1. Agenda 06 29 2020

   Documents:

   AGENDA 06 29 20.PDF

2. Council Packet 06 29 2020

   Documents:

   COUNCIL PACKET 06 29 2020.PDF

AGENDA

CITY OF WESTMINSTER
Special Mayor and Common Council Meeting
Monday, June 29, 2020 at 7 pm
https://www.facebook.com/westminstermd/

1. CALL TO ORDER

2. PUBLIC HEARING

A) Ordinance No. 924 – An Ordinance of the Common Council of the Mayor And Common Council of Westminster, a Municipal Corporation of the State of Maryland (The "Issuer"), Providing for the Issuance and Sale of an Aggregate Principal Amount not to Exceed One Million Two Hundred Twenty-Five Thousand Dollars ($1,225,000) of Bonds of The Issuer, To Be Known As "The Mayor And Common Council Of Westminster Infrastructure Bonds, 2020 Series A" (Or By Such Other or Additional Designation or Designations as Required by the Community Development Administration Identified Herein) (The "Bonds"), to be Issued and Sold Pursuant to the Authority of Sections 4-101 through 4 255 of the Housing and Community Development Article of the Annotated Code of Maryland, as Amended, for the Purpose of (I) Financing or Refinancing Costs of the Project Identified Herein as the Westminster Community Pool Improvements Project, (Ii) Funding of Portion of a Capital Reserve Fund and/ or Other Reserves, and/ or (Iii) Paying Issuance and Other Costs Related to the Bonds; Providing that the Bonds shall be Issued Upon the Full Faith and Credit of the Issuer; Providing for the Disbursement of the Proceeds of the Sale of the Bonds and for the Levy of Annual Taxes upon all Assessable Property within the Corporate Limits of the Issuer for the Payment of The Principal of and Interest on the Bonds as they Shall Respectively Come Due; Providing for the Form, Tenor, Denominations, Maturity Date or Dates and Other Provisions of the Bonds; Providing for The Sale Of The Bonds; And Providing For Related Purposes, Including, Without Limitation, The Method of Fixing the Interest Rate or Rates to be Borne by the Bonds, the Approval, Execution and Delivery of Documents, Agreements, Certificates and Instruments, and the Making of or Providing for the Making of Representations and Covenants Concerning the Tax Status of Interest on the Bonds. – Ms. Rader

3. ORDINANCES & RESOLUTIONS

A) Adoption of Ordinance No. 924 – An Ordinance of the Common Council of the Mayor And Common Council of Westminster, a Municipal Corporation of the State of Maryland (The "Issuer"), Providing for the Issuance and Sale of an Aggregate Principal Amount not to Exceed One Million Two Hundred Twenty-Five Thousand Dollars ($1,225,000) of Bonds of The Issuer, To Be Known As "The Mayor And Common Council Of Westminster Infrastructure Bonds, 2020 Series A" (Or By Such Other or Additional Designation or Designations as Required by the Community Development Administration Identified Herein) (The "Bonds"), to be Issued and Sold Pursuant to the Authority of Sections 4-101 through 4 255 of the Housing and Community Development Article of the Annotated Code of Maryland, as Amended, for the Purpose of (I) Financing or Refinancing Costs of the Project Identified Herein as the Westminster Community Pool Improvements Project, (Ii) Funding of Portion of a Capital Reserve Fund and/ or Other Reserves, and/ or (Iii) Paying Issuance and Other Costs Related to the Bonds; Providing that the Bonds shall be Issued Upon the Full Faith and Credit of the Issuer; Providing for the Disbursement of the Proceeds of the Sale of the Bonds and for the Levy of Annual Taxes upon

all Assessable Property within the Corporate Limits of the Issuer for the Payment of The Principal of and Interest on the Bonds as they Shall Respectively Come Due; Providing for the Form, Tenor, Denominations, Maturity Date or Dates and Other Provisions of the Bonds; Providing for The Sale Of The Bonds; And Providing For Related Purposes, Including, Without Limitation, The Method of Fixing the Interest Rate or Rates to be Borne by the Bonds, the Approval, Execution and Delivery of Documents, Agreements, Certificates and Instruments, and the Making of or Providing for the Making of Representations and Covenants Concerning the Tax Status of Interest on the Bonds. – Ms. Rader

