

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 14-0342**

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Introduced by: The Council President  
At the request of: The Administration (Department of Planning)  
Introduced and read first time: March 24, 2014  
Assigned to: Taxation, Finance and Economic Development Committee  
Committee Report: Favorable  
Council action: Adopted  
Read second time: June 9, 2014

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**AN ORDINANCE CONCERNING**

**Bond Issue — Recreation, Parks and Public Facilities Loan — \$47,000,000**

1  
2 FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution  
3 II of 2014 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 \$47,000,000 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 and the remainder of such proceeds shall be used for the development of the buildings owned  
9 or controlled by the Mayor and City Council of Baltimore, the Enoch Pratt Free Library,  
10 public park and recreational land, property, buildings, structures or facilities; for the  
11 acquisition and installation of trees for tree planting programs, including but not limited to,  
12 the acquisition by purchase, lease, condemnation or any other legal means, of land or  
13 property, or any rights therein, in the City of Baltimore, and constructing and erecting on said  
14 land or property, or on any land or property, new buildings, structures, and auxiliary facilities;  
15 and for the renovation, alteration, construction, reconstruction, installation, improvement and  
16 repair of existing buildings, structures or facilities, to be or now being used for or in  
17 connection with the operations, functions and activities of the Mayor and City Council of  
18 Baltimore and the Enoch Pratt Free Library, public park and recreational land, the demolition,  
19 removal, relocation, renovation or alteration of land, buildings, streets, highways, alleys,  
20 utilities or services, and other structures or improvements, and for the construction,  
21 reconstruction, installation, relocation or repair of buildings, streets, highways, alleys, utilities  
22 or services, and other structures or improvements; for the acquisition of trees or tree planting  
23 programs and for equipment and fixtures for any and all facilities authorized to be  
24 constructed, erected, altered, reconstructed, renovated, reconstructed, installed or improved  
25 by the provisions hereof; the payment of any and all costs and expenses incurred for or in  
26 connection with doing any or all of the things herein mentioned, including but not limited to,  
27 the costs and expenses of securing administrative, appraisal, economic analysis, engineering,  
28 planning, designing, architectural, surveying and other professional services; and for doing  
29 any and all things necessary, proper or expedient in connection with or pertaining to any or  
30 all of the matters or things hereinbefore mentioned; authorizing the issuance of refunding  
31 bonds; conferring and imposing upon the Board of Finance of Baltimore City certain powers

**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 and duties; authorizing the submission of this Ordinance to the legal voters of the City of  
2 Baltimore, for their approval or disapproval, at the General Election to be held in Baltimore  
3 City on Tuesday, the 4<sup>th</sup> day of November, 2014; and providing for the expenditure of the  
4 proceeds of sale of said certificates of indebtedness in accordance with the provisions of the  
5 Charter of the Mayor and City Council of Baltimore, and by the municipal agency designated  
6 in the annual Ordinance of Estimates of the Mayor and City Council of Baltimore.

7 **WHEREAS**, By Resolution II of 2014, approved by the members of the Maryland General  
8 Assembly representing Baltimore City, the Mayor and City Council of Baltimore is authorized to  
9 create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as  
10 evidence thereof, and proceeds not exceeding \$47,000,000 from the sale of such bonds to be used  
11 for recreation, parks, and environmental improvement purposes as authorized by said Resolution;  
12 and

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

14 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the  
15 Mayor and City Council of Baltimore, acting by and through the Board of Finance of said  
16 municipality, be and it is hereby authorized and empowered to create a debt and to issue and sell  
17 bonds of the Mayor and City Council of Baltimore from time to time, as may be needed or  
18 required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance  
19 from time to time and at such times as shall be requisite, and proceeds not exceeding  
20 \$47,000,000 from the sale of such bonds shall be used for the purposes hereinafter named,  
21 provided that this Ordinance shall not become effective unless it shall be approved by a majority  
22 of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated  
23 by this Ordinance.

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

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

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

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

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

39 (a) The amount of debt to be incurred by the Mayor and City Council of Baltimore at any  
40 particular time, and from time to time, under and pursuant to the provisions of this Ordinance;  
41 the date or dates when any bonds representing said debt, or any part thereof, are to mature, and

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1 the amount or amounts of said debt, or any part thereof, which shall mature upon the aforesaid  
2 date or dates; and the date or dates in each year, during the entire period of time when any of said  
3 bonds are outstanding, when interest on any of said bonds shall be payable;

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

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

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

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

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

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

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

35 **SECTION 6. AND BE IT FURTHER ORDAINED, That** this Ordinance shall be submitted to the  
36 legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to  
37 be held in Baltimore City, on Tuesday, the 4<sup>th</sup> day of November, 2014.

38 **SECTION 7. AND BE IT FURTHER ORDAINED, That** prior to the date of the election  
39 hereinbefore mentioned, notice shall be given to the public of the amount of money which the  
40 Mayor and City Council of Baltimore is authorized to borrow, and the general purposes for  
41 which such borrowed funds may be expended, under the terms and provisions of this Ordinance,

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1 and the time when the election hereinbefore mentioned is to be held; and such public notice shall  
2 be given in such manner and by such means or through such media and at such time or times as  
3 may be determined, from time to time, by a majority of the Board of Finance.

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

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

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

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

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

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1 bonds prior to their payment at maturity or purchase or redemption in advance of maturity, or to  
2 pay any redemption or purchase premium in connection with the refunding of any of its  
3 outstanding bonds authorized to be issued under the provisions of this Ordinance.

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

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

8 (2) Debt restructuring that:

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

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

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

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

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

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

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

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

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

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