

**CITY OF BALTIMORE
COUNCIL BILL 09-0417
(Resolution)**

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

A RESOLUTION ENTITLED

1 A RESOLUTION OF THE MAYOR AND CITY COUNCIL concerning

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

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

9 **Recitals**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 24 (a) within 210 days after the end of each fiscal year, audited financial statements for that
25 year; and
26 (b) within 30 days of its filing, a copy of any required annual disclosure filed under
27 Securities and Exchange Commission Rule 15c2-12(b)(5)(i).

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

- 31 (a) expenditures of the Bond proceeds made to date; and
32 (b) plans for future expenditures of the Bond proceeds.

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

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