

**CITY OF BALTIMORE  
COUNCIL BILL 12-0048  
(First Reader)**

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Introduced by: The Council President  
At the request of: The Administration (Department of Planning)  
Introduced and read first time: March 19, 2012  
Assigned to: Taxation, Finance and Economic Development Committee

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REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Department of Finance

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Bond Issue - School Loan - \$34,000,000**

3 FOR the purpose of authorizing the Mayor and City Council of Baltimore (pursuant to Resolution  
4 I of 2012 approved by the members of the Maryland General Assembly representing  
5 Baltimore City) to create a debt, and to issue and sell, at any time or from time to time and in  
6 one or more series its certificates of indebtedness as evidence thereof, and proceeds not  
7 exceeding \$34,000,000 from the sale of such certificates of indebtedness to be used for the  
8 cost of issuance, including the expense of engraving, printing, advertising, attorneys' fees,  
9 and all other incidental expenses connected therewith, and the remainder of such proceeds  
10 shall be used for the acquisition, by purchase, lease, condemnation or any other legal means,  
11 of land or property, or any rights therein, in the City of Baltimore, and constructing and  
12 erecting on said land or property, or on any land or property now or hereafter owned by the  
13 Baltimore City Board of School Commissioners and/or the Mayor and City Council of  
14 Baltimore, new school buildings, athletic and other auxiliary facilities, and for additions and  
15 improvements to, or the modernization or reconstruction of, including the inspection,  
16 removal, encapsulation, management, containment and abatement of asbestos from existing  
17 school buildings or facilities, and for equipment for any and all new or existing facilities  
18 authorized to be constructed, erected, added to, improved, modernized or reconstructed by  
19 the provisions hereof; the payment of any and all costs and expenses incurred for or in  
20 connection with doing any or all of the things herein mentioned, including, but not limited to,  
21 the costs and expenses of securing administrative, appraisal, economic analysis, engineering,  
22 planning, designing, architectural, surveying, and other professional services, including,  
23 without limitation, services relating to planning for future projects of the same general  
24 character which may be constructed out of future loans; and for or in connection with or  
25 pertaining to any or all of the matters or things hereinbefore mentioned; authorizing the  
26 issuance of refunding bonds; conferring certain powers upon the Baltimore City Board of  
27 School Commissioners; imposing certain conditions in connection with the expenditure of  
28 the proceeds derived from the sale of said certificates of indebtedness; conferring and  
29 imposing upon the Board of Finance of Baltimore City certain powers and duties; authorizing  
30 the submission of this Ordinance to the legal voters of the City of Baltimore, for their  
31 approval or disapproval, at the Election to be held on Tuesday, the 6<sup>th</sup> day of November,  
32 2012, and providing for the expenditure of the proceeds of sale of said certificates of  
33 indebtedness in accordance with the provisions of the Charter of the Mayor and City Council

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

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1 of Baltimore, and by the municipal agency designated in the annual Ordinance of Estimates  
2 of the Mayor and City Council of Baltimore.

3 **WHEREAS**, By Resolution I of 2012, approved by the members of the Maryland General  
4 Assembly representing Baltimore City, the Mayor and City Council is authorized to create a debt  
5 and to issue and sell its certificates of indebtedness (hereinafter called "bonds") as evidence  
6 thereof, and proceeds not exceeding \$34,000,000 from the sale of such bonds to be used for  
7 school purposes as authorized by said Resolution; and

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

9 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That the  
10 Mayor and City Council of Baltimore, acting by and through the Board of Finance of said  
11 municipality, be and it is hereby authorized and empowered to create a debt and to issue and sell  
12 bonds of the Mayor and City Council of Baltimore from time to time, as may be needed or  
13 required for the purposes hereinafter named and said bonds shall be sold by the Board of Finance  
14 from time to time and at such times as shall be requisite, and proceeds not exceeding  
15 \$34,000,000, from the sale of such bonds shall be used for the purposes hereinafter named,  
16 provided that this Ordinance shall not become effective unless it shall be approved by a majority  
17 of the votes of the legal voters of Baltimore City cast at the time and place hereinafter designated  
18 by this Ordinance.

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

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

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

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

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

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

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

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

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

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

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

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

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

32 **SECTION 6. AND BE IT FURTHER ORDAINED, That** this Ordinance shall be submitted to the  
33 legal voters of the City of Baltimore, for their approval or disapproval, at the General Election to  
34 be held in Baltimore City, on Tuesday, the 6<sup>th</sup> day of November, 2012.

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

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

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

9           (b) The remainder of such proceeds shall be used for the acquisition, by purchase, lease,  
10 condemnation or any other legal means, of land or property, or any rights therein, in the City of  
11 Baltimore, and constructing and erecting on said land or property, or on any land or property now  
12 or hereafter owned by the Baltimore City Board of School Commissioners and/or the Mayor and  
13 City Council of Baltimore, new school buildings, athletic and other auxiliary facilities, and for  
14 additions and improvements to, or the modernization or reconstruction of, including the  
15 inspection, removal, encapsulation, management, containment and abatement of asbestos from  
16 existing school buildings or facilities, and for equipment for any and all new or existing facilities  
17 authorized to be constructed, erected, added to, improved, modernized or reconstructed by the  
18 provisions hereof; the payment of any and all costs and expenses incurred for or in connection  
19 with doing any or all of the things herein mentioned, including, but not limited to, the costs and  
20 expenses of securing administrative, appraisal, economic analysis, engineering, planning,  
21 designing, architectural, surveying, and other professional services, including, without limitation,  
22 services relating to planning for future projects of the same general character which may be  
23 constructed out of future loans; and for or in connection with or pertaining to any or all of the  
24 matters or things hereinbefore mentioned.

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

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

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

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

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1 (2) Debt restructuring that:

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

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

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

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

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

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

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

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

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

37 **SECTION 10. AND BE IT FURTHER ORDAINED,** That in the expenditure of the proceeds of sale  
38 of said bonds, the Mayor and City Council of Baltimore shall observe the following conditions:

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1           (a) Subject to the provisions of the Charter of Baltimore City relating to the Planning  
2 Commission, the Baltimore City Board of School Commissioners, shall have the authority to  
3 select sites for the construction of any new school buildings hereby authorized;

4           (b) All plans and specifications for the construction or reconstruction of school buildings,  
5 or for additions or improvement to school buildings, to be financed out of the proceeds derived  
6 from the sale of the bonds herein authorized to be issued, shall be subject to the approval of the  
7 Baltimore City Board of School Commissioners prior to the final acceptance of such plans and  
8 specifications, and the endorsement of approval by the Board of such plans and specifications  
9 shall be made thereon, and shall also be recorded by the Board in its official minutes;

10           (c) All changes in approved plans and specifications which may be found necessary and  
11 expedient during the course of construction shall also be subject to the approval of the Baltimore  
12 City Board of School Commissioners, and shall also be recorded by the Board in its official  
13 minutes; and

14           (d) No part of the proceeds derived from the sale of the bonds hereby authorized to be  
15 issued shall be expended without the approval of the Baltimore City Board of School  
16 Commissioners.