

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 20-0517**

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Introduced by: The Council President, Councilmember Middleton  
At the request of: The Administration (Department of Planning)  
Introduced and read first time: April 13, 2020  
Assigned to: Taxation, Finance and Economic Development Committee  
Committee Report: Favorable  
Council action: Adopted  
Read second time: June 15, 2020

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**AN ORDINANCE CONCERNING**

**Bond Issue - Public Infrastructure Loan - \$72,000,000**

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2                   **Bond Issue - Public Infrastructure Loan - \$72,000,000**  
3 FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to General  
4 Assembly House Resolution IV and Senate Resolution IV of 2020 approved by the members  
5 of the Maryland General Assembly representing Baltimore City) to create a debt, and to issue  
6 and sell its certificates of indebtedness as evidence thereof, and proceeds not exceeding  
7 \$72,000,000 from the sale of such certificates of indebtedness to be used for the cost of  
8 issuance, including the expense of engraving, printing, advertising, attorneys' fees, and all  
9 other incidental expenses connected therewith (which may include the proportion of the  
10 compensation of employees and general administrative expenses of the Department of  
11 Finance reasonably allocated to the issuance of the bonds); for the development of the public  
12 infrastructure owned or controlled by the Mayor and City Council of Baltimore and the  
13 Enoch Pratt Free Library, and the construction and development of streets, bridges,  
14 courthouses, city office buildings, police stations, fire stations, solid waste facilities,  
15 information technology, public park and recreational and related land, property, buildings,  
16 structures or facilities including but not limited to, the acquisition by purchase, lease,  
17 condemnation or any other legal means, of land or property, or any rights therein, in the City  
18 of Baltimore, and constructing and erecting on said land or property, or on any land or  
19 property, new buildings, structures, and auxiliary facilities; and for the renovation, alteration,  
20 construction, reconstruction, installation, improvement and repair of existing infrastructure,  
21 buildings, structures or facilities, to be or now being used for or in connection with the  
22 operations, functions and activities of the Mayor and City Council of Baltimore and the  
23 Enoch Pratt Free Library, the demolition, removal, relocation, renovation or alteration of  
24 land, buildings, streets, highways, alleys, utilities or services, and other structures or  
25 improvements, and for the construction, reconstruction, installation, relocation or repair of  
26 buildings, streets, highways, alleys, utilities or services, including information technology  
27 infrastructure, and other structures or improvements; for the acquisition and installation of  
28 trees or for tree planting programs; and for the acquisition and installation of equipment and  
29 fixtures for any and all facilities authorized to be constructed, erected, altered, reconstructed,  
30 renovated, installed or improved by the provisions hereof; the payment of any and all costs  
31 and expenses incurred for or in connection with doing any or all of the things herein  
mentioned, including but not limited to, the costs and expenses of securing administrative,

**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 appraisal, economic analysis, engineering, planning, designing, architectural, surveying and  
2 other professional services; and for doing any and all things necessary, proper or expedient in  
3 connection with or pertaining to any or all of the matters or things hereinbefore mentioned;  
4 authorizing the issuance of refunding bonds; conferring and imposing upon the Board of  
5 Finance of Baltimore City certain powers and duties; authorizing the submission of this  
6 Ordinance to the legal voters of the City of Baltimore, for their approval or disapproval, at the  
7 General Election to be held in Baltimore City on Tuesday, the 3<sup>rd</sup> day of November, 2020;  
8 and providing for the expenditure of the proceeds of sale of said certificates of indebtedness  
9 in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore,  
10 and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor  
11 and City Council of Baltimore.

12 **WHEREAS**, By General Assembly House Resolution IV and Senate Resolution IV of 2020,  
13 approved by the members of the Maryland General Assembly representing Baltimore City, the  
14 Mayor and City Council of Baltimore is authorized to create a debt and to issue and sell its  
15 certificates of indebtedness (hereinafter called "bonds") as evidence thereof, and proceeds not  
16 exceeding \$72,000,000 from the sale of such bonds to be used for the development of the public  
17 infrastructure as authorized by said Resolution; and

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

19 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the  
20 Mayor and City Council of Baltimore, acting by and through the Board of Finance of said  
21 municipality, be and it is hereby authorized and empowered to create a debt and to issue and sell  
22 bonds of the Mayor and City Council of Baltimore from time to time, as may be needed or  
23 required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance  
24 from time to time and at such times as shall be requisite, and proceeds not exceeding  
25 \$72,000,000 from the sale of such bonds shall be used for the purposes hereinafter named,  
26 provided that this Ordinance shall not become effective unless it shall be approved by a majority  
27 of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated  
28 by this Ordinance.

