

1 **..Title**

2 **Issuance of Revenue Bonds** – For the purpose of authorizing and providing for the
3 issuance of revenue bonds by the City of Annapolis.

4 **..Body**

5 **CITY COUNCIL OF THE**
6 **City of Annapolis**

7
8 **Charter Amendment 1-15**

9
10 **Introduced by: Alderman Budge**

11
12 **Referred to:**

13 **Finance Committee**

14 **Rules and City Government Committee**

15
16 **Issuance of Revenue Bonds**

17
18 **FOR** the purpose of authorizing and providing for the issuance of revenue bonds by the
19 City of Annapolis.

20
21 **BY** adding the following section to the Charter of the City of Annapolis, 2014 Edition:
22 Article VII, Section 12.

23
24 **SECTION I: BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the
25 Charter of the City of Annapolis shall be amended to include a new section in Article VII
26 to read as follows:

27
28 **“SECTION 12. REVENUE BONDS.**

29
30 (A) IN ADDITION TO ANY OTHER AUTHORITY CONFERRED
31 BY APPLICABLE LAW, THE CITY SHALL HAVE THE POWER TO
32 BORROW MONEY TO FINANCE OR REFINANCE UNDERTAKINGS FOR
33 THE ACCOMPLISHMENT OF ANY OF THE PURPOSES, OBJECTS AND
34 POWERS OF THE CITY AND, IN CONNECTION THEREWITH, TO ISSUE
35 REVENUE BONDS (WHICH TERM SHALL INCLUDE, WITHOUT
36 LIMITATION, NOTES OR OTHER EVIDENCES OF INDEBTEDNESS AND
37 REFUNDING BONDS), WHICH SHALL BE FULLY NEGOTIABLE AND
38 SHALL BE PAYABLE AS TO BOTH PRINCIPAL AND INTEREST SOLELY
39 FROM, AND SECURED SOLELY BY, A PLEDGE OF: (1) THE REVENUES
40 FROM OR ARISING IN CONNECTION WITH THE CAPITAL PROJECT OR
41 PROJECTS, PROPERTIES, FACILITIES OR OTHER DEVELOPMENTS AND
42 IMPROVEMENTS WHOSE FINANCING OR REFINANCING IS
43 UNDERTAKEN BY ISSUANCE OF SUCH REVENUE BONDS; (2) THE
44 REVENUES FROM OR ARISING IN CONNECTION WITH ANY
45 CONTRACTS, AGREEMENTS, MORTGAGES, INSTRUMENTS,
46 DOCUMENTS OR SECURITIES PURCHASED OR OTHERWISE

1 ACQUIRED WITH SUCH REVENUE BONDS OR THE PROCEEDS
2 THEREOF; (3) THE CONTRACTS, AGREEMENTS, MORTGAGES,
3 INSTRUMENTS, DOCUMENTS OR SECURITIES PURCHASED OR
4 OTHERWISE ACQUIRED WITH SUCH REVENUE BONDS OR THE
5 PROCEEDS THEREOF; (4) ANY OTHER SECURITY APPROVED BY THE
6 CITY; OR (5) ANY COMBINATION OF (1), (2), (3) OR (4).

7
8 (B) ANY AND ALL OF SUCH REVENUE BONDS SHALL NOT
9 BE GENERAL OBLIGATIONS OF THE CITY AND SHALL NEVER
10 CONSTITUTE AN INDEBTEDNESS OR A CHARGE AGAINST THE
11 GENERAL CREDIT OR TAXING POWERS OF THE CITY WITHIN THE
12 MEANING OF ANY CONSTITUTIONAL, STATUTORY OR CHARTER
13 PROVISION LIMITING OR RESTRICTING THE ISSUANCE OR SALE OF
14 BONDS, NOTES OR OTHER EVIDENCES OF INDEBTEDNESS OF THE
15 CITY, AND SHALL NEVER CONSTITUTE OR GIVE RISE TO ANY
16 PECUNIARY LIABILITY OF THE CITY.

