

RESOLUTION NO. 3486

A RESOLUTION OF THE COUNCIL (THE “COUNCIL”) OF THE CITY OF SALISBURY AMENDING AND SUPPLEMENTING RESOLUTION NO. 2794, ADOPTED BY THE COUNCIL ON NOVEMBER 27, 2017, APPROVED BY THE MAYOR ON NOVEMBER 28, 2017 AND EFFECTIVE ON NOVEMBER 28, 2017 (“RESOLUTION NO. 2794”), AS AMENDED AND SUPPLEMENTED TO DATE, IN ORDER TO (1) AUTHORIZE AND EMPOWER CITY OF SALISBURY (THE “CITY”) TO USE AND APPLY CERTAIN INVESTMENT EARNINGS ON THE \$5,724,853 CITY OF SALISBURY PUBLIC IMPROVEMENTS BOND OF 2017 ISSUED ON DECEMBER 13, 2017 (THE “2017 BOND”), TO A PROJECT IDENTIFIED HEREIN AS “ZOO FACILITY IMPROVEMENTS” IN ADDITION TO THE PRIOR AUTHORIZED PROJECTS IDENTIFIED HEREIN, AND (2) IDENTIFY SUCH ADDITIONAL PROJECT AS A “PROJECT” FOR ALL PURPOSES OF RESOLUTION NO. 2794, AS AMENDED AND SUPPLEMENTED; AUTHORIZING AND EMPOWERING CITY OFFICIALS AND EMPLOYEES TO TAKE CERTAIN ACTIONS WITH RESPECT TO THE 2017 BOND; PROVIDING THAT THE PROVISIONS OF THIS RESOLUTION SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2017 BOND.

RECITALS

WHEREAS, City of Salisbury, a municipal corporation of the State of Maryland (the “City”), was authorized and empowered by Sections 19-301 to 19-309, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Enabling Act”), and Sections SC7-45 and SC7-46 of the Charter of the City of Salisbury, as replaced, supplemented or amended (the “Charter”), to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds; and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, and Ordinance No. 2463, passed by the Council of the City (the “Council”) on November 13, 2017, approved by the Mayor of the City (the “Mayor”) on November 15, 2017 and effective on November 15, 2017 (“Ordinance No. 2463”), the City authorized general obligation bonds to be issued from time to time in one or more series in an aggregate principal amount not to exceed Five Million Seven Hundred Twenty-Four Thousand Eight Hundred Fifty-Three Dollars (\$5,724,853.00) (the “Authorized Bonds”) in order to finance, reimburse or refinance “costs” or “Costs of the Projects” (as defined in Section 3(b) of Ordinance No. 2463, and also defined as “Costs of the Projects”) of the projects identified in Section 3(b) of Ordinance No. 2463 as (1) “MDT Upgrades/Replacements,” (2) “Station 16 Rear Driveway Paving,” (3) “Radio System & Dispatch Equipment/Improvements,” (4) “Riverside Circle,” (5) “Service Center Facility – Phase 1,” (6) “Service Center Facility – Phase 2,” (7) “Urban Greenway – Phase 1 – Riverwalk Section,” (8) “Urban Greenway – Phase 2 – Carroll Street Section,” (9) “Bicycle Master Plan Paths Including 1st Half of Rail Trail,” (10) “Maintenance

Underlining : Indicates material added by amendment after introduction

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Dump Trucks,” (11) “Recycle Trucks,” (12) “Street Scaping: Division, Circle, and Camden,” (13) Parking Garage Roof Waterproof Membrane,” (14) “New Parking Meters for Downtown,” and (15) “Parking Garage Upgraded Security Cameras” (herein collectively referred to as the “Original Authorized Projects” and referred to as the “Projects” in Ordinance No. 2463) in the maximum principal amounts set forth opposite each such Original Authorized Project in such Section 3(b); and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2463 and Resolution No. 2794, adopted by the Council on November 27, 2017, approved by the Mayor on November 28, 2017 and effective on November 28, 2017 (“Resolution No. 2794”), the City determined to borrow money for the public purpose of financing or reimbursing “costs” and “Costs of the Projects” (as defined in Section 2(b) of Resolution No. 2794, which definitions mirror the definitions of “costs” and “Costs of the Projects” set forth in Section 3(b) of Ordinance No. 2463) of the projects specified in Section 2(a) of Resolution No. 2794 (which included all of the Original Authorized Projects), and to evidence this borrowing by the issuance and sale of a single series of the Authorized Bonds in the form of a single general obligation installment bond in the maximum principal amount of Five Million Seven Hundred Twenty-Four Thousand Eight Hundred Fifty-Three Dollars (\$5,724,853.00); and