B) Adoption of Emergency Ordinance No. 925 - An Ordinance Of The City Of Westminster, Deleting Certain Fees And Charges From Chapter A175, "Fees", Article I, "General Fee Ordinance", Of The City Code And Providing That Such Fees Shall Be Set From Time To Time By Resolution Of The Mayor And Common Council. – Ms. Levan

C) Adoption of Resolution No. 20-04 – A Resolution Of The Mayor And Common Council Of Westminster, Approving A General Fee Schedule For Governmental And Proprietary Functions Of The City, Excepting Utility Charges And Including Fines For Violations Of The City's Various Laws And Regulations, Effective July 1, 2020. – Ms. Levan

4. UNFINISHED BUSINESS

5. NEW BUSINESS

6. CITIZEN COMMENTS

Please submit comments to Shannon Visocsky, City Clerk, at Comments@westgov.com. If you would like your comments to be submitted as part of the record, please provide your full name and address. The Council President will read submitted comments that include the required information during the meeting, and they will be reflected in the meeting minutes.

7. ADJOURNMENT

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ORDINANCE NO. 924

OF THE MAYOR AND COMMON COUNCIL OF WESTMINSTER REGARDING THE MAYOR AND COMMON COUNCIL OF WESTMINSTER INFRASTRUCTURE BONDS, 2020 SERIES A

AN ORDINANCE OF THE COMMON COUNCIL OF THE MAYOR AND COMMON COUNCIL OF WESTMINSTER, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND (THE "ISSUER"), PROVIDING FOR THE ISSUANCE AND SALE OF AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED ONE MILLION TWO HUNDRED TWENTY-FIVE THOUSAND DOLLARS ($1,225,000) OF BONDS OF THE ISSUER, TO BE KNOWN AS "THE MAYOR AND COMMON COUNCIL OF WESTMINSTER INFRASTRUCTURE BONDS, 2020 SERIES A" (OR BY SUCH OTHER OR ADDITIONAL DESIGNATION OR DESIGNATIONS AS REQUIRED BY THE COMMUNITY DEVELOPMENT ADMINISTRATION IDENTIFIED HEREIN) (THE "BONDS"), TO BE ISSUED AND SOLD PURSUANT TO THE AUTHORITY OF SECTIONS 4-101 THROUGH 4-255 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED, FOR THE PURPOSE OF (I) FINANCING OR REFINANCING COSTS OF THE PROJECT IDENTIFIED HEREIN AS THE WESTMINSTER COMMUNITY POOL IMPROVEMENTS PROJECT, (II) FUNDING A PORTION OF A CAPITAL RESERVE FUND AND/OR OTHER RESERVES, AND/OR (III) PAYING ISSUANCE AND OTHER COSTS RELATED TO THE BONDS; PROVIDING THAT THE BONDS SHALL BE ISSUED UPON THE FULL FAITH AND CREDIT OF THE ISSUER; PROVIDING FOR THE DISBURSEMENT OF THE PROCEEDS OF THE SALE OF THE BONDS AND FOR THE LEVY OF ANNUAL TAXES UPON ALL ASSESSABLE PROPERTY WITHIN THE CORPORATE LIMITS OF THE ISSUER FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY SHALL RESPECTIVELY COME DUE; PROVIDING FOR THE FORM, TENOR, DENOMINATIONS, MATURITY DATE OR DATES AND OTHER PROVISIONS OF THE BONDS; PROVIDING FOR THE SALE OF THE BONDS; AND PROVIDING FOR RELATED PURPOSES, INCLUDING, WITHOUT LIMITATION, THE METHOD OF FIXING THE INTEREST RATE OR RATES TO BE BORNE BY THE BONDS, THE APPROVAL, EXECUTION AND DELIVERY OF DOCUMENTS, AGREEMENTS, CERTIFICATES AND INSTRUMENTS, AND THE MAKING OF OR PROVIDING FOR THE MAKING OF REPRESENTATIONS AND COVENANTS CONCERNING THE TAX STATUS OF INTEREST ON THE BONDS.