17
18 (C) ANY AND ALL REVENUE BONDS AUTHORIZED TO BE
19 ISSUED UNDER THE PROVISIONS OF THIS SECTION 12 SHALL BE
20 AUTHORIZED BY ORDINANCE. ANY SUCH ORDINANCE SHALL (1)
21 SPECIFY THE CAPITAL PROJECT OR PROJECTS, PROPERTY,
22 FACILITIES, DEVELOPMENTS AND IMPROVEMENTS, IF ANY, TO BE
23 FINANCED; (2) SPECIFY THE BONDS, REVENUE BONDS OR OTHER
24 OBLIGATIONS OF THE CITY, IF ANY, WHICH MAY BE REFINANCED
25 WITH PROCEEDS OF THE REVENUE BONDS; (3) GENERALLY
26 DESCRIBE THE PUBLIC PURPOSE TO BE SERVED AND THE
27 FINANCING TRANSACTION; (4) SPECIFY THE MAXIMUM PRINCIPAL
28 AMOUNT OF THE REVENUE BONDS THAT MAY BE ISSUED AND THE
29 MAXIMUM TERM OF THE BONDS, WHICH TERM SHALL NOT EXCEED
30 40 YEARS; AND (5) IMPOSE TERMS OR CONDITIONS ON THE
31 ISSUANCE AND SALE OF SUCH REVENUE BONDS THE CITY
32 CONSIDERS APPROPRIATE.

33
34 (D) ANY SUCH ORDINANCE MAY PRESCRIBE, OR MAY
35 AUTHORIZE THE COUNCIL BY RESOLUTION OR THE MAYOR BY
36 EXECUTIVE ORDER TO PRESCRIBE, AMONG OTHER THINGS, ALL
37 OTHER MATTERS PERTAINING TO SUCH REVENUE BONDS,
38 INCLUDING, WITHOUT LIMITATION, THE FORM AND TENOR
39 THEREOF; THE PRINCIPAL AMOUNT, INTEREST RATE OR RATES,
40 MATURITY OR MATURITIES AND ALL OTHER TERMS, PROVISIONS
41 AND CONDITIONS THEREOF; THE MANNER OR METHOD OF
42 ISSUANCE AND SALE THEREOF (WHICH MAY BE AT PUBLIC SALE
43 FOLLOWING THE SOLICITATION OF COMPETITIVE BIDS, OR BY
44 PRIVATE NEGOTIATED SALE WITHOUT ADVERTISEMENT OR
45 PUBLICATION OF THE NOTICE OF SALE OR SOLICITATION OF
46 COMPETITIVE BIDS, AS THE COUNCIL OR THE MAYOR, AS

1 APPLICABLE, MAY DEEM APPROPRIATE, AND WHICH NEED NOT BE
2 IN THE MANNER SET FORTH IN TITLE 19, SUBTITLE 3 OF THE LOCAL
3 GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND,
4 AS REPLACED, SUPPLEMENTED OR AMENDED FROM TIME TO TIME);
5 THE TIME OR TIMES OF ISSUANCE THEREOF; THE BONDS, REVENUE
6 BONDS OR OTHER OBLIGATIONS, IF ANY, TO BE REFINANCED; ANY
7 AND ALL OTHER DETAILS INCIDENT TO ANY SUCH REVENUE BONDS
8 AND THE ISSUANCE, SALE AND DELIVERY THEREOF AND TO ANY
9 AND ALL TRANSACTIONS RELATING THERETO. A RESOLUTION
10 ADOPTED PURSUANT TO THIS SECTION 12 MAY BE INTRODUCED
11 AND ADOPTED AT A SINGLE SESSION OF THE COUNCIL, MAY NOT BE
12 PETITIONED TO REFERENDUM AND SHALL BECOME EFFECTIVE
13 IMMEDIATELY UPON ITS ADOPTION.

14
15 (E) ANY REVENUE BONDS AUTHORIZED TO BE ISSUED
16 UNDER THE PROVISIONS OF THIS SECTION 12 MAY BE SECURED BY
17 A TRUST AGREEMENT, INDENTURE OR SIMILAR INSTRUMENT
18 BETWEEN THE CITY AND A CORPORATE TRUSTEE, WHICH MAY BE
19 ANY ENTITY WITH TRUST POWERS WITHIN OR WITHOUT THE STATE
20 OF MARYLAND. THE AUTHORIZING ORDINANCE, THE RESOLUTION
21 OF THE COUNCIL OR THE EXECUTIVE ORDER OF THE MAYOR, AS
22 APPLICABLE, MAY, AMONG OTHER MATTERS, APPROVE OR PROVIDE
23 FOR THE APPROVAL OF THE FORM OF TRUST AGREEMENT,
24 INDENTURE OR SIMILAR INSTRUMENT.

