



CITY OF SALISBURY COUNCIL MEETINGS

Welcome and thank you for attending this public meeting. We appreciate your interest in what is happening in your City. Please familiarize yourself with the meeting procedures below:

Presiding Officer

The Council President is responsible for conducting the meeting and managing any public comment period. When the Council President is not present, the Council Vice President conducts the meeting.

Public Participation in City Council Meetings

1. In accordance with the Maryland Open Meetings Act, the general public is entitled to attend and observe all meetings of the Mayor and Council except in appropriate circumstances when meetings of the public bodies may be closed under the Act.
2. To encourage community engagement, the Council allows public comment using the following guidelines:
 - a. Work Sessions – persons desiring to speak on matters specific to the topics on the agenda may do so for up to three (3) minutes after each topic has been presented.
 - b. Regular Meetings – persons desiring to speak on any matter may do so for up to four (4) minutes during the “Public Comments” portion of the meeting.
 - c. Please fill out a comment form from the table as you enter Council Chambers, and turn it in to the Clerk.
 - d. The Council President will call you up to the podium. For the record, please state your name, whether you are a resident within the corporate limits of Salisbury, and any organization affiliation you are representing.
 - e. Questions posed by the public during the public comment portion will be logged and tracked by the City Clerk. The City Clerk will forward the questions to the appropriate individual or body for a response.
3. Those in attendance shall be courteous to one another, the Council, and to the proceedings while the Council is in session. Side conversations within the Council Chambers should be kept to a minimum and should not be disruptive.
4. The public body may have an individual removed if it is determined that the behavior of the individual is disruptive. Engaging in verbal comments intended to insult or slander anyone may be cause for termination of speaking privileges and/or removal from Council Chambers.
5. Please approach the City Clerk if you have questions or materials for the Council.

Please silence your cellphone.



**CITY OF SALISBURY
SPECIAL MEETING AGENDA**

MAY 6, 2024

6:00 p.m.

Government Office Building, Council Chambers and Zoom Video Conferencing

Times shown for agenda items are estimates only.

6:00 p.m. CALL TO ORDER

6:00p.m. ADOPTION OF SPECIAL MEETING AGENDA

6:01 p.m. ORDINANCES- presented by City Attorney Heather Konyar

- **Ordinance No. 2865**- 2nd reading- authorizing the Mayor to appropriate funds for various capital projects
- **Ordinance No. 2864**- 1st reading- to authorize the City to sell and issue General Obligation Bonds, Bond Anticipation Notes and Refunding Bonds
- **Ordinance No. 2866**- 1st reading- authorizing the Mayor to sign a grant agreement and accept grant funds in the total sum of \$25,000 from the Governor Highway Safety Association to continue the partnership of the City of Salisbury with Salisbury University to train and equip youth ambassadors in the Salisbury area

6:10 p.m. ADJOURNMENT

Copies of the agenda items are available for review in the City Clerk's Office, 115 S. Division Street, Salisbury Headquarters Building, 410-548-3140 or on the City's website at www.salisbury.md. City Council meetings are conducted in Open session unless otherwise indicated. All or part of the Council's meetings can be held in Closed Session under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b), by vote of the City Council.

NEXT COUNCIL MEETING – May 13, 2024

- Ordinance No. _ - 1st reading- FY25 Proposed Budget & establishing date for Public Hearing
- Ordinance No. _ - 1st reading- Water & Sewer rates
- Ordinance No. _ - 1st reading- Fees
- **Ordinance No. 2864**- 2nd reading- to authorize the City to sell and issue General Obligation Bonds, Bond Anticipation Notes and Refunding Bonds
- **Ordinance No. 2866**- 2nd reading- authorizing the Mayor to sign a grant agreement and accept grant funds in the total sum of \$25,000 from the Governor Highway Safety Association to continue the partnership of the City of Salisbury with Salisbury University to train and equip youth ambassadors in the Salisbury area

Join Zoom Meeting
<https://us02web.zoom.us/j/88163253286?pwd=K3RtZUhUMHNucDRPU2IHbnROQzZVUT09>
Meeting ID: 881 6325 3286
Passcode: 812389
Phone: 1.301.715.8592

*Times shown are approximate. Council reserves the right to adjust the agenda as circumstances warrant.
The Council reserves the right to convene in Closed Session as permitted under the Annotated Code of
Maryland 3-305(b).*

5/2/2024

INTER

OFFICE

MEMO

Finance Department

To: Andy Kitzrow, City Administrator
From: Keith Cordrey, Director of Finance *KAC*
Subject: Ordinance to fund various Capital Projects using Bond Proceeds
Date: April 17, 2024

Attached is an ordinance to fund capital projects initially planned to be authorized in the FY2025 budget. The City has moved them up to be funded in the FY2024 Bond Issue that is scheduled for this June in order to consolidate bond issues and save bond issuance expense.

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ORDINANCE NO. 2865

**AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE
MAYOR TO APPROPRIATE FUNDS FOR VARIOUS CAPITAL
PROJECTS.**

WHEREAS, the City of Salisbury has determined Capital Projects, to be funded from Bond Proceeds, would best be funded in the FY24 Bond Issue to consolidate planned bond issuances in order to save bond issuance expense; and

WHEREAS, the appropriations necessary to execute the appropriations as provided hereinabove, must be made upon the recommendation of the Mayor and the approval of four-fifths of the Council of the City of Salisbury.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. Mayor Randolph J. Taylor is hereby authorized to appropriate funds for the projects listed in Section 2 and Section 3 below.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. The City of Salisbury’s General Capital Project Fund Budget be and hereby is amended as follows:

Account	Project Description		Amount
98124-513026-TBD	Beaglin Park Dam Improvements	Increase	100,000
98124-513026-TBD	GOB Exterior Waterproofing	Increase	175,000
98124-513026-TBD	Zoo Facility Improvements	Increase	350,000
98124-513026-TBD	North Prong Park Land Acquisition	Increase	100,000
98124-513026-TBD	Street Light Additions and Replacement	Increase	105,000
98124-513026-TBD	Amphitheater Pedestrian Bridge	Increase	125,000
98124-588900	Issuance Cost	Increase	158,797

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Section 3. The City of Salisbury’s Water Sewer Capital Project Fund Budget be and hereby is amended as follows.

Account	Project Description		Amount
96124-513026-TBD	Restore Park Well Field	Increase	175,000
96124-513026-TBD	Restore Paleo Well Field	Increase	217,000
96124-513026-TBD	WWTP Electric Upgrades	Increase	1,060,493
96124-513026-TBD	Park Well Field Raw Water Main & Valve Rplc	Increase	875,000
96124-513026-TBD	Glen Avenue Lift Station	Increase	750,000
96124-513026-TBD	WWTP Outfall Inspection and Repairs	Increase	500,000
96124-513026-TBD	Southside Pump Station Force Main	Increase	495,000
96124-588900	Issuance Cost	Increase	141,203

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BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 4. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 5. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 5. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 5.

Section 6. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 22nd day of April, 2024 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the _____ day of _____, 2024.

ATTEST:

Kimberly R. Nichols, City Clerk

D'Shawn M. Doughty, City Council President

Approved by me, this _____ day of _____, 2024.

Randolph J. Taylor, Mayor

INTER

OFFICE

MEMO

Finance Department

To: Andy Kitzrow, City Administrator
From: Keith Cordrey, Director of Finance
Subject: Ordinance to Authorize the Sale and Issuance of General Obligation Bonds, Bond Anticipation Notes and Refunding Bonds
Date: May 1, 2024

Attached is an ordinance to authorize the City to sell and issue general obligation bonds, bond anticipation notes and refunding bonds.

Below is bullet points summary from Bond Counsel, Lindsey Rader of Funk & Bolton, P.A..