WHEREAS, pursuant to Resolution No. 2794, such Authorized Bond was issued in the original principal amount of \$5,724,853.00 and was designated as the “City of Salisbury Public Improvements Bond of 2017” (the “2017 Bond”); and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2463 and Resolution No. 2794, the City issued and delivered the 2017 Bond to Branch Banking and Trust Company on December 13, 2017; and

WHEREAS, Section 2 of Resolution No. 2794 provides that proceeds of the 2017 Bond (which is referred to as the “Bond” in Resolution No. 2794) shall be appropriated and allocated to the specified Original Authorized Projects listed therein in the maximum principal amounts specified therein (the “Original Projects”), subject to the further provisions of such Section 2 (which Original Projects are referred to as the “Projects” in Resolution No. 2794) as follows:

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	MDT Upgrades/Replacements	\$150,000
2.	Station 16 Rear Driveway Paving	40,000
3.	Radio System & Dispatch Equipment/Improvements	898,253
4.	Riverside Circle	1,326,000
5.	Service Center Facility – Phase 1	550,000
6.	Service Center Facility – Phase 2	200,000
7.	Urban Greenway – Phase 1 – Riverwalk Section	307,200
8.	Urban Greenway – Phase 2 – Carroll Street Section	100,000
9.	Bicycle Master Plan Paths Including 1 st Half of Rail Trail	761,500
10.	Maintenance Dump Trucks	160,000
11.	Recycle Trucks	150,000
12.	Street Scaping: Division, Circle, and Camden	750,000
13.	Parking Garage Roof Waterproof Membrane	97,500
14.	New Parking Meters for Downtown	179,400
15.	Parking Garage Upgraded Security Cameras	<u>55,000</u>
	TOTAL	<u>\$5,724,853</u>

; and

WHEREAS, pursuant to Ordinance No. 2487, passed by the Council on June 4, 2018, approved on behalf of the Mayor on June 13, 2018 and effective on June 13, 2018 (“Ordinance No. 2487”), the City reallocated the following principal amounts of the Authorized Bonds to the Original Authorized Project identified as “Station 16 Rear Driveway Paving:” (i) \$28,764.00 from the Original Authorized Project identified as “Recycle Trucks,” (ii) \$5,500.00 from the Original Authorized Project identified as “Maintenance Dump Trucks,” and (iii) \$2,966.00 from the Original Authorized Project identified as Bicycle Master Plan Paths Including 1st Half of Rail Trail,” resulting in a reallocation of the maximum principal amount of the Authorized Bonds as follows:

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	MDT Upgrades/Replacements	\$150,000
2.	Station 16 Rear Driveway Paving	77,230
3.	Radio System & Dispatch Equipment/Improvements	898,253
4.	Riverside Circle	1,326,000
5.	Service Center Facility – Phase 1	550,000
6.	Service Center Facility – Phase 2	200,000
7.	Urban Greenway – Phase 1 – Riverwalk Section	307,200
8.	Urban Greenway – Phase 2 – Carroll Street Section	100,000
9.	Bicycle Master Plan Paths Including 1 st Half of Rail Trail	758,534
10.	Maintenance Dump Trucks	154,500
11.	Recycle Trucks	121,236
12.	Street Scaping: Division, Circle, and Camden	750,000
13.	Parking Garage Roof Waterproof Membrane	97,500
14.	New Parking Meters for Downtown	179,400
15.	Parking Garage Upgraded Security Cameras	<u>55,000</u>
	TOTAL	<u>\$5,724,853</u>