RECITALS

WHEREAS, The Mayor and Common Council of Westminster (the "Issuer") is a municipal corporation of the State of Maryland organized under a charter (the "Charter") adopted in accordance with Article XI-E of the Constitution of Maryland and operating under the Charter and other applicable law; and

WHEREAS, Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended (the "Act"), authorizes the Community

Development Administration (the "Administration"), a governmental unit in the Division of Development Finance of the Department of Housing and Community Development, a principal department of the government of the State of Maryland, to provide financial assistance to political subdivisions and municipal corporations to finance, among other things, infrastructure projects and to establish a capital reserve fund in connection therewith; and

WHEREAS, pursuant to the authority of the Act, the Issuer has determined to issue one or more series of its general obligation bonds in the aggregate principal amount not to exceed One Million Two Hundred Twenty-Five Thousand Dollars ($1,225,000) (the "Bonds", as defined herein) for the purpose of providing all or a portion of the funds necessary for (i) financing or refinancing costs of the Project (as defined herein), (ii) funding a portion of a capital reserve fund and/or or other reserves required by the Administration under the Program identified below, and/or (iii) paying issuance and other costs related to the Bonds; and

WHEREAS, the Issuer proposes to issue and sell the Bonds to the Administration, in connection with the Local Government Infrastructure Financing Program of the Administration (the "Program"); and

WHEREAS, it is the intention of the Issuer by this Ordinance to provide for the issuance and sale of the aforementioned Bonds and to obtain a loan or loans from the Administration pursuant to the Program (collectively, the "Loan"); and

WHEREAS, the Issuer intends to authorize the execution and delivery of the Bonds and all other documents, agreements, certificates and other materials related to the issuance, sale and delivery of the Bonds and the Loan; and

WHEREAS, the Administration intends to issue one or more series of its Local Government Infrastructure Bonds to finance the Loan and other loans to be financed pursuant to the Program.

Section 1. Authorization, Terms, Form of Bonds. NOW, THEREFORE BE IT ENACTED AND ORDAINED by the Mayor and Common Council of Westminster, that:

(a) The Mayor and Common Council of Westminster (the "Issuer") shall borrow upon its full faith and credit and shall issue and sell upon its full faith and credit an aggregate principal amount not to exceed One Million Two Hundred Twenty-Five Thousand Dollars ($1,225,000) of its general obligation bonds, to be issued pursuant to the authority of Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended (the "Act"), to be known as "The Mayor and Common Council of Westminster Infrastructure Bonds, 2020 Series A" (or by such other or additional designation or designations as required by the Administration identified in subsection (b) below, including, without limitation, to identify separate series or subseries (collectively, the "Bonds")). The proceeds from the sale of the Bonds shall be used for the public purpose of providing all or a portion of the funds necessary for (i) financing or refinancing costs of a project generally referred to by the Issuer as the Westminster Community Pool Improvements Project, the total costs of which include, as applicable, feasibility, surveying, planning, design, architectural, engineering, bidding, permitting,

acquisition, construction, expansion, demolition, removal, reconstruction, rehabilitation, replacement, renovation, improvement, installation, construction management, furnishing, equipping and administrative costs and expenses and related or similar costs and expenses; and costs of site and utility improvements (including, without limitation, grading, landscaping, paving, repaving, sidewalk, walkway, curb, gutter, stormwater, water and sewer improvements and related or similar activities and expenses) (the "Project"), (ii) funding a portion of a capital reserve fund and/or other reserves required by the Administration under the Program identified in subsection (b) below, and/or (iii) paying issuance and other costs related to the Bonds.

(b) The Bonds shall be issued as one or more fully registered bond certificate(s) in the aggregate principal amount not to exceed One Million Two Hundred Twenty-Five Thousand Dollars ($1,225,000) payable to the Community Development Administration (the "Administration") as the registered owner thereof. The Bonds shall be issued in such aggregate principal amount or such lesser aggregate principal amount as determined by the Mayor of the Issuer (the "Mayor") pursuant to subsection (g) below, which shall be equal to the aggregate principal amount of the loan or loans to the Issuer from the Administration (collectively, the "Loan") under the Local Government Infrastructure Financing Program of the Administration (the "Program").