25
26 (F) THE AUTHORIZING ORDINANCE, RESOLUTION, OR
27 EXECUTIVE ORDER OR THE TRUST AGREEMENT, INDENTURE OR
28 SIMILAR INSTRUMENT MAY PLEDGE OR ASSIGN ALL OR ANY PART
29 OF: (1) THE REVENUES FROM OR ARISING IN CONNECTION WITH
30 THE CAPITAL PROJECT OR PROJECTS, PROPERTY, FACILITIES,
31 DEVELOPMENTS AND IMPROVEMENTS WHOSE FINANCING OR
32 REFINANCING IS UNDERTAKEN BY ISSUANCE OF SUCH REVENUE
33 BONDS; (2) THE REVENUES FROM OR ARISING IN CONNECTION WITH
34 ANY CONTRACTS, AGREEMENTS, MORTGAGES, INSTRUMENTS,
35 DOCUMENTS OR SECURITIES PURCHASED OR OTHERWISE
36 ACQUIRED WITH SUCH REVENUE BONDS OR THE PROCEEDS
37 THEREOF; (3) THE CONTRACTS, AGREEMENTS, MORTGAGES,
38 INSTRUMENTS, DOCUMENTS OR SECURITIES PURCHASED OR
39 OTHERWISE ACQUIRED WITH SUCH REVENUE BONDS OR THE
40 PROCEEDS THEREOF; (4) ANY OTHER SECURITY APPROVED BY THE
41 CITY; OR (5) ANY COMBINATION OF (1), (2), (3) OR (4).

42
43 (G) ANY SUCH ORDINANCE, RESOLUTION, EXECUTIVE
44 ORDER TRUST AGREEMENT, INDENTURE OR SIMILAR INSTRUMENT
45 MAY SET FORTH THE RIGHTS AND REMEDIES OF THE HOLDERS OF
46 THE REVENUE BONDS; MAY RESTRICT THE INDIVIDUAL RIGHT OF

1 ACTION BY THE HOLDERS OF SUCH REVENUE BONDS; MAY
2 CONTAIN WHATEVER PROVISIONS FOR THE PROTECTION AND
3 ENFORCEMENT OF THE RIGHTS AND REMEDIES OF THE HOLDERS OF
4 ANY SUCH REVENUE BONDS AS THE COUNCIL OR THE MAYOR, AS
5 APPLICABLE, MAY DEEM REASONABLE AND PROPER; AND, IN
6 ADDITION TO THE FOREGOING, MAY CONTAIN WHATEVER OTHER
7 PROVISIONS THE COUNCIL OR THE MAYOR, AS APPLICABLE, MAY
8 DEEM REASONABLE, DESIRABLE OR PROPER FOR THE SECURITY OF
9 THE HOLDERS OF ANY SUCH REVENUE BONDS.”

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11
12 **SECTION II: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**
13 **COUNCIL** that the date of adoption of this Resolution is _____, 2015, and the
14 amendments of the Charter of the City of Annapolis, hereby enacted shall become
15 effective on _____, 2015, unless a proper petition for referendum hereon shall be
16 filed as permitted by law within 40 days of adoption, provided a complete and exact copy
17 of this Resolution shall be continuously posted on the bulletin board in the City Hall until
18 _____, 2015, and provided further that a copy of the title of this Resolution shall
19 be published in "The Capital," a newspaper of general circulation in the City of
20 Annapolis, or in any other newspaper of such general circulation, once in each of the
21 weeks on, _____, 2015, _____, 2015, _____, 2015, and
22 _____, 2015.

23
24 **SECTION III: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**
25 **COUNCIL** that the Mayor is hereby specifically commanded to carry out the provisions
26 of Section II hereof, and, as evidence of such compliance, the Mayor shall cause to be
27 maintained appropriate certificates of publication of the newspaper or newspapers in
28 which the title of the Resolution shall have been published and if a favorable referendum
29 is held on the Charter change, shall declare the Charter change hereby enacted to be
30 effective on _____, 2015, by affixing his signature hereto in the space provided
31 on the effective date of change.

32
33 **SECTION IV: AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY**
34 **COUNCIL** that as soon as the Charter Amendment hereby enacted shall become
35 effective, either as provided herein or following a referendum, the Mayor shall send to
36 the Maryland Department of Legislative Services a copy of this Resolution showing the
37 number of Aldermen and Alderwomen voting for and against it and a report on the votes
38 cast for or against the amendment hereby enacted at any referendum thereon and the date
39 of such referendum.

40
41 The above Charter Amendment was enacted by the foregoing Resolution which
42 was passed at a Meeting of the Annapolis City Council on _____, 2015; _____ voting in
43 the affirmative, _____ voting in the negative, _____ abstaining and _____ absent and the
44 said Resolution becomes effective in accordance with law on the ___ day of _____ 2015.

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EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.