; and

WHEREAS, pursuant to (i) Ordinance No. 2649, passed by the Council on January 25, 2021, approved by the Mayor on January 27, 2021 and effective on January 27, 2021 (“Ordinance No. 2649”), the City amended and supplemented Ordinance No. 2463, as amended and supplemented by Ordinance No. 2487, and (ii) Resolution No. 3087, adopted by the Council on January 25, 2021, approved by the Mayor on January 27, 2021 and effective on January 27, 2021 (“Resolution No. 3087”), the City amended and supplemented Resolution No. 2794, in order to (1) reallocate \$55,400.00 of the principal amount of the 2017 Bond originally allocated to the Original Project identified as “Radio System & Dispatch Equipment/Improvements” to a new project identified as “GOB Roof and Air Handler Replacement,” and (2) allocate \$140,000.00 of unspent investment earnings on the 2017 Bond to a new project identified as “2 One Ton Dump Trucks (Sanitation & Parks)” (together with the project identified as “GOB Roof and Air Handler Replacement,” the “2021 Additional Projects”), resulting in an allocation/reallocation of the maximum principal amount of the 2017 Bond as follows:

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	MDT Upgrades/Replacements	\$150,000
2.	Station 16 Rear Driveway Paving	77,230
3.	Radio System & Dispatch Equipment/Improvements	842,853
4.	Riverside Circle	1,326,000
5.	Service Center Facility – Phase 1	550,000
6.	Service Center Facility – Phase 2	200,000
7.	Urban Greenway – Phase 1 – Riverwalk Section	307,200
8.	Urban Greenway – Phase 2 – Carroll Street Section	100,000
9.	Bicycle Master Plan Paths Including 1 st Half of Rail Trail	758,534
10.	Maintenance Dump Trucks	154,500
11.	Recycle Trucks	121,236
12.	Street Scaping: Division, Circle, and Camden	750,000
13.	Parking Garage Roof Waterproof Membrane	97,500
14.	New Parking Meters for Downtown	179,400
15.	Parking Garage Upgraded Security Cameras	55,000
16.	GOB Roof and Air Handler Replacement	55,400(1)
17.	2 One Ton Dump Trucks (Sanitation & Parks)	0(2)
	TOTAL	<u>\$5,724,853</u>

(1) As provided in Resolution No. 3087, the City also allocated \$6,100.00 of investment earnings on the 2017 Bond to Costs of the Projects (as redefined in Ordinance No. 2649 and Resolution No. 3087) of this 2021 Additional Project.

(2) As provided in Resolution No. 3087, the City allocated \$140,000.00 of investment earnings on the 2017 Bond to pay Costs of the Projects of this 2021 Additional Project; and

WHEREAS, pursuant to Ordinance No. 2653, passed by the Council on February 8, 2021, approved on behalf of the Mayor on February 10, 2021 and effective on February 10, 2021 (“Ordinance No. 2653”), the City reallocated the following investment earnings on the Authorized Bonds to the Original Authorized Project identified as “Radio System & Dispatch Equipment/Improvements:” (i) \$10,674.12 from investment earnings allocated to the 2021 Additional Project identified as “2 One Ton Dump Trucks (Sanitation & Parks)” pursuant to Ordinance No. 2649, and (ii) \$28,102.88 from other investment earnings on the Authorized Bonds; and

WHEREAS, pursuant to Ordinance No. 2767, passed by the Council on December 12, 2022, approved by the Mayor on January 12, 2023 and effective on January 12, 2023 (“Ordinance No. 2767”), the City reversed the reallocations/allocation made pursuant to Ordinance No. 2653; and

WHEREAS, the City wishes to allocate \$83,071.00 of investment earnings on the 2017 Bond to a project not included in Ordinance No. 2463, as amended and supplemented to date, and Resolution No. 2794, as amended and supplemented to date, that is generally referred to as “Zoo Facility Improvements” or by similar names (the “2026 Additional Project”); and

WHEREAS, prior to the introduction of this Resolution, the Council passed Ordinance No. 3021 expanding the list of the Original Authorized Projects set forth in Ordinance No. 2463, as amended and supplemented to date, to include the 2026 Additional Project and amending Ordinance No. 2463, as amended and supplemented to date, to allow certain investment earnings on the Authorized Bonds (meaning the 2017 Bond) to be applied to Costs of the Project of the 2026 Additional Project (the “Companion Ordinance”); and

WHEREAS, accordingly, the City desires to expand the list of the Original Projects as set forth in Resolution No. 2794, as amended and supplemented to date, in order to allow certain investment earnings on the 2017 Bond to be applied to Costs of the Project of the 2026 Additional Project and to identify such 2026 Additional Project as part of the “Projects” for all purposes of Resolution No. 2794, as amended and supplemented; and

WHEREAS, the Original Projects, together with the 2021 Additional Projects, are referred to in this Resolution as the “Prior Authorized Projects.”

SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that:

(a) The Recitals hereto constitute an integral part of this Resolution and are incorporated herein by reference. Capitalized terms used in the Recitals to this Resolution and not otherwise defined herein shall have the meanings given to such terms in the Recitals.

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

(c) References in this Resolution to “principal amount” shall be construed to mean par amount. References in this Resolution to “investment earnings” shall be construed to include interest income. References in this Resolution to “proceeds” of the 2017 Bond shall be construed to mean principal amount plus investment earnings, unless the context requires otherwise.

(d) References in this Resolution to the application or use of proceeds of the 2017 Bond to fund Costs of the Projects of the 2026 Revised Projects (as defined in Section 2(d) hereof) shall be construed to mean for purposes of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2463 and Resolution No. 2794, as the same may be amended, modified or supplemented (including as provided for herein), use of such proceeds to finance or reimburse Costs of the Projects of the 2026 Revised Projects.

SECTION 2. AND BE IT FURTHER RESOLVED that:

(a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2463 and Resolution No. 2794, subsection (a) of Section 2 of Resolution No. 2794, as amended and supplemented to date, is hereby deleted in its entirety and inserted in place thereof shall be the following:

“(a) Pursuant to the authority of the Enabling Act, the Charter and the Ordinance, and subject to the provisions of Section 3 hereof, the City hereby determines to borrow money and incur indebtedness for the public purpose of financing or reimbursing costs (as defined in subsection (b) below) of the following public purpose projects in the maximum principal amount set forth opposite each such project (exclusive of any investment earnings that may be applied for such purposes):

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	MDT Upgrades/Replacements	\$150,000
2.	Station 16 Rear Driveway Paving	77,230
3.	Radio System & Dispatch Equipment/Improvements	842,853
4.	Riverside Circle	1,326,000
5.	Service Center Facility – Phase 1	550,000
6.	Service Center Facility – Phase 2	200,000
7.	Urban Greenway – Phase 1 – Riverwalk Section	307,200
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9.	Bicycle Master Plan Paths Including 1 st Half of Rail Trail	758,534
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12.	Street Scaping: Division, Circle, and Camden	750,000
13.	Parking Garage Roof Waterproof Membrane	97,500
14.	New Parking Meters for Downtown	179,400
15.	Parking Garage Upgraded Security Cameras	55,000
16.	GOB Roof and Air Handler Replacement	55,400(1)
17.	2 One Ton Dump Trucks (Sanitation & Parks)	0(1)
18.	Zoo Facility Improvements	0(2)
	TOTAL	<u>\$5,724,853</u>

(1) The City also previously allocated certain investment earnings on the Bond to this project.

(2) The City intends to allocate certain investment earnings on the Bond to this project.

The projects identified in items 1-18 above are collectively referred to herein as the “Projects”.

(b) As provided in the Companion Ordinance, the City has appropriated \$83,071.00 of investment earnings on the 2017 Bond to pay Costs of the Projects of the 2026 Additional Project.

(c) By undertaking the amendments to Resolution No. 2794 (as amended and supplemented to date) provided for in this Section 2, the City is in effect (i) reflecting certain reallocations of the application of the principal amount of the 2017 Bond and certain allocations of investment earnings on the 2017 Bond to Costs of Projects of the Projects (as defined therein) made prior to the introduction of this Resolution; (ii) adding the 2026 Additional Project identified as item 18 in the table set forth in subsection (a) above (which amends Section 2(a) of Resolution No. 2794,

as amended and supplemented to date) to the list of the Prior Authorized Projects the Costs of the Projects of which may be financed or reimbursed from the principal amount of the 2017 Bond and investment earnings thereon; and (iii) recognizing the appropriation of \$83,071.00 of investment earnings on the 2017 Bond to pay Costs of the Projects of the 2026 Additional Project. By undertaking such amendments to Resolution No. 2794 (as amended and supplemented to date), the City will also be able to allocate or reallocate principal of and any other investment earnings on the proceeds of the 2017 Bond to Costs of the Projects of such 2026 Additional Project, in addition to allocating or reallocating such principal of and investment earnings on Costs of the Projects of the 2026 Revised Projects, in accordance with applicable City budgetary procedures or applicable law.