- Ordinance Recitals trace borrowing powers and the City’s authorization to borrow money to finance, reimburse or refinance costs of the public purpose projects identified in Section 3 through the issuance of general obligation bonds and, to the extent applicable, general obligation bond anticipation notes and/or general obligation refunding bonds.
- Section 1 - Provides that Recitals are an integral part of the Ordinance and terms defined therein and not otherwise defined in the Ordinance Sections shall have the meanings given to such terms in the Recitals, and any official referred to by title in the Ordinance shall include any person serving in the absence or disability of a titled official or in an acting or interim capacity and any person generally referred to by another title (titles used in the Ordinance conform to titles used in the Charter or the City Code). Clarifies how references to “principal amount,” “proceeds,” and officials should be construed.
- Sections 2 – The City determines to borrow money and incur indebtedness for the public purpose of financing, reimbursing or refinancing “costs” (as defined in Section 3(b)) of the Projects.

- Section 3 – The City is authorized to issue its general obligation bonds in one or more series from time to time in an original aggregate principal amount not to exceed \$13,212,743 (the “Bonds”). Section 3(b) defines “costs” (hereafter referred to as “Costs of the Projects”) and the “Projects.” Provides that the City may reallocate principal amounts among the Projects without notice to or consent of the holders of the Bonds or any BANs (as identified in Section 6) and that proceeds may be spent on any applicable Costs of the Projects notwithstanding the descriptive names of the Projects including, without limitation, costs related to changes in the scopes of and/or names of any of the Projects effected through applicable budgetary procedures or applicable law, including to the extent applicable, by resolution. Provides for the allocation and reallocation, without notice to or the consent of the holders of any Bonds or any BANs, of unexpended proceeds, net original issue premium realized upon sale and/or investment earnings among the original Projects or any additional projects authorized by supplemental ordinance, as well as for certain other purposes. In the event the City issues any BANs, application of Bond proceeds to pay or prepay principal, premium and/or interest on the BANs as well as costs of issuance of the BANs will be deemed application for Costs of the Projects. Addresses additional considerations regarding application of the proceeds of the authorized Bonds (and, to the extent applicable, the authorized BANs).
- Section 4 – Proceeds of the Bonds will be used solely for the public purposes described in Section 3 of the Ordinance unless the Council enacts a supplemental ordinance, subject to Section 3(c); specifies circumstances in which a supplemental ordinance is not required.
- Section 5 - Prior to issuing any series of the Bonds, the Council shall adopt one or more resolutions fixing, determining, approving or providing for all details relating to such series. Section 5 sets forth the types of determinations to be made by resolution. Section 5 authorizes the Council to delegate to one or more officials authority to make any determinations with respect to a series of the Bonds.
- Section 6 - The City is authorized to issue and sell from time to time one or more series of general obligation bond anticipation notes (“BANs”) in an original aggregate principal amount not to exceed \$13,212,743 in order to finance, reimburse or refinance Costs of the Projects on an interim basis, plus costs of issuance of the BANs. Details regarding each series of BANs will be determined or provided for by resolution of the Council, and any such resolution shall make or provide for the same types of determinations provided for in Section 5 with respect to the Bonds, to the extent applicable to the BANs. By resolution the Council may delegate to one or more officials the authority to make any determinations with respect to a series of the BANs. The City covenants to pay from the Bonds the principal of any issued BANs, to issue Bonds to refinance any issued BANs as soon as the reason for deferring issuance of such Bonds abates, and to pay

interest on any issued BANs. The Ordinance provides that the Council may provide by resolution for renewal of any BANs at maturity with or without resale and for any modifications to the BANs and related documentation.

- Section 7 - The City is authorized to issue and sell from time to time one or more series of general obligation bonds in order to currently refund or advance refund any Bonds issued pursuant to the Ordinance, including by paying issuance costs and funded interest, provided that the original aggregate principal amount of any series of refunding bonds may not exceed 130% of the aggregate principal amount of the bonds refunded therefrom (the "Refunding Bonds"). Details regarding each series of Refunding Bonds will be determined or provided for by resolution of the Council, and any such resolution shall make or provide for the same types of determinations provided for in Section 5 with respect to the Bonds, to the extent applicable to the Refunding Bonds, and other determinations required by applicable law. Provides for the allocation and reallocation, without notice to or the consent of the holders of the Refunding Bonds, of unexpended proceeds, net original issue premium realized upon sale and/or investment earnings. By resolution the Council may delegate to one or more officials the authority to make any determinations with respect to a series of the Refunding Bonds.
- Section 8 – The City pledges its full faith and credit and unlimited taxing power to the payment of any issued Bonds, BANs or Refunding Bonds ("Obligations"); to the extent other moneys are available for such purpose, the City may apply such other moneys to pay debt service on such Obligations as long as such application does not violate federal tax code limitations or other applicable law. In addition, the Council by resolution may provide that all or a portion of debt service on any series of the Obligations may be payable in the first instance from other sources(s).
- Section 9 – By resolution the Council may make appropriate arrangements in the event any put option, change in interest rate or modification of any issued Obligation could lead to a reissuance of the same for federal tax code purposes.
- Section 10 - By resolution the Council may determine that any series of the Obligations may be consolidated with any other bonds, bond anticipation notes or refunding bonds of the City, as applicable, and issued as a single series.
- Section 11 – By resolution the Council may authorize any modifications to a series of the Obligations once issued and related documentation unless under applicable law the proposed modifications require action by ordinance in addition to or in place of a resolution.

- Section 12 – Appropriate officials are authorized to take all action necessary to complete and close the sale and delivery of each series of the Obligations and to consummate the transactions contemplated by such issues.
- Section 13 – Nothing in the Ordinance should be construed as preventing the City from applying other moneys to any of the purposes for which a series of the Obligations is issued.
- Section 14 – Addresses attestation as to the City seal if the City Clerk is not available.
- Section 15 – Allows for the Ordinance to be executed in counterparts and/or to the extent not prohibited by applicable law, by electronic, stamped or facsimile signature.
- Section 16 – Title is a statement of the substance of the Ordinance for publication and all other purposes.
- Section 17 – Provisions of the Ordinance shall be liberally construed.
- Section 18 - Ordinance will be effective following approval by the Mayor or subsequent passage by the Council over the Mayor’s veto in accordance with Charter Section SC2-12.

Notes:

(1) Even though it is currently expected (without having gone through the tax due diligence process) that the City will issue all the authorized Bonds at one time, as a single series, the Bonds are authorized to be issued in one or more series from time to time at a stated not-to-exceed original aggregate principal amount in case the City decides to undertake the contemplated borrowing in stages or in case both tax-exempt and taxable series need to be issued.

(2) Pursuant to the Charter, the Council may determine a method of sale by resolution. The contemplated Bonds, due to the current expectation that they will be issued at one time and their aggregate issue size, are expected to be sold by a public sale at competitive bid. Forms of sale other than a public sale at competitive bid include: (i) a negotiated underwriting with one or more underwriters chosen by the City, (ii) a direct purchase transaction with a single bank where the City just approaches/negotiates with one bank to provide the financing or (iii) a direct purchase transaction where an RFP process is used to identify the bank that will purchase the applicable series of the obligations.

(3) BAN issuance authority is contained in the Ordinance in case interest rates have moved up at the time the City is ready to pursue financing for the Projects and the City decides to incur a short-term borrowing in order to finance, reimburse or refinance Costs of the Projects on an interim basis. If BANs are issued, the expectation is that Bonds will be issued at a later date to pay/prepay the BANs at or prior to maturity.

(4) The reason the maximum principal amount of each series of Refunding Bonds is expressed as a percentage of the outstanding principal amount of the Bonds being refunded is because refunding bonds are usually sized to cover not only outstanding principal of the bonds being refunded but also accrued interest, any prepayment or redemption premium and costs of issuance of the refunding bonds. Also, refunding authority is included in the Ordinance because if the market moves in the right direction at a later date that makes it advantageous for the City to refund any of the Bonds, the City can move quickly because it can determine or provide for the details of the Refunding Bonds by resolution rather than having to first authorize the Refunding Bonds by ordinance at that time. A “current refunding” means that all refunded Bonds are paid off (at maturity or by earlier prepayment/redemption) no more than 90 days after the date the Refunding Bonds are issued. An “advance refunding” means that all or some of the refunded Bonds are paid off (at maturity or by earlier prepayment/redemption) more than 90 days after the date the Refunding Bonds are issued. Under current law, any Refunding Bonds issued to effect an advance refunding must be issued on a taxable basis.

