

CITY OF BALTIMORE
RESOLUTION _____
Council Bill 09-0417

Introduced by: The Council President
At the request of: The Administration (Baltimore City Board of School Commissioners)
Introduced and read first time: November 2, 2009

Read second time: November 2, 2009

A RESOLUTION OF THE MAYOR AND CITY COUNCIL CONCERNING

**Baltimore City Board of School Commissioners –
School System Revenue Bonds – Approval**

FOR the purpose of approving the issuance by the Baltimore City Board of School Commissioners of its revenue bonds, designated “School System Revenue Bonds (Qualified School Construction Bonds), Series 2009 (Tax Credit Bonds)” and “School System Revenue Bonds (Refunding Bonds), Series 2009”, subject to certain conditions; requiring certain statements, disclosures, and reports; and providing for a special effective date.

Recitals

State Education Article § 4-306.1 et seq. (the “State Law”) authorizes the Baltimore City Board of School Commissioners of the Baltimore City Public School System (the “Board”), subject to certain conditions, to issue its bonds for certain public school purposes.

These bonds would not pledge the full faith and credit of or otherwise create or constitute a debt of the Mayor and City Council of Baltimore (the “City”), the State of Maryland (the “State”), or any political subdivision of the State.

One of the conditions imposed on the Board’s issuance of any bonds is that the City first adopt a resolution approving that issuance.

The Board proposes to issue its revenue bonds, designated “School System Revenue Bonds (Qualified School Construction Bonds), Series 2009 (Tax Credit Bonds)” and “School System Revenue Bonds (Refunding Bonds), Series 2009”, or otherwise appropriately designated, in an aggregate principal amount not to exceed \$94,396,000 in one or more issues or series on or before December 31, 2009, for the purposes of financing and refinancing the acquisition, construction, reconstruction, equipping, or renovation of public school facilities and refunding certain outstanding school system revenue bonds.

The City finds that the issuance of bonds for these purposes is necessary and desirable for improving public school facilities and educational services in the City.

SECTION 1. BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council of Baltimore approves the issuance by the Baltimore City Board of School Commissioners of its School System Revenue Bonds (Qualified School Construction Bonds), Series 2009 (Tax Credit Bonds) (the “Tax Credit Bonds”) and its School System Revenue Bonds (Refunding Bonds), Series 2009 (the “Refunding Bonds”), or otherwise

EXPLANATION: Underlining indicates matter added by amendment.
~~Strike out~~ indicates matter stricken by amendment.

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1 appropriately designated, in an aggregate principal amount of not more than \$94,396,000 in
2 one or more issues or series on or before December 31, 2009 (the “Bonds”) for the purposes of
3 financing and refinancing the acquisition, construction, reconstruction, equipping, or renovation
4 of public school facilities and refunding certain outstanding school system revenue bonds.

5 **SECTION 2. AND BE IT FURTHER RESOLVED**, That the City approves the issuance and sale
6 of the Refunding Bonds to refund all or a portion of the Board’s School System Revenue Bonds
7 Series 2000 and its School System Revenue Bonds Series 2003A.

8 **SECTION 3. AND BE IT FURTHER RESOLVED**, That the City approves the issuance and sale
9 of the Tax Credit Bonds as qualified tax credit bonds that will constitute “qualified school
10 construction bonds” pursuant to § 54F of the Internal Revenue Code of 1986, as amended (the
11 “Code”), and the Board has received an allocation sufficient for the issuance of the Tax Credit
12 Bonds from the United States Secretary of the Treasury pursuant to the Code.

13 **SECTION 4. AND BE IT FURTHER RESOLVED**, That the proceeds of the Bonds may be used
14 only for the purposes specified in Section 1 of this Resolution, as part of the Baltimore City
15 Public School System’s Facility Planning and School Construction Program.

16 **SECTION 5. AND BE IT FURTHER RESOLVED**, That the Bonds issued by the Board may not
17 pledge the full faith and credit of or otherwise create or constitute a debt of the City, the State,
18 or any political subdivision of the State.

19 **SECTION 6. AND BE IT FURTHER RESOLVED**, That the Bonds will be issued in accordance
20 with State Law on a competitive or negotiated basis, with a final maturity not to exceed 15 years.

21 **SECTION 7. AND BE IT FURTHER RESOLVED**, That throughout the term of the Bonds, the
22 Board shall send to the Director of Finance of the City:

23 (a) within 210 days after the end of each fiscal year, audited financial statements for that
24 year; and

25 (b) within 30 days of its filing, a copy of any required annual disclosure filed under
26 Securities and Exchange Commission Rule 15c2-12(b)(5)(i).

27 **SECTION 8. AND BE IT FURTHER RESOLVED**, That on each of the first 3 annual anniversaries
28 of the issuance of the Bonds, the Board shall send to the Board of Estimates of the City a written
29 report on:

30 (a) expenditures of the Bond proceeds made to date; and

31 (b) plans for future expenditures of the Bond proceeds.

32 **SECTION 9. AND BE IT FURTHER RESOLVED**, That on the enactment of this Resolution, the
33 Director of Finance of the City shall forward a copy of this Resolution to the Board.

34 **SECTION 10. AND BE IT FURTHER RESOLVED**, That this Resolution takes effect on the date it
35 is enacted.

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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