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

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

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

37 (c) The bonds, when issued, shall bear interest at such rate or rates as may be determined  
38 by the Board of Finance, which rate or rates may be fixed or variable or as determined by a  
39 method approved by the Board of Finance, and such interest shall be payable at such time or  
40 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 said  
9 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 and  
14 City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be issued  
15 hereunder or any part thereof; the form, terms and conditions of such bids; the time, place and  
16 manner of awarding bonds so bid for, including the right whenever any of the bonds authorized  
17 by this Ordinance are offered for sale and sold at the same time as other bonds of the City, to  
18 establish the conditions for bids and awards and to award all of the bonds on an all or none basis,  
19 and the time, place, terms and manner of settlement for the bonds so bid for; provided, however,  
20 that notwithstanding anything in this section, the Mayor and City Council of Baltimore, or the  
21 Board of Finance, as the case may be, shall have the right to reject any or all bids therefor for any  
22 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.

35       **SECTION 5. AND BE IT FURTHER ORDAINED**, That until all of the interest on and principal of  
36 any bonds issued pursuant to the provisions of this Ordinance have been paid in full, the Mayor  
37 and City Council of Baltimore shall levy and impose an annual tax on each \$100 of assessable  
38 property in the City of Baltimore at a rate sufficient to produce revenue to pay all interest on and  
39 principal of all bonds theretofore issued and outstanding or authorized to be issued and  
40 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 3<sup>rd</sup> day of November, 2020.

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 of  
15 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 the for the development of the public  
20 infrastructure owned or controlled by the Mayor and City Council of Baltimore and the Enoch  
21 Pratt Free Library, and the construction and development of streets, bridges, courthouses, city  
22 office buildings, police stations, fire stations, solid waste facilities, information technology,  
23 public park and recreational and related land, property, buildings, structures or facilities  
24 including but not limited to, the acquisition by purchase, lease, condemnation or any other legal  
25 means, of land or property, or any rights therein, in the City of Baltimore, and constructing and  
26 erecting on said land or property, or on any land or property, new buildings, structures, and  
27 auxiliary facilities; and for the renovation, alteration, construction, reconstruction, installation,  
28 improvement and repair of existing infrastructure, buildings, structures or facilities, to be or now  
29 being used for or in connection with the operations, functions and activities of the Mayor and  
30 City Council of Baltimore and the Enoch Pratt Free Library, the demolition, removal, relocation,  
31 renovation or alteration of land, buildings, streets, highways, alleys, utilities or services, and  
32 other structures or improvements, and for the construction, reconstruction, installation, relocation  
33 or repair of buildings, streets, highways, alleys, utilities or services, including information  
34 technology infrastructure, and other structures or improvements; for the acquisition and  
35 installation of trees or for tree planting programs; and for the acquisition and installation of  
36 equipment and fixtures for any and all facilities authorized to be constructed, erected, altered,  
37 reconstructed, renovated, installed or improved by the provisions hereof; the payment of any and  
38 all costs and expenses incurred for or in connection with doing any or all of the things herein  
39 mentioned, including but not limited to, the costs and expenses of securing administrative,  
40 appraisal, economic analysis, engineering, planning, designing, architectural, surveying and other  
41 professional services; and for doing any and all things necessary, proper or expedient in  
42 connection with or pertaining to any or all of the matters or things hereinbefore mentioned.

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### SECTION 9. AND BE IT FURTHER ORDAINED, That:

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

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

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

(2) Debt restructuring that:

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

(ii) Is determined by the Board of Finance of the Mayor and City Council of Baltimore to be in the best interests of Baltimore City, to be consistent with Baltimore City's long-term financial plan, and to realize a financial objective of Baltimore City including, improving the relationship of debt service to a source of payment such as taxes, assessments, or other charges.

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

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

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

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

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

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

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

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

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

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

Certified as duly delivered to His Honor, the Mayor,

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

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

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

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