ORDINANCE NO. 2864

AN ORDINANCE OF THE COUNCIL (THE "COUNCIL") OF THE CITY OF SALISBURY TO AUTHORIZE AND EMPOWER CITY OF SALISBURY (THE "CITY") TO SELL AND ISSUE FROM TIME TO TIME, UPON ITS FULL FAITH AND CREDIT, ONE OR MORE SERIES OF (1)(A) GENERAL OBLIGATION BONDS AND (B) GENERAL OBLIGATION BOND ANTICIPATION NOTES, EACH IN AN ORIGINAL AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED THIRTEEN MILLION TWO HUNDRED TWELVE THOUSAND SEVEN HUNDRED FORTY-THREE DOLLARS (\$13,212,743), AND (2) GENERAL OBLIGATION REFUNDING BONDS, SUBJECT TO THE LIMITATIONS PROVIDED FOR HEREIN, THE PROCEEDS OF THE SALE THEREOF TO BE USED AND APPLIED FOR THE PUBLIC PURPOSE OF FINANCING, REIMBURSING OR REFINANCING COSTS OF THE PUBLIC PURPOSE PROJECTS IDENTIFIED HEREIN AS STATION #16 HVAC REPLACEMENT, DOWNTOWN STREET SCAPING, TOWNSQUARE, TOWN SQUARE, RAIL TRAIL MASTER PLAN IMPLEMENTATION, APPARATUS REPLACEMENT - RESCUE 16, JOHNSON POND DAM IMPROVEMENTS, BEAGLIN PARK DAM IMPROVEMENTS, GOB EXTERIOR WATERPROOFING, ZOO FACILITY IMPROVEMENTS, NORTH PRONG PARK LAND ACQUISITION, STREET LIGHT ADDITIONS AND REPLACEMENT, AMPHITHEATER PEDESTRIAN BRIDGE, RESTORE PARK WELL FIELD, RESTORE PALEO WELL FIELD, WWTP ELECTRIC UPGRADES, PARK WELL FIELD RAW WATER MAIN & VALVE RPLC, GLEN AVENUE LIFT STATION, WWTP OUTFALL INSPECTION AND REPAIRS, SOUTHSIDE PUMP STATION FORCE MAIN, PARK WELL FIELD, PARK WELL 2, SOLID WASTE DISP, AND COSTS OF ISSUANCE; SPECIFYING THE MAXIMUM ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF THE BONDS OR BOND ANTICIPATION NOTES PROVIDED FOR HEREIN TO BE ALLOCATED TO EACH SUCH PROJECT, SUBJECT TO REALLOCATION BY THE CITY IN ACCORDANCE WITH APPLICABLE BUDGETARY PROCEDURES OR LAW; PROVIDING THAT THE COUNCIL BY RESOLUTION SHALL DETERMINE, APPROVE OR PROVIDE FOR VARIOUS MATTERS RELATING TO THE AUTHORIZATION, SALE, SECURITY, ISSUANCE, DELIVERY, PAYMENT AND PREPAYMENT OR REDEMPTION OF AND FOR EACH SERIES OF THE BONDS, THE BOND ANTICIPATION NOTES AND THE REFUNDING BONDS (EACH A "SERIES OF THE OBLIGATIONS" OR THE "OBLIGATIONS"); PROVIDING FOR THE IMPOSITION OF AD

Underlining : Indicates material added by amendment after introduction
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42 VALOREM TAXES SUFFICIENT FOR, AND PLEDGING THE FULL
43 FAITH AND CREDIT AND UNLIMITED TAXING POWER OF THE CITY
44 TO, THE PAYMENT OF DEBT SERVICE ON EACH SERIES OF THE
45 OBLIGATIONS; PROVIDING THAT DEBT SERVICE ON EACH SERIES
46 OF THE OBLIGATIONS ALSO MAY BE PAID FROM ANY OTHER
47 SOURCES OF REVENUE LAWFULLY AVAILABLE TO THE CITY FOR
48 SUCH PURPOSE; PROVIDING THAT CERTAIN ACTIONS MAY BE
49 TAKEN OR PROVIDED FOR BY RESOLUTION IN CONNECTION WITH
50 THE REISSUANCE OR MODIFICATION OF ANY OF THE
51 OBLIGATIONS; PROVIDING THAT ANY OF THE OBLIGATIONS MAY
52 BE CONSOLIDATED WITH OTHER OBLIGATIONS OF THE CITY AND
53 ISSUED AS A SINGLE SERIES OF BONDS, BOND ANTICIPATION
54 NOTES AND/OR REFUNDING BONDS; AUTHORIZING, DIRECTING
55 AND EMPOWERING OFFICIALS AND EMPLOYEES OF THE CITY TO
56 TAKE CERTAIN ACTIONS IN CONNECTION WITH THE
57 OBLIGATIONS; AUTHORIZING MODIFICATIONS OF THE
58 OBLIGATIONS TO BE MADE BY RESOLUTION UNLESS ANOTHER
59 ACTION IS REQUIRED; PROVIDING THAT THIS TITLE SHALL BE
60 DEEMED A STATEMENT OF THE SUBSTANCE OF THIS ORDINANCE
61 FOR ALL PURPOSES; PROVIDING THAT THE PROVISIONS OF THIS
62 ORDINANCE SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE
63 GENERALLY RELATING TO THE SALE, ISSUANCE AND DELIVERY
64 AND PAYMENT OF AND FOR THE OBLIGATIONS.

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66 **RECITALS**
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68 **WHEREAS**, City of Salisbury, a municipal corporation of the State of Maryland and a
69 municipality within the meaning of the Enabling Act, the Bond Anticipation Note Act and the
70 Refunding Act identified below (the “City”), is authorized and empowered by Sections 19-301
71 through 19-309 of the Local Government Article of the Annotated Code of Maryland, as replaced,
72 supplemented or amended (the “Enabling Act”), and Sections SC7-45 and SC7-46 of the Charter of
73 the City of Salisbury, as replaced, supplemented or amended (the “Charter”), to borrow money for
74 any proper public purpose and to evidence such borrowing by the sale and issuance of its general
75 obligation bonds; and
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77 **WHEREAS**, the City has determined to undertake the public purpose projects identified in
78 Section 3(b) of this Ordinance; and
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80 **WHEREAS**, the City has determined to authorize the sale and issuance from time to time of
81 one or more series of its general obligation bonds in order to finance, reimburse or refinance all or a
82 portion of the costs of any of the public purpose projects identified in Section 3 of this Ordinance; and
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Underlining : Indicates material added by amendment after introduction
~~Strike-through~~ : Indicates material deleted by amendment after introduction

84 **WHEREAS**, prior to issuing one or more series of the general obligation bonds authorized
85 hereby, the City may need to obtain interim financing in order to finance, reimburse or refinance
86 applicable project costs on a timely basis through the sale and issuance from time to time of general
87 obligation bond anticipation notes in one or more series as authorized by Sections 19-211 through 19-
88 223 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented
89 or amended (the “Bond Anticipation Note Act”); and
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91 **WHEREAS**, subsequent to the issuance of any general obligation bonds provided for herein,
92 the City may desire to currently refund or advance refund all or a portion of such bonds through the
93 sale and issuance from time to time of one or more series of its general obligation refunding bonds as
94 authorized by Section 19-207 of the Local Government Article of the Annotated Code of Maryland,
95 as replaced, supplemented or amended (the “Refunding Act”); and
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97 **WHEREAS**, the City has determined to pledge its full faith and credit and unlimited taxing
98 power to the prompt payment of debt service on any general obligation bonds, bond anticipation notes
99 or refunding bonds authorized hereby; and
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101 **WHEREAS**, the City shall issue any general obligation bonds, bond anticipation notes or
102 refunding bonds authorized hereby in accordance with the terms and conditions provided for in a
103 resolution or resolutions to be adopted by the Council of the City (the “Council”) pursuant to the
104 authority of the Enabling Act, the Bond Anticipation Note Act, the Refunding Act, other applicable
105 law, Sections SC7-45 and SC7-46 of the Charter and this Ordinance, as applicable.
106

107 **SECTION 1. NOW, THEREFORE BE IT ENACTED AND ORDAINED BY THE**
108 **COUNCIL OF THE CITY OF SALISBURY, MARYLAND** that:
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110 (a) The Recitals to this Ordinance are deemed a substantive part of this Ordinance and
111 incorporated by reference herein. Capitalized terms used in the Sections of this Ordinance and not
112 defined herein shall have the meanings given to such terms in the Recitals.

