds are outstanding, when interest on any of said bonds shall be payable;

10          (b) The form or forms of the bonds representing the debt, or any part thereof, authorized  
11 to be issued under the provisions of this Ordinance at any particular time; and

12          (c) If the bonds are to be sold at public sale, the time, place, manner and medium of  
13 advertisement of the readiness of the Board of Finance, acting for and on behalf of the Mayor  
14 and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be  
15 issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place  
16 and manner of awarding bonds so bid for, including the right whenever any of the bonds  
17 authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the  
18 City, to establish the conditions for bids and awards and to award all of the bonds on an all or  
19 none basis, and the time, place, terms and manner of settlement for the bonds so bid for;  
20 provided, however, that notwithstanding anything in this section, the Mayor and City Council of  
21 Baltimore, or the Board of Finance, as the case may be, shall have the right to reject any or all  
22 bids therefor for any reason.

23       **SECTION 4. AND BE IT FURTHER ORDAINED,** That:

24           (a) All premiums resulting from the sale of any of the bonds issued and sold pursuant to  
25 the provisions of this Ordinance shall be applied as directed by the Board of Finance.

26           (b) The debt authorized by the provisions of this Ordinance, and the bonds issued and  
27 sold pursuant thereto and their transfer, and the principal and interest payable thereon (including  
28 any profit made in the sale thereof), shall be and remain exempt from any and all State, county  
29 and municipal taxation in the State of Maryland.

30           (c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at  
31 public sale by the solicitation of competitive bids or at private (negotiated) sale without  
32 advertisement or solicitation of competitive bids, for a price or prices which may be at, above or  
33 below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor  
34 and City Council of Baltimore. If the Board of Finance determines to sell the bonds at public  
35 sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice  
36 of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of  
37 Finance thereof, shall have the right to reject any or all bids therefor for any reason.

38       **SECTION 5. AND BE IT FURTHER ORDAINED,** That until all of the interest on and principal of  
39 any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor  
40 and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable  
41 property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and  
42 principal of all bonds theretofore issued and outstanding or authorized to be issued and  
43 outstanding, payable in the next succeeding year.

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1       **SECTION 6. AND BE IT FURTHER ORDAINED**, That this Ordinance shall be submitted to the  
2 legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to  
3 be held in Baltimore City, on Tuesday, the 2nd day of November, 2010.

4       **SECTION 7. AND BE IT FURTHER ORDAINED**, That prior to the date of the election  
5 hereinbefore mentioned, notice shall be given to the public of the amount of money which the  
6 Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for  
7 which such borrowed funds may be expended, under the terms and provisions of this Ordinance,  
8 and the time when the election hereinbefore mentioned is to be held; and such public notice shall  
9 be given in such manner and by such means or through such media and at such time or times as  
10 may be determined, from time to time, by a majority of the Board of Finance.

11       **SECTION 8. AND BE IT FURTHER ORDAINED**, That the actual cash proceeds derived from the  
12 sale of the bonds authorized to be issued under the provisions of this Ordinance shall be used  
13 exclusively for the following purposes, to wit:

14           (a) So much thereof as may be necessary for the cost of issuance, including the expense  
15 of engraving, printing, advertising, attorneys' fees, and all other incidental expenses connected  
16 therewith (which may include the proportion of the compensation of employees and general  
17 administrative expenses of the Department of Finance reasonably allocated to the issuance of the  
18 bonds); and

19           (b) The remainder of such proceeds shall be used for or in connection with planning,  
20 developing, executing and making operative the economic development program of the Mayor  
21 and City Council of Baltimore, including, but not limited to:

22               (i) The acquisition, by purchase, lease, condemnation, or any other legal means, of  
23 land or property, or any right, interest, franchise, easement or privilege therein, in the City of  
24 Baltimore;

25               (ii) The payment of any and all costs and expenses incurred in connection with or  
26 incidental to the acquisition and management of said land or property, including any and all  
27 rights or interest therein hereinbefore mentioned;

28               (iii) The payment of any and all costs and expenses incurred for or in connection with  
29 relocating and moving persons or other legal entities displaced by the acquisition of said land or  
30 property, or any of the rights or interests therein hereinbefore mentioned;

31               (iv) The development or redevelopment, including, but not limited to, the  
32 comprehensive renovation or rehabilitation of any land or property, or any rights or interests  
33 therein hereinbefore mentioned, in the City of Baltimore, and the disposition of land and  
34 property for such purposes;

35               (v) The elimination of unhealthful, unsanitary or unsafe conditions, lessening density,  
36 eliminating obsolete or other uses detrimental to the public welfare or otherwise removing or  
37 preventing the spread of blight or deterioration in the City of Baltimore;

38               (vi) The demolition, removal, relocation, renovation or alteration of land, buildings,  
39 streets, highways, alleys, utilities or services, and other structures or improvements, and for the  
40 construction, reconstruction, installation, relocation or repair of buildings, streets, highways,  
41 alleys, utilities or services, and other structures or improvements;

