

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 06-0355

Introduced by: The Council President
At the request of: The Administration (Department of Planning)
Introduced and read first time: March 6, 2006
Assigned to: Taxation and Finance Committee

Committee Report: Favorable
Council action: Adopted
Read second time: July 10, 2006

AN ORDINANCE CONCERNING

Bond Issue — Economic Development Loan — \$24,400,000

1
2 **Bond Issue — Economic Development Loan — \$24,400,000**
3 FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution
4 VII of 2006 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 \$24,400,000 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 the making
 of loans and grants to persons and other legal entities; and for doing any and all things

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 necessary, proper or expedient in connection with or pertaining to any or all of the matters or
2 things hereinbefore mentioned; authorizing the issuance of refunding bonds; conferring and
3 imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing
4 the submission of this Ordinance to the legal voters of the City of Baltimore, for their
5 approval or disapproval, at the General Election to be held in Baltimore City on Tuesday, the
6 7th day of November, 2006; and providing for the expenditure of the proceeds of sale of said
7 certificates of indebtedness in accordance with the provisions of the Charter of the Mayor
8 and City Council of Baltimore, and by the municipal agency designated in the annual
9 Ordinance of Estimates of the Mayor and City Council of Baltimore.

10 **WHEREAS**, By Resolution VII of 2006, approved by the members of the Maryland General
11 Assembly representing Baltimore City, the Mayor and City Council of Baltimore is authorized to
12 create a debt and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as
13 evidence thereof, and proceeds not exceeding \$24,400,000 from the sale of such bonds to be
14 used in connection with the economic development program of the Mayor and City Council of
15 Baltimore as authorized by said Resolution; and

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

17 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the
18 Mayor and City Council of Baltimore, acting by and through the Board of Finance of said
19 municipality, be and it is hereby authorized and empowered to create a debt and to issue and sell
20 bonds of the Mayor and City Council of Baltimore from time to time, as may be needed or
21 required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance
22 from time to time and at such times as shall be requisite, and proceeds not exceeding
23 \$24,400,000 from the sale of such bonds shall be used for the purposes hereinafter named,
24 provided that this Ordinance shall not become effective unless it shall be approved by a majority
25 of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated
26 by this Ordinance.

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

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

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

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

39 **SECTION 3. AND BE IT FURTHER ORDAINED**, That a majority of the Board of Finance of the
40 Mayor and City Council of Baltimore be, and they are hereby, authorized to pass a resolution or
41 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
6 said 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
11 and City Council of Baltimore, to receive bids for the purchase of the bonds authorized to be
12 issued hereunder or any part thereof; the form, terms and conditions of such bids; the time, place
13 and manner of awarding bonds so bid for, including the right whenever any of the bonds
14 authorized by this Ordinance are offered for sale and sold at the same time as other bonds of the
15 City, to establish the conditions for bids and awards and to award all of the bonds on an all or
16 none basis, and the time, place, terms and manner of settlement for the bonds so bid for;
17 provided, however, that notwithstanding anything in this section, the Mayor and City Council of
18 Baltimore, or the Board of Finance, as the case may be, shall have the right to reject any or all
19 bids therefor for any 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. If the Board of Finance determines to sell the bonds at public
32 sale, the bonds shall be sold to the highest responsible bidder or bidders therefor after due notice
33 of such sale, but the Mayor and City Council of Baltimore, acting by and through the Board of
34 Finance thereof, shall have the right to reject any or all bids therefor for any reason.

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.

41 **SECTION 6. AND BE IT FURTHER ORDAINED, That** this Ordinance shall be submitted to the
42 legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to
43 be held in Baltimore City, on Tuesday, the 7th day of November, 2006.

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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
12 of 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 or in connection with planning,
17 developing, executing and making operative the economic development program of the Mayor
18 and City Council of Baltimore, including, but not limited to:

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

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

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

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

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

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

39 (vii) The payment of any and all costs and expenses incurred for or in connection
40 with doing any or all of the things herein mentioned, including, but not limited to, the costs and

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1 expenses of securing administrative, appraisal, economic analysis, engineering, planning,
2 designing, architectural, surveying, and other professional services;

3 (viii) The making of loans and grants to persons and other legal entities engaged in
4 the acquisition, development, redevelopment, rehabilitation and disposition of land and property,
5 including any right, interest, franchise, easement or privilege therein in the City of Baltimore;
6 and

7 (ix) Doing any and all things necessary, proper or expedient in connection with or
8 pertaining to any or all of the matters or things hereinbefore mentioned.

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

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

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

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

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

31 (2) Debt restructuring that:

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

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

38 (c) Any refunding bonds authorized to be issued and sold under the provisions of this
39 Ordinance may be issued in whatever principal amount shall be required to achieve the purpose
40 for the issuance of the refunding bonds, which amount may be in excess of the principal amount

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1 of the bonds refunded or the maximum principal amount of bonds authorized to be issued under
2 Section 1 of this Ordinance.

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

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

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

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

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

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

28 **SECTION 10. AND BE IT FURTHER ORDAINED,** That the expenditure of the proceeds derived
29 from the sale of the bonds authorized to be issued under the provisions of this Ordinance shall be
30 in accordance with the provisions of the Charter of the Mayor and City Council of Baltimore,
31 and by the municipal agency designated in the annual Ordinance of Estimates of the Mayor and
32 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 His Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City