113 (b) References in this Ordinance to any official by title shall be deemed to refer (i) to any
114 official authorized under the Charter, the code of ordinances of the City (the “City Code”) or other
115 applicable law or authority to act in such titled official’s stead during the absence or disability of such
116 titled official, (ii) to any person who has been elected, appointed or designated to fill such position in
117 an acting or interim capacity under the Charter, the City Code or other applicable law or authority,
118 (iii) to any person who serves in a “deputy”, “associate” or “assistant” capacity as such an official,
119 provided that the applicable responsibilities, rights or duties referred to herein have been delegated to
120 such deputy, associate or assistant in accordance with the Charter, the City Code or other applicable
121 law or authority, and/or (iv) to the extent an identified official commonly uses another title not
122 provided for in the Charter, the City Code or other applicable law or authority, the official, however
123 known, who is charged under the Charter, the City Code or other applicable law or authority with the
124 applicable responsibilities, rights or duties referred to herein.

Underlining : Indicates material added by amendment after introduction
~~Strike through~~ : Indicates material deleted by amendment after introduction

125 (c) References in this Ordinance to the “principal amount” of any of the Bonds, the BANs,
126 the Refunding Bonds or the Obligations (each as defined herein) shall be construed to mean the par
127 amount of such Bonds, BANs, Refunding Bonds or Obligations, as applicable. References in this
128 Ordinance to the “proceeds” of any of the Bonds, the BANs, the Refunding Bonds or the Obligations
129 shall be construed to mean par amount, net original issue premium realized upon sale and/or
130 investment earnings. References in this Ordinance to “investment earnings” shall be construed to
131 include interest income.

132 (d) References in this Ordinance to City officials shall be construed to include
133 references to City employees, to the extent applicable.

134 **SECTION 2. BE IT FURTHER ENACTED AND ORDAINED** that pursuant to the
135 authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter and any other applicable
136 law, the City hereby determines to borrow money and incur indebtedness from time to time for the
137 public purpose of financing, reimbursing or refinancing costs (as defined in Section 3(b) hereof) of
138 any of the Projects identified in Section 3(b) hereof.

139
140 **SECTION 3. BE IT FURTHER ENACTED AND ORDAINED** that:

141 (a) To evidence the borrowing and indebtedness authorized in Section 2 of this
142 Ordinance, the City, acting pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-
143 46 of the Charter and any other applicable law, hereby determines to authorize the sale and issuance
144 from time to time, in one or more series, upon its full faith and credit, of its general obligation bonds
145 in an original aggregate principal amount not to exceed Thirteen Million Two Hundred Twelve
146 Thousand Seven Hundred Forty-Three Dollars (\$13,212,743) (each, a “series of the Bonds” and,
147 collectively, the “Bonds”). Any series of the Bonds may be issued as one or more bonds and any
148 such bond may be issued in installment form and/or draw-down form.

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151 (b) With respect to the projects listed below, the word “costs” as used in Section 2 hereof
152 shall include, as applicable, costs of the following activities and expenses: land and right-of-way
153 acquisition and development; acquisition of other property rights; site and utility improvements,
154 including, without limitation, grading, landscaping, paving and repaving, sidewalk, curb, gutter, storm
155 water, water and sewer improvements, street lights, traffic control improvements, other amenities,
156 and related or similar activities and expenses; demolition, razing and removal and related or similar
157 activities and expenses; acquisition, construction, expansion, reconstruction, replacement, renovation,
158 rehabilitation, upgrading, improvement, installation, furnishing and equipping activities and
159 expenses, and related or similar activities and expenses; planning, design, testing, study, feasibility,
160 surveying, architectural, engineering, document development, bidding, permitting, inspection,
161 construction management, financial, administrative and legal expenses, and related or similar
162 activities and expenses; contingencies; costs of issuance (which may include costs of bond insurance
163 or other credit or liquidity enhancement); interest during construction and for a reasonable period
164 thereafter (whether or not expressly so stated); and any such costs that may represent the City’s share

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165 or contribution to the financing, reimbursement or refinancing of the costs of any such project
166 (collectively, "Costs of the Projects"). The maximum original aggregate principal amount of the
167 Bonds (or the BANs, as identified in Section 6 hereof) to be appropriated or applied to the Costs of
168 the Projects (exclusive of any net original issue premium realized upon sale or investment earnings
169 that may be applied for such purposes) shall be allocated among the following public purpose projects
170 in the maximum principal amount set forth opposite each, except as otherwise herein provided:

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Station #16 HVAC Replacement (1)	\$ 130,000
2.	Downtown Street Scaping (1)	775,000
3.	TownSquare (1)	900,000
4.	Town Square (2)	200,000
5.	Rail Trail Master Plan Implementation (1)	700,000
6.	Apparatus Replacement – Rescue 16 (3)	1,625,000
7.	Johnson Pond Dam Improvements (3)	1,550,000
8.	Beaglin Park Dam Improvements (4)	100,000
9.	GOB Exterior Waterproofing (4)	175,000
10.	Zoo Facility Improvements (4)	350,000
11.	North Prong Park Land Acquisition (4)	100,000
12.	Street Light Additions and Replacement (4)	105,000
13.	Amphitheater Pedestrian Bridge (4)	125,000
14.	Restore Park Well Field (3)	175,000
15.	Restore Paleo Well Field (3)	217,000
16.	WWTP Electric Upgrades (3)	1,060,493
17.	Park Well Field Raw Water Main & Valve Rplc (3)	875,000
18.	Glen Avenue Lift Station (3)	750,000
19.	WWTP Outfall Inspection and Repairs (3)	500,000
20.	Southside Pump Station Force Main (3)	495,000
21.	Park Well Field (4)	550,000
22.	Park Well 2 (4)	350,000
23.	Solid Waste Disp (4)	810,250
24.	Southside Pump Station Force Main (5)	295,000
25.	Costs of Issuance (4)	<u>300,000</u>
TOTAL		<u>\$13,212,743</u>

177

178 ¹ Project was approved for bond funding in fiscal year 2024 by the fiscal year 2023 budget ordinance
 179 (Ordinance No. 2721).

180 ² Project was approved for additional bond funding in fiscal year 2024 by amendments to the fiscal
 181 year 2023 budget ordinance through Ordinance No. 2774.

182 ³ Project was approved for bond funding in the fiscal year 2024 budget ordinance (Ordinance No.
 183 2802).

184 ⁴ Project is scheduled to be approved for bond funding during fiscal year 2024 by amendments to the
 185 fiscal year 2024 budget ordinance.