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1 (vii) The making of grants to various projects and programs related to improving the  
2 cultural life and promotion of tourism in Baltimore, including but not limited to the Everyman  
3 Theater, the Port Discovery Children’s Museum and the Creative Alliance;

4 (viii) The payment of any and all costs and expenses incurred for or in connection  
5 with doing any or all of the things herein mentioned, including, but not limited to, the costs and  
6 expenses of securing administrative, appraisal, economic analysis, engineering, planning,  
7 designing, architectural, surveying, and other professional services;

8 (ix) The making of loans and grants to persons and other legal entities engaged in the  
9 acquisition, development, redevelopment, rehabilitation and disposition of land and property,  
10 including any right, interest, franchise, easement or privilege therein in the City of Baltimore;  
11 and

12 (x) Doing any and all things necessary, proper or expedient in connection with or  
13 pertaining to any or all of the matters or things hereinbefore mentioned.

14 All such land or property shall be acquired, developed, redeveloped, renovated,  
15 rehabilitated, altered, improved, held or disposed of, as provided by law.

16 **SECTION 9. AND BE IT FURTHER ORDAINED, That:**

17 (a) The Mayor and City Council of Baltimore, acting by and through the Board of  
18 Finance thereof, is hereby authorized and empowered to issue its bonds for the purpose of  
19 refunding any bonds authorized to be issued under the provisions of this Ordinance by payment  
20 at maturity or the purchase or redemption of bonds in advance of maturity. The validity of any  
21 refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the  
22 bonds being refunded. Such refunding bonds may be issued by the Mayor and City Council of  
23 Baltimore, acting by and through the Board of Finance thereof, for the purpose of providing it  
24 with funds to pay any of its outstanding bonds authorized to be issued under the provisions of  
25 this Ordinance at maturity, to purchase in the open market any of its outstanding bonds  
26 authorized to be issued under the provisions of this Ordinance prior to their maturity, to redeem  
27 prior to their maturity any outstanding bonds which are, by their terms, redeemable, to pay  
28 interest on any outstanding bonds prior to their payment at maturity or purchase or redemption in  
29 advance of maturity, or to pay any redemption or purchase premium in connection with the  
30 refunding of any of its outstanding bonds authorized to be issued under the provisions of this  
31 Ordinance.

32 (b) Any refunding bonds authorized to be issued and sold under the provisions of this  
33 Ordinance may be issued for the public purpose of:

34 (1) Realizing savings to Baltimore City in the aggregate cost of debt service on either  
35 a direct comparison or present value basis; or

36 (2) Debt restructuring that:

37 (i) In the aggregate effects such a reduction in the cost of debt service; or

38 (ii) Is determined by the Board of Finance of the Mayor and City Council of  
39 Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's  
40 long-term financial plan, and to realize a financial objective of Baltimore City including,

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1 improving the relationship of debt service to a source of payment such as taxes, assessments, or  
2 other charges.

3 (c) Any refunding bonds authorized to be issued and sold under the provisions of this  
4 Ordinance may be issued in whatever principal amount shall be required to achieve the purpose  
5 for the issuance of the refunding bonds, which amount may be in excess of the principal amount  
6 of the bonds refunded or the maximum principal amount of bonds authorized to be issued under  
7 Section 1 of this Ordinance.

8 (d) Any refunding bonds authorized to be issued and sold under the provisions of this  
9 Ordinance may be issued to mature on such dates and in such amounts as the Board of Finance  
10 may determine; provided that the entire principal amount represented by the refunding bonds  
11 shall be discharged not more than 40 years from the date of issuance of the bonds being  
12 refunded.

13 (e) Any refunding bonds authorized to be issued and sold under the provisions of this  
14 Ordinance may be sold at public sale by the solicitation of competitive bids or at private  
15 (negotiated) sale without advertisement or solicitation of competitive bids, for a price or prices  
16 which may be at, above or below the par value of the refunding bonds, as determined by  
17 resolution of the Board of Finance of the Mayor and City Council of Baltimore.

18 (f) Any refunding bonds authorized to be issued and sold under the provisions of this  
19 Ordinance shall bear interest at such rate or rates as may be determined by the Board of Finance  
20 of the Mayor and City Council of Baltimore, which rate or rates may be fixed or variable or as  
21 determined by a method approved by the Board of Finance, and such interest shall be payable at  
22 such time or times as may be determined by the Board of Finance.

23 (g) The proceeds of the sale of any refunding bonds authorized to be issued and sold  
24 under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall  
25 be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used  
26 solely for the purposes stated in this Section 9.

27 (h) Except as otherwise provided in this Section 9, the powers granted in, the limitations  
28 and obligations imposed by, and the procedures specified in this Ordinance with respect to the  
29 issuance of bonds shall be applicable to the issuance of refunding bonds.

30 (i) Any refunding bonds authorized to be issued and sold under the provisions of this  
31 Ordinance shall not be subject to any debt policy limitation that may from time to time be  
32 established by the Mayor and City Council of Baltimore.

33 **SECTION 10. AND BE IT FURTHER ORDAINED,** That the expenditure of the proceeds derived  
34 from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be  
35 in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore,  
36 and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and  
37 City Council of Baltimore.

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Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City