

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 16-0643

Introduced by: The Council President
At the request of: The Administration (Department of Planning)
Introduced and read first time: March 21, 2016
Assigned to: Taxation, Finance and Economic Development Committee
Committee Report: Favorable
Council action: Adopted
Read second time: June 6, 2016

AN ORDINANCE CONCERNING

Bond Issue - Recreation, Parks and Public Facilities Loan - \$45,000,000

1
2 FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution
3 IV of 2016 approved by the members of the Maryland General Assembly representing
4 Baltimore City) to create a debt, and to issue and sell its certificates of indebtedness as
5 evidence thereof, and proceeds not exceeding \$45,000,000 from the sale of such certificates
6 of indebtedness to be used for the cost of issuance, including the expense of engraving,
7 printing, advertising, attorneys' fees, and all other incidental expenses connected therewith
8 (which may include the proportion of the compensation of employees and general
9 administrative expenses of the Department of Finance reasonably allocated to the issuance of
10 the bonds); for the development of the buildings owned or controlled by the Mayor and City
11 Council of Baltimore, the Enoch Pratt Free Library, public park and recreational land,
12 property, buildings, structures or facilities; for the acquisition and installation of trees for tree
13 planting programs, including but not limited to, the acquisition by purchase, lease,
14 condemnation or any other legal means, of land or property, or any rights therein, in the City
15 of Baltimore, and constructing and erecting on said land or property, or on any land or
16 property, new buildings, structures, and auxiliary facilities; and for the renovation, alteration,
17 construction, reconstruction, installation, improvement and repair of existing buildings,
18 structures or facilities, to be or now being used for or in connection with the operations,
19 functions and activities of the Mayor and City Council of Baltimore and the Enoch Pratt Free
20 Library, public parks and recreation and related land, buildings, structures or facilities; the
21 demolition, removal, relocation, renovation or alteration of land, buildings, streets, highways,
22 alleys, utilities or services, and other structures or improvements, and for the construction,
23 reconstruction, installation, relocation or repair of buildings, streets, highways, alleys, utilities
24 or services, and other structures or improvements; for the acquisition of trees or tree planting
25 programs and for equipment and fixtures for any and all facilities authorized to be
26 constructed, erected, altered, reconstructed, renovated, installed or improved by the
27 provisions hereof; the payment of any and all costs and expenses incurred for or in
28 connection with doing any or all of the things herein mentioned, including but not limited to,
29 the costs and expenses of securing administrative, appraisal, economic analysis, engineering,
30 planning, designing, architectural, surveying and other professional services; and for doing
31 any and all things necessary, proper or expedient in connection with or pertaining to any or

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 all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding
2 bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers
3 and duties; authorizing the submission of this Ordinance to the legal voters of the City of
4 Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore
5 City on Tuesday, the 8th day of November, 2016; and providing for the expenditure of the
6 proceeds of sale of said certificates of indebtedness in accordance with the provisions of the
7 Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated
8 in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

9 **WHEREAS**, By Resolution IV of 2016, approved by the members of the Maryland General
10 Assembly representing Baltimore City, the Mayor and City Council of Baltimore is authorized to
11 create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as
12 evidence thereof, and proceeds not exceeding \$45,000,000 from the sale of such bonds to be used
13 for recreation, parks, and environmental improvement purposes as authorized by said Resolution;
14 and

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

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the
17 Mayor and City Council of Baltimore, acting by and through the Board of Finance of said
18 municipality, be and it is hereby authorized and empowered to create a debt and to issue and sell
19 bonds of the Mayor and City Council of Baltimore from time to time, as may be needed or
20 required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance
21 from time to time and at such times as shall be requisite, and proceeds not exceeding
22 \$45,000,000 from the sale of such bonds shall be used for the purposes hereinafter named,
23 provided that this Ordinance shall not become effective unless it shall be approved by a majority
24 of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated
25 by this Ordinance.

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

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

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

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

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

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

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

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

20 SECTION 4. AND BE IT FURTHER ORDAINED, That:

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

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

27 (c) All bonds issued and sold pursuant to the provisions of this Ordinance may be sold at
28 public sale by the solicitation of competitive bids or at private (negotiated) sale without
29 advertisement or solicitation of competitive bids, for a price or prices which may be at, above or
30 below par value of the bonds, as determined by resolution of the Board of Finance of the Mayor
31 and City Council of Baltimore.

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

38 SECTION 6. AND BE IT FURTHER ORDAINED, That this Ordinance shall be submitted to the
39 legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to
40 be held in Baltimore City, on Tuesday, the 8th day of November, 2016.

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

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

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

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

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

40 (a) The Mayor and City Council of Baltimore, acting by and through the Board of Finance
41 thereof, is hereby authorized and empowered to issue its bonds for the purpose of refunding any
42 bonds authorized to be issued under the provisions of this Ordinance by payment at maturity or
43 the purchase or redemption of bonds in advance of maturity. The validity of any refunding bonds
44 shall in no way be dependent upon or related to the validity or invalidity of the bonds being
45 refunded. Such refunding bonds may be issued by the Mayor and City Council of Baltimore,

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1 acting by and through the Board of Finance thereof, for the purpose of providing it with funds to
2 pay any of its outstanding bonds authorized to be issued under the provisions of this Ordinance at
3 maturity, to purchase in the open market any of its outstanding bonds authorized to be issued
4 under the provisions of this Ordinance prior to their maturity, to redeem prior to their maturity
5 any outstanding bonds which are, by their terms, redeemable, to pay interest on any outstanding
6 bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to
7 pay any redemption or purchase premium in connection with the refunding of any of its
8 outstanding bonds authorized to be issued under the provisions of this Ordinance.

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

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

13 (2) Debt restructuring that:

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

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

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

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

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

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

39 (g) The proceeds of the sale of any refunding bonds authorized to be issued and sold
40 under the provisions of this Ordinance, after the payment of issuance costs relating thereto, shall

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1 be set aside by the Mayor and City Council of Baltimore as a separate trust fund to be used solely
2 for the purposes stated in this Section 9.

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

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

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

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