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186 ⁵ Project is scheduled to be approved for additional bond funding by amendments to the fiscal year
187 2024 budget ordinance.
188

189 The projects, including costs of issuance, identified in items 1-25 above are collectively referred to
190 herein as the “Projects.” The Projects described in items 1-25 above are identified by approximately
191 the same names as such Projects are identified in City budgets and related materials. By inclusion in
192 the table above, the City hereby appropriates up to the maximum principal amount of any issued
193 Bonds (or any issued BANs, as applicable) for application to the Costs of the Projects as provided for
194 in such table, subject to the further provisions of this Ordinance. The City, without notice to or the
195 consent of any registered owners of any issued Bonds (or the registered owners of any issued BANs,
196 as applicable), may allocate and reallocate the maximum principal amount of any issued Bonds (and
197 of any issued BANs, as applicable) (exclusive of any net original issue premium realized upon sale
198 or investment earnings that may be applied for such purposes) to be spent on Costs of the Projects
199 among any of the Projects in compliance with applicable budgetary procedures or applicable law,
200 including, to the extent applicable, by resolution. Further, it is the intention of the Council that the
201 principal amount of any issued Bonds (or of any issued BANs, as applicable) may be spent on any
202 applicable Costs of the Projects, notwithstanding the descriptive names used for the Projects in the
203 table above, including, without limitation, costs related to changes in the scopes of and/or names of
204 the Projects effected through applicable budgetary procedures or applicable law.

205 (c) It is the intention of the Council that, without having to amend this Ordinance,
206 unless an amendment is necessary to modify the definition of “Costs of the Projects,” and without
207 notice to or the consent of the owners of any issued Bonds (or the owners of any issued BANs
208 provided for in Section 6 hereof, as applicable), the principal amount of any issued Bonds (or of
209 any issued BANs, as applicable) may be spent on any applicable Costs of the Projects,
210 notwithstanding the descriptive name used for the Projects in the table above, including, without
211 limitation, costs related to changes in the scope of and/or name of any Project effected through
212 applicable budgetary procedures or applicable law.

213 (d) The Council, by enactment of a supplemental ordinance, and without notice to or
214 consent of the owners of any issued Bonds (or the owners of any issued BANs, as applicable), may
215 reallocate any portion of the principal amount thereof to be spent on Costs of the Projects (as such
216 definition may be amended by supplemental ordinance) of one or more additional projects identified
217 in such supplemental ordinance and, in such event, (i) references in this Ordinance to the “Projects”
218 shall be deemed to include the Projects identified in subsection (b) above and all such additional
219 projects (unless any original or additional project is removed entirely from the definition of the
220 Projects by a supplemental ordinance), and (ii) references in this Ordinance to “Costs of the Projects”
221 shall be deemed to include any modifications to such definition, as applicable. After any such
222 reallocation is made by supplemental ordinance, the Council, without notice to or the consent of the
223 owners of any issued Bonds (or the owners of any issued BANs, as applicable), may reallocate the
224 maximum principal amount of any issued Bonds (and of any issued BANs, as applicable) to be spent

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225 on Costs of the Projects among all such authorized projects in compliance with applicable budgetary
226 procedures or applicable law.

227
228 (e) In the event the City issues any series of the BANs pursuant to Section 6 of this
229 Ordinance, proceeds of the Bonds of any series in anticipation of which such series of the BANs were
230 issued may also be applied to prepay or pay principal, premium and/or interest on such series of the
231 BANs as well as costs of issuance thereof in accordance with the provisions of the Bond Anticipation
232 Note Act, and such application shall be deemed the payment of Costs of the Projects for purposes of
233 this Ordinance.

234
235 (f) Subject to the provisions of subsections (d) and (e) above, by resolution or as
236 otherwise allowed by applicable law, and without notice to or the consent of any registered owners
237 of any issued Bonds (or of any issued BANs, as applicable), the Council may determine or provide
238 for the determination of, and subsequently reallocate, how any unexpended par amount of any series
239 of the Bonds (or any series of the BANs, as applicable), net original issue premium realized upon sale
240 and/or any investment earnings shall be expended, which may include, without limitation, on Costs
241 of the Projects (including costs of issuance), to prepay or pay principal, premium and/or interest on a
242 series of the BANs, and/or on debt service payable or prepayable on any such series of the Bonds or
243 of the BANs, as applicable, to the extent not prohibited by applicable law.

244
245 (g) To the extent not prohibited by applicable law, the authorization of the sale and
246 issuance of the Bonds and the BANs provided for in this Ordinance in order to finance, reimburse or
247 refinance Costs of the Projects shall be construed to authorize the sale and issuance of any series of
248 the Bonds or the BANs in any fiscal year later than fiscal year 2024 for such purpose in the event
249 such authority is not fully used in fiscal year 2024, for whatever reason; provided that, no BANs shall
250 be issued to finance, reimburse or refinance Costs of any Project once the authority to issue Bonds to
251 finance, reimburse or refinance Costs of such Project has been used up to the maximum principal
252 amount specified for such Project in the table in subsection (b) above.

253
254 **SECTION 4. BE IT FURTHER ENACTED AND ORDAINED** that the proceeds of the
255 Bonds shall be used and applied by the City exclusively and solely for the public purposes described
256 in Section 3 of this Ordinance, unless a supplemental ordinance is enacted by the Council to provide
257 for the use and application of such proceeds for some other proper public purpose authorized by the
258 Enabling Act, the Charter or other applicable law; provided that, no such supplemental ordinance
259 shall be required if changes in the scope of or name of any Project are otherwise made as
260 contemplated in Section 3(c) of this Ordinance.

261
262 **SECTION 5. BE IT FURTHER ENACTED AND ORDAINED** that pursuant to the
263 authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, this Ordinance and any
264 other applicable law, the Council, prior to the sale, issuance and delivery of each series of the Bonds,
265 shall adopt a resolution or resolutions specifying, prescribing, determining, providing for or approving
266 such matters, details, forms (including, without limitation, the form or substantially final form of the

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267 Bonds of such series), documents or procedures as may be required by the Enabling Act, Sections
268 SC7-45 and SC7-46 of the Charter, other applicable law or this Ordinance or as the Council may
269 deem appropriate for the authorization, sale, security, issuance, delivery, payment, prepayment or
270 redemption of or for such series of the Bonds, subject to the limitations of any applicable law. Any
271 such resolution may, subject to the limitations of any applicable law, set forth, determine or provide
272 for the determination of, provide for, or approve or provide for the approval of, among other
273 matters, as applicable, the designation of such series of the Bonds; the date of issuance of such series
274 of the Bonds; the original aggregate principal amount of such series of the Bonds; the denomination
275 or denominations of such series of the Bonds; the maturity or maturities of such series of the Bonds,
276 or the method of determining such maturity or maturities; the principal installment or installments
277 (including, without limitation, serial maturities and/or mandatory sinking fund installments) payable
278 on such series of the Bonds or the method of determining such principal installments; the rate or rates
279 of interest, or the method of determining the rate or rates of interest, payable on such series of the
280 Bonds, which may be fixed or variable; provisions for the payment of late fees, additional interest
281 and/or penalties payable with respect to such series of the Bonds and/or adjustments to interest rates;
282 the purchase price for such series of the Bonds (which may be at, above or below par value) or the
283 method of determining the purchase price; provisions relating to the prepayment or redemption of
284 such series of the Bonds at the City's option or by mandatory sinking fund payments; provisions
285 allowing the registered owners of such series of the Bonds to put or cause the prepayment or
286 redemption of the same at their option; the manner of selling such series of the Bonds, which may be
287 by private (negotiated) sale without advertisement or solicitation of competitive bids (including in a
288 negotiated underwriting or by direct purchase) or at public sale after publication or dissemination of
289 the notice of sale (in any manner permitted by applicable law), and all matters in connection therewith,
290 including any forms or substantially final forms of documents, agreements, certificates, instruments
291 or notices authorized or required by applicable law; provisions for the execution of such series of the
292 Bonds; whether any net original issue premium realized upon sale shall be applied to reduce the par
293 amount of such series of the Bonds to be issued for the intended purposes; any limitations on the Costs
294 of the Projects on which the proceeds of such series of the Bonds may be expended and further
295 provisions for the appropriation, disposal and investment of such proceeds; the selection of any bond
296 registrar, paying agent, investment bidding agent or other appropriate service providers in connection
297 with such series of the Bonds; certifications, representations, determinations, designations or elections
298 relating to the tax-exempt or taxable status of interest payable on such series of the Bonds; and all
299 other terms and conditions pursuant to which such series of the Bonds will be issued, sold and
300 delivered, including, without limitation, any other determinations to be made or provided for by
301 resolution as required by Charter Section SC7-46.A. Among other matters, the Council by resolution
302 may authorize, approve or otherwise provide for (i) payment of any commitment fee, breakage fee or
303 other fee and any other costs (including other parties' legal costs and expenses) payable in connection
304 with any series of the Bonds, (ii) the obtaining of credit enhancement or liquidity enhancement for
305 any series of the Bonds (and the negotiation, approval, execution and delivery of any agreements or
306 documents relating thereto), and (iii) any other agreements, documents, instruments or determinations
307 necessary or desirable to enhance the marketability of or as security for any series of the Bonds,
308 including, without limitation, any ratings, any official statement or similar disclosure document or