(d) The Projects identified in items 1-18 in the table set forth in subsection (a) above (which amends Section 2(a) of Resolution No. 2794, as amended and supplemented to date) are collectively referred to herein as the “2026 Revised Projects.” Subject to the provisions of subsection (e) below and Section 6 of this Resolution, from and after the effective date of this Resolution, all references to the Projects in Resolution No. 2794, as amended and supplemented to date, shall be deemed to be references to the 2026 Revised Projects, as identified in this Resolution. From and after the effective date of this Resolution, the provisions of this Section 2 shall supersede the provisions of Resolution No. 2794, as amended and supplemented to date, with respect to the application of proceeds of the 2017 Bond.

(e) Notwithstanding the foregoing provisions of this Section 2, proceeds of the 2017 Bond may not be applied to Costs of the Projects of the 2026 Additional Project, nor will the amendments to Resolution No. 2794, as amended and supplemented to date, provided for in this Section 2 be applicable, until (i) the Companion Ordinance becomes effective in accordance with applicable law and (ii) this Resolution becomes effective in accordance with applicable law.

(f) As provided in the Companion Ordinance, subject to the provisions of subsection (e) above and Section 6 of this Resolution, it is the intention of the Council that any investment earnings earned on the principal amount of the 2017 Bond (i) prior to the effective date of this Resolution, to the extent not already spent in accordance with the provisions of the Ordinance No. 2463 (as amended and supplemented to date), Resolution No. 2794 (as amended and supplemented to date) or applicable budgetary procedures or applicable law and (ii) on and after the effective date of this Resolution, shall be applied to Costs of the Projects of any of the 2026 Revised Projects; provided that, any such investment earnings may be allocated otherwise in accordance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution.

SECTION 3. **AND BE IT FURTHER RESOLVED** that, subject to the provisions of Section 2(e) and Section 6 of this Resolution, the following officials of the City: the Mayor, the City Administrator, the Director of Finance, the City Clerk and all other appropriate officials and employees of the City, as applicable, are hereby authorized and empowered to take any and all action necessary to provide for application of the proceeds of the 2017 Bond to finance or reimburse the Costs of the Projects of the 2026 Revised Projects and to approve, execute and deliver all documents, certificates and instruments necessary or appropriate in connection therewith or in connection with the transactions contemplated by this Resolution. In particular, any one or more of the Mayor, the City Administrator and the Director of Finance may approve, execute and deliver a certificate

supplementing the Tax and Section 148 Certificate executed and delivered in connection with the issuance of the 2017 Bond, as amended and supplemented to date.

SECTION 4. AND BE IT FURTHER RESOLVED that from and after the effective date of this Resolution, Resolution No. 2794 (as amended and supplemented to date) shall be deemed amended and supplemented as provided herein and all other terms and provisions of Resolution No. 2794 (as amended and supplemented to date) shall remain in full force and effect.

SECTION 5. AND BE IT FURTHER RESOLVED that the provisions of this Resolution shall be liberally construed in order to effectuate the transactions contemplated by this Resolution.

SECTION 6. AND BE IT FURTHER RESOLVED that this Resolution shall become effective upon adoption by the Council and approval by the Mayor; provided, however, that in the event the Companion Ordinance does not become effective in accordance with applicable law, the City may not apply proceeds of the 2017 Bond to pay or reimburse Costs of the Projects of the 2026 Additional Project. Pursuant to Charter Section SC7-46A, this Resolution may not be petitioned to referendum.

THIS RESOLUTION was introduced and duly adopted at a meeting of the Council of the City of Salisbury held on the 14 day of September, 2026.

ATTEST:

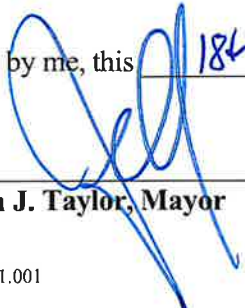


Julie A. English, City Clerk



April R. Jackson, City Council President

Approved by me, this 18th day of September, 2026



Randolph J. Taylor, Mayor

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