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309 any continuing disclosure undertaking required to satisfy the requirements of Securities and Exchange
310 Commission Rule 15c2-12. References in this Section 5 to providing for determinations by resolution
311 shall be construed to permit the Council to delegate to one or more officials the authority to make or
312 provide on behalf of the City any of the determinations, approvals or other decisions contemplated by
313 this Section 5. Any resolution may specify, prescribe, determine or provide for the determination of,
314 provide for, or approve or provide for the approval of, the matters identified in this Section 5 for more
315 than one series of the Bonds.

316
317

SECTION 6. BE IT FURTHER ENACTED AND ORDAINED that:

318 (a) Pursuant to the authority of the Bond Anticipation Note Act, Sections SC7-45 and
319 SC7-46 of the Charter and any other applicable law, the City is hereby authorized and empowered
320 to sell and issue, upon its full faith and credit, its general obligation bond anticipation notes in one or
321 more series from time to time in an original aggregate principal amount not to exceed Thirteen
322 Million Two Hundred Twelve Thousand Seven Hundred Forty-Three Dollars (\$13,212,743) (each,
323 a “series of the BANs” and, collectively, the “BANs”), prior to and in anticipation of the sale of any
324 series of the Bonds, for the public purpose of financing, reimbursing or refinancing Costs of the
325 Projects on an interim basis. Any such series of the BANs may consist of one or more notes and any
326 note may be issued in installment form and/or draw-down form.

327 (b) Prior to the sale, issuance and delivery of each series of the BANs, the Council shall
328 adopt a resolution or resolutions pursuant to the authority of the Bond Anticipation Note Act, Sections
329 SC7-45 and SC7-46 of the Charter, any other applicable law and this Ordinance authorizing such
330 series of the BANs and specifying, prescribing, determining or providing for the determination of,
331 providing for, or approving or providing for the approval of, with respect to such series of the BANs,
332 the same types of matters, details, forms, documents, procedures or determinations detailed in Section
333 5 hereof that may be made or addressed with respect to any series of the Bonds, to the extent
334 applicable with respect to such series of the BANs, and as otherwise may be authorized or required
335 by applicable law, including, without limitation, whether any net original issue premium realized
336 upon sale shall be applied to reduce the par amount of such series of the BANs to be issued for the
337 intended purposes. By resolution the Council may delegate to one or more City officials the authority
338 to make any final determinations, approvals or decisions with respect to any series of the BANs. Any
339 resolution may specify, prescribe, determine or provide for the determination of, provide for, or
340 approve or provide for the approval of, the details required or authorized by this Section 6 for more
341 than one series of the BANs.

342 (c) The City hereby covenants (i) to pay from the proceeds of one or more series of the
343 Bonds the principal of any series of the BANs actually issued, (ii) to the extent that interest on any
344 series of the BANs is not paid from proceeds of such BANs (within the limitations of applicable law),
345 to pay the interest on such series of the BANs from the proceeds of one or more series of the Bonds,
346 and (iii) to issue the applicable series of the Bonds as soon as there is no longer a reason for deferring
347 its issuance. This covenant shall not be construed to prevent the City from paying principal of and/or

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348 interest on any series of the BANs from sources of funds other than proceeds of the Bonds, to the
349 extent such other funds are available for such purpose.

350 (d) As authorized by the Bond Anticipation Note Act, by resolution the Council may
351 provide for the renewal of any series of the BANs at maturity with or without resale, together with
352 any amendments or modifications to or replacements of such series of the BANs and any related
353 documentation.

354 **SECTION 7. BE IT FURTHER ENACTED AND ORDAINED** that:

355 (a) Pursuant to the authority of the Enabling Act, the Refunding Act, Sections SC7-45
356 and SC7-46 of the Charter and any other applicable law, the City is hereby authorized and
357 empowered to sell and issue, upon its full faith and credit, its general obligation refunding bonds
358 in one or more series from time to time (each, a “series of the Refunding Bonds” and, collectively,
359 the “Refunding Bonds”), for the purpose of currently refunding or advance refunding in whole or
360 in part any of the Bonds then outstanding, including paying all or any portion of the following:
361 outstanding principal, any prepayment or redemption premium, and/or interest accrued or to accrue
362 to the date or dates of prepayment, redemption, purchase or maturity of the Bonds to be refunded,
363 paying costs and expenses in connection with the sale, issuance and delivery of such series of the
364 Refunding Bonds (including, without limitation, legal and financial costs and costs of any credit
365 enhancement or liquidity enhancement), and, to the extent determined or provided for by the
366 Council by resolution, paying interest on such series of the Refunding Bonds, for the public
367 purpose of (A) realizing savings to the City in the total cost of debt service on a direct comparison
368 or present value basis, (B) debt restructuring that reduces the total cost of debt service, (C) debt
369 restructuring that is determined to be in the best interests of the City, to be consistent with the City’s
370 long-term financial plan, and to realize a financial objective of the City, including improving the
371 relationship of debt service to any source of payment such as taxes, assessments or other charges,
372 and/or (D) for any other purpose then authorized by the Refunding Act or other applicable law, and
373 as determined or provided for by the Council by resolution; provided that, the original aggregate
374 principal amount of any series of the Refunding Bonds shall not exceed one hundred thirty percent
375 (130%) of the aggregate principal amount of the Bonds refunded therefrom. Any such series of the
376 Refunding Bonds may consist of one or more bonds and any bond may be issued in installment form
377 and/or draw-down form.

378 (b) Prior to the sale, issuance and delivery of each series of the Refunding Bonds, the
379 Council shall adopt a resolution or resolutions pursuant to the authority of the Refunding Act,
380 Sections SC7-45 and SC7-46 of the Charter, any other applicable law and this Ordinance
381 authorizing such series of the Refunding Bonds and specifying, prescribing, determining or
382 providing for the determination of, providing for, or approving or providing for the approval of,
383 with respect to such series of the Refunding Bonds, the same types of matters, details, forms,
384 documents, procedures and determinations detailed in Section 5 hereof that may be made or
385 addressed with respect to any series of the Bonds, to the extent applicable to such series of the

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386 Refunding Bonds, and as otherwise may be authorized or required by applicable law, including,
387 without limitation, the purposes of the Refunding Act or other applicable law to be achieved by
388 the issuance of such series of the Refunding Bonds, whether any net original issue premium
389 realized upon sale shall be applied to reduce the par amount of such series of the Refunding Bonds
390 to be issued for the intended purposes, the selection of any escrow agent, verification consultant,
391 escrow bidding agent or other service provider, the determination of the Bonds to be refunded in
392 whole or in part from such series of the Refunding Bonds, and any agreements, documents or other
393 instruments necessary or desirable in connection with the refunding. By resolution the Council
394 may delegate to one or more City officials the authority to make any final determinations, approvals
395 or decisions with respect to any series of the Refunding Bonds. Any resolution may specify,
396 prescribe, determine or provide for the determination of, provide for, or approve or provide for the
397 approval of, the details required or authorized by this Section 7 for more than one series of the
398 Refunding Bonds.

399 (c) By resolution or as otherwise allowed by applicable law, and without notice to or
400 the consent of the registered owners of any issued series of the Refunding Bonds, the Council may
401 determine or provide for the determination of, and subsequently reallocate, how any unexpended
402 par amount of such series of the Refunding Bonds, net original issue premium realized upon sale
403 and/or investment earnings shall be expended, which may include, without limitation, on refunding
404 the applicable Bonds, on costs of issuance of such series of the Refunding Bonds, and/or on debt
405 service payable or prepayable on such series of the Refunding Bonds, to the extent not prohibited
406 by applicable law.

407 **SECTION 8. BE IT FURTHER ENACTED AND ORDAINED** that:

408 (a) The full faith and credit and unlimited taxing power of the City are hereby pledged
409 to the payment of the principal of and interest on each series of the Bonds, the BANs or the
410 Refunding Bonds actually issued, as applicable (each, a “series of the Obligations” and,
411 collectively, the “Obligations”), when due and to the imposition of the taxes hereinbelow described
412 as and when such taxes may become necessary in order to provide sufficient funds to meet the debt
413 service requirements of each series of the Obligations. Subject to the further provisions of this
414 Section 8, the City hereby covenants with the registered owners of the Obligations of each series
415 to impose ad valorem taxes on all real and tangible personal property in the City that is subject to
416 assessment for unlimited municipal taxation at a rate and in an amount sufficient to pay the
417 principal of and the interest on the Obligations in each fiscal year in which any of the Obligations
418 are outstanding and to take any further action that may be lawfully appropriate from time to time
419 during the period that the Obligations of such series remain outstanding and unpaid to provide the
420 funds necessary to pay promptly the principal thereof and the interest due thereon. If the proceeds
421 from the taxes so imposed in any such fiscal year are inadequate for such payment, additional taxes
422 shall be imposed in the succeeding fiscal year to make up such deficiency.

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423 (b) The foregoing provisions shall not be construed so as to prohibit the City from
424 paying the principal of and interest on the Obligations of any series from the proceeds of the sale
425 of any other obligations of the City or from any other funds legally available for that purpose
426 (including, without limitation, with respect to any BANs, from the proceeds of any Bonds and,
427 with respect to any Bonds, from the proceeds of any Refunding Bonds). Within the limitations of
428 any applicable Maryland or federal law (including, without limitation, the Internal Revenue Code
429 of 1986, as amended, and the regulations issued thereunder), the City may apply to the payment
430 of the principal of or interest on the Obligations of any series any funds received by it from the
431 State of Maryland or the United States of America, or any governmental agency or instrumentality,
432 or from any other source, if the funds are granted or paid to the City for the purpose of assisting
433 the City in accomplishing the components of Costs of the Projects which the Obligations of such
434 series are issued to finance, reimburse or refinance or are otherwise available for such purpose,
435 and to the extent of any such funds received or receivable in any fiscal year, the taxes hereby
436 required to be imposed may be reduced proportionately.

437
438 (c) Pursuant to the authority of Section SC7-46.A. of the Charter, by resolution the
439 Council may provide that all or a portion of the debt service on the allocable portion of any series of
440 the Obligations shall be payable in the first instance from specified revenues or other moneys
441 identified in such resolution, to the extent available for such purpose.

442
443 **SECTION 9. BE IT FURTHER ENACTED AND ORDAINED** that by resolution, the
444 Council may make any appropriate arrangements (including, without limitation, by authorizing one
445 or more appropriate officials to make any elections, designations, determinations or filings on the
446 City's behalf) in the event any right of the registered owner of an Obligation to put or cause the
447 prepayment or redemption of such Obligation at its option, or any change in the interest rate of an
448 Obligation, or any other modification to an Obligation could lead to a reissuance of such Obligation
449 for purposes of the Internal Revenue Code of 1986, as amended, and the U.S. Treasury Regulations
450 promulgated thereunder.

451
452 **SECTION 10. BE IT FURTHER ENACTED AND ORDAINED** that by resolution, the
453 Council may determine that any of the Bonds, the BANs or the Refunding Bonds may be consolidated
454 with any bonds, bond anticipation notes and/or refunding bonds authorized by the Council and issued
455 as a single series of bonds, bond anticipation notes and/or refunding bonds, as applicable.

456
457 **SECTION 11. BE IT FURTHER ENACTED AND ORDAINED** that by resolution the
458 Council may make or authorize any modifications to (i) any series of the Obligations once issued, and
459 (ii) any related documentation, agreements, certificates or instruments, unless under applicable law
460 the proposed modifications require action by ordinance in addition to or in place of a resolution.

461
462 **SECTION 12. BE IT FURTHER ENACTED AND ORDAINED** that with respect to any
463 series of the Obligations, the Council by resolution may delegate to one or more specified officials
464 the authority to negotiate, approve, execute and deliver, as applicable, any documents, agreements,

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465 certificates or instruments relating to such Obligations or to take other actions with respect thereto.
466 The following City officials: the Mayor, the City Administrator, the Director of Finance, the City
467 Clerk and all other appropriate officials and employees of the City are hereby authorized, empowered
468 and directed to (i) take any and all action necessary to complete and close the sale, issuance and
469 delivery of the Bonds, the BANs and the Refunding Bonds, (ii) negotiate, approve, execute and
470 deliver all documents, agreements, certificates and instruments necessary or appropriate in connection
471 with any such sale, issuance and delivery, and (iii) carry out the transactions contemplated by this
472 Ordinance, any ordinance amendatory of or supplemental to this Ordinance, any resolution adopted
473 in furtherance of this Ordinance (including any amendatory or supplemental resolutions), and any
474 documents, agreements, certificates or instruments executed and delivered in connection with any
475 series of the Obligations, all to the extent any particular action is within the scope of such official's
476 authority and such authorization has not otherwise been delegated to one or more specified City
477 officials by ordinance or resolution.

478
479 **SECTION 13. BE IT FURTHER ENACTED AND ORDAINED** that nothing in this
480 Ordinance shall be construed as preventing the City from applying other available moneys to any of
481 the purposes for which any series of the Obligations is issued, in addition to proceeds of such
482 Obligations.

483
484 **SECTION 14. BE IT FURTHER ENACTED AND ORDAINED** that in the event that, to
485 the extent not prohibited by the Charter, at the time the City seal needs to be or may be impressed or
486 affixed on any of the Obligations or any related documents, agreements, certificates, instruments the
487 position of the City Clerk is vacant, or in the absence, disability or unavailability of any incumbent
488 City Clerk, if no other City official has the authority to attest to the impression or affixing of the City
489 seal under the Charter, the City Code or other applicable law or authority, such attestation may be
490 made by any of the following in the following order of priority: any Assistant City Clerk, the City
491 Administrator, any Deputy City Administrator, the Director of Finance or any other official
492 designated by the Council by resolution, motion or other appropriate action; provided that, the same
493 official may not both execute any such document or agreement on behalf of the City and attest to the
494 impression or affixing of the City seal on the same, but any such official may both certify to the
495 impression or affixing of the City seal on and make other certifications in any closing certificate.

496
497 **SECTION 15. BE IT FURTHER ENACTED AND ORDAINED** that this Ordinance may
498 be executed (i) in counterparts and/or (ii) to the extent not prohibited by applicable law, by
499 electronic, stamped or facsimile signature, and all executed counterparts of this Ordinance shall be
500 treated as one and the same instrument.

501
502 **SECTION 16. BE IT FURTHER ENACTED AND ORDAINED** that the title of this
503 Ordinance shall be deemed to be, and is, a statement of the substance of this Ordinance for publication
504 and all other purposes.

505

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506 **SECTION 17. BE IT FURTHER ENACTED AND ORDAINED** that the provisions of
507 this Ordinance shall be liberally construed in order to effectuate the transactions contemplated by this
508 Ordinance.

509
510 **SECTION 18. BE IT FURTHER ENACTED AND ORDAINED** that this Ordinance
511 shall become effective following approval by the Mayor or subsequent passage by the Council in
512 accordance with the provisions of Section SC2-12 of the Charter. Pursuant to Section SC2-16 of the
513 Charter, this Ordinance shall not be subject to petition for referendum.

514
515 **THIS ORDINANCE** was introduced and read at a meeting of the Council of the City of Salisbury
516 held on the _____ day of _____, 2024,
517 and thereafter, a statement of the substance of this Ordinance having been posted or published as
518 required by law, was finally passed by the Council _____ [as introduced] _____ [as
519 amended] [CHECK APPLICABLE LINE] on the _____ day of
520 _____, 2024.

521
522 **ATTEST:**

523
524
525
526 _____
527 **Kimberly R. Nichols, City Clerk**

526 _____
527 **D’Shawn M. Doughty, City Council**
528 **President**

529
530
531 **APPROVED BY ME THIS** _____ **DAY OF** _____, 2024:

532
533
534
535
536 _____
537 **Randolph J. Taylor, Mayor**

538
539 #235046;58111.046

Underlining : Indicates material added by amendment after introduction
Strike-through : Indicates material deleted by amendment after introduction



City of Salisbury

To: Andy Kitzrow, City Administrator
From: John Tull, Deputy City Administrator
Date: April 25, 2024
Subject: Ordinance to Accept MDOT Governor Highway Safety Association Funds

Attached you will find a Memorandum of Understanding (MOU) and an Ordinance requesting the approval of a budget amendment to the FY2024 grant fund for the purpose of accepting funds from the Governor Highway Safety Association (GHSA) Youth Active Transportation Safety Grant in the amount of \$25,000.

The Department of Infrastructure and Development has partnered with Salisbury University and the Maryland Department of Transportation to equip and train youth ambassadors in the City of Salisbury to improve transportation connectivity throughout the City of Salisbury. The City of Salisbury will provide office support and Salisbury University will recruit two University Seniors who will oversee the project under our general supervision.

The Scope of Work for this project will consist of developing, implementing, and evaluating a student transportation safety program that teaches safe walking, biking, and scooting. Programming will focus on safe transportation skills and include safe riding techniques, bike and scooter maintenance and practical hands-on learning sessions. Walking school buses and biking buses (guided and escorted rides) will be utilized to demonstrate how to navigate safely from home to school. These walking school buses consist of a group of children walking to school with one or more adults.

Thank you in advance for your time and consideration on this request. If you should have any questions or need any additional information, please do not hesitate to contact me.

Attachment: Budget Amendment Ordinance



Project Title: YATS 2024 Grant
Start Date: January 1, 2024
End date: November 30, 2024
Amount:\$25,000
Code:802

MEMORANDUM OF UNDERSTANDING

This document outlines the agreement between the Governors Highway Safety Association (GHSA) and Maryland Highway Safety Office (MHSO) to receive \$25,000 in unrestricted funds to develop, implement and evaluate a youth active transportation safety program.

GHSA agrees to:

- Provide \$25,000 payable in two installments of \$12,500 within 45 days of submission of invoices from the SHSO based on the following timeline:
 - 50% at project launch and
 - 50% upon project or activity completion.
- Issue a news release announcing the grant award and provide the MHSO an opportunity to review it prior to distribution.
- Monitor project progress and provide technical support to the MHSO and/or its community partners, as needed.
- Develop a project showcase following the completion of the project that will be housed on the GHSA website.

Upon execution of this memorandum, any changes to the invoicing process must be documented and discussed with GHSA.

The MHSO agrees to:

- Submit by February 29, 2024, an invoice for 50% of the grant amount (\$12,500) using GHSA's online [invoice form](#).
- Finalize the scope of work and email it to GHSA within 30 days of the grant start.
- Work with any sub-contractors and/or third-party vendors to monitor the project and ensure all work is done
- Promote the grant (to the extent possible) through news releases, social media posts or other communication channels that includes:
 - Allowing GHSA an opportunity to review any media announcement before it is released.
 - Tagging GHSA and the National Road Safety Foundation on all social media posts, as follows:
 - Twitter - @GHSAHQ; @NRSForg
 - Facebook - @GHSAHQ, @NRSForg
 - LinkedIn - Governors Highway Safety Association

- Once the project is underway, use GHSA’s online form to submit [monthly reports](#) by the **10th of the following month.**
- Complete all grant activities by October 31, 2024.
- **Within 30 days of concluding** the project (which must be 100% complete before submitting the final invoice) and no later than November 30, 2024:
 - Submit a final report using GHSA’s [online report form](#).
 - Provide a final invoice detailing the balance due, accompanied by receipts for all expenses incurred in the execution of this project as outlined in the scope of work

If the terms outlined in this Memorandum of Understanding (MOU) do not commence within six (6) months from the specified project start date, it shall be deemed that the agreed-upon terms have not been met. In such a scenario, GHSA retains the right to terminate this MOU by providing written notice to MHSO. In the event of termination, the MHSO will be obligated to reapply for the grant, contingent upon the availability of funds. Should the terms remain unfulfilled, all unused funds must be returned at that time.

SIGNATURES

For Governors Highway Safety Association:

For Maryland Highway Safety Office:



Signed with DocuBee — 82821fa8df7c

Signature

Jonathan Adkins

Name

January 30, 2024

Date



Signed with DocuBee — 6c6b64bb67b

Signature

Jimmy Allen

Name

February 09, 2024

Date



Signature Process Reference: f880cd26-377f-42da-8b21-15f3bbce81e3

PARTICIPANT

DETAILS

	Process started 30-Jan-2024 9:35 AM EST
jadkins@ghsa.org jadkins@ghsa.org IP Address: 205.201.248.18	Document viewed 30-Jan-2024 3:23 PM EST Reference ID: daa62097-3379-423c-85bc-82821fa8df7c
jadkins@ghsa.org jadkins@ghsa.org IP Address: 205.201.248.18	Document accepted & signed 30-Jan-2024 3:23 PM EST Reference ID: daa62097-3379-423c-85bc-82821fa8df7c
tkerns@mdot.maryland.gov tkerns@mdot.maryland.gov IP Address: 24.101.92.142	Document viewed 09-Feb-2024 8:43 AM EST Reference ID: 86050b63-a8af-49f1-a047-6c6b64bbb67b
tkerns@mdot.maryland.gov tkerns@mdot.maryland.gov IP Address: 24.101.92.142	Document accepted & signed 09-Feb-2024 8:44 AM EST Reference ID: 86050b63-a8af-49f1-a047-6c6b64bbb67b
	Document has been completed 09-Feb-2024 8:44 AM EST

49 (10500-425130-xxxxx) by \$25,000.00

50

51 2) Increase the Operating Expense Account

52 (10500-546006-xxxxx) by \$25,000.00

53

54 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**

55 **SALISBURY, MARYLAND**, as follows:

56 **Section 3.** It is the intention of the Mayor and Council of the City of Salisbury that each provision
57 of this Ordinance shall be deemed independent of all other provisions herein.

58 **Section 4.** It is further the intention of the Mayor and Council of the City of Salisbury that if any
59 section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid,
60 unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication
61 shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other
62 provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

63 **Section 5.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as
64 if such recitals were specifically set forth at length in this Section 5.

65 **Section 6.** This Ordinance shall take effect from and after the date of its final passage.

66 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of
67 Salisbury held on the _____ day of _____, 2024 and thereafter, a statement of the substance
68 of the Ordinance having been published as required by law, in the meantime, was finally passed by the
69 Council of the City of Salisbury on the _____ day of _____, 2024.

70 ATTEST:

71

72

73 _____
Kimberly R. Nichols

74 CITY CLERK

75

D'Shawn M. Doughty

PRESIDENT, City Council

76 APPROVED by me this _____ day of _____, 2024

77

78

79 _____
Randolph J. Taylor, Mayor

80 MAYOR, City of Salisbury