(c) The Bonds shall be dated as of the date of issue, or as of such other date as is specified by the Administration; shall be numbered from R-1 upward or as otherwise required by the Administration; shall be initially registered in the name of the Administration or its designee; shall bear interest from the date of issuance of the Local Government Infrastructure Bonds issued by the Administration (the "Administration's Bonds"), payable semiannually on April 1 and October 1 or on such other days as the Administration may require in connection with the Program, at such annual rate or rates and be payable in annual principal installments at the designated office of the Administration or of the trustee for the Administration's Bonds.

(d) The Bonds shall bear interest at an aggregate rate or rates of interest for a total interest cost (expressed as a yield) not to exceed (i) 2.60 percent for a loan with a maturity of not more than five years, (ii) 2.95 percent for a loan with a maturity of more than five years but not more than ten years, (iii) 3.30 percent for a loan with a maturity of more than ten years but not more than fifteen years, (iv) 4.00 percent for a loan with a maturity of more than fifteen years but not more than twenty years, and (iv) 4.25 percent for a loan with a maturity of more than twenty years but not more than twenty-one years, the actual rate or rates of interest to be borne by the Bonds to be determined and established by the Mayor acting pursuant to Section 1(g) of this Ordinance. It is the intention of the Common Council of the Issuer (the "Common Council") that the Bonds be amortized on an approximately twenty-year basis and, to the extent all components of the Project do not qualify for financing on an approximately twenty-year basis, the applicable components of the Project each be financed for the longest terms permissible under the Program and the Code and the Arbitrage Regulations (as such terms are defined in this Ordinance), not to exceed approximately twenty years; the longest term may exceed twenty years but may not exceed twenty-one years.

(e) The Bonds shall be in substantially the form set forth on Exhibit A attached hereto and made a part hereof, which form, together with all of the covenants and conditions therein

contained, is hereby adopted by the Issuer as and for the form of obligation or obligations to be incurred by the Issuer and such covenants and conditions are hereby made binding upon the Issuer, including the promise to pay therein contained.

(f) The Bonds are to be issued in connection with the Program in order to provide all or a portion of the funds needed (i) to finance or refinance costs of the Project, (ii) to fund a portion of a capital reserve fund and/or other reserves required by the Administration under the Program, and/or (iii) to pay costs of issuance and other related costs of the Bonds. Under the Program, the Issuer will enter into a Repayment Agreement and a Pledge Agreement with the Administration (respectively, the "Repayment Agreement" and the "Pledge Agreement"). The Issuer also will execute and deliver in connection with the issuance of the Bonds and the Program any additional documents, agreements, instruments and certificates requested by the Administration (which, together with the Repayment Agreement and the Pledge Agreement, are herein referred to as the "Program Documents"). The Program Documents shall be in such forms and shall contain such terms and conditions as shall be approved by the Mayor or the City Administrator of the Issuer (the "City Administrator") and be acceptable to, and otherwise approved by, the Administration.

(g) Because this Ordinance is being passed before the details have been finalized for the financing pursuant to which the Administration will issue the Administration's Bonds (the "Administration Financing") that will fund the Loan to the Issuer under the Program, the Mayor is hereby authorized to make such changes to the amount and form of the Bonds, including insertions therein or additions or deletions thereto, as may be necessary or appropriate to conform the terms of the Bonds to the terms of the financing to be provided to the Issuer under the Program. Without limiting the foregoing, it is presently contemplated that the Loan will be in an amount not to exceed $1,225,000 in aggregate principal amount hereby authorized, subject to final approval by the Administration; accordingly, the Mayor is specifically authorized: (i) to make changes to the aggregate principal amount of the Bonds in order to reflect the final aggregate principal amount of the Loan, not to exceed $1,225,000 as approved by the Administration and accepted by the Issuer, and (ii) to authorize and approve an interest rate or rates and payment schedule(s) reflecting the principal and interest payments with respect to the Bonds but not to exceed the maximum total interest cost to be borne by the Bonds as set forth in subsection (d) above.

(h) This borrowing is in conformance with and does not exceed any and all applicable debt limitations under the Charter.

Section 2. Execution and Completion of Documents. Be it further enacted and ordained by the Mayor and Common Council of Westminster that the Bonds shall be executed on behalf of the Issuer by the manual or facsimile signature of the Mayor, and the seal of the Issuer shall be affixed thereto or reproduced thereon and attested by the manual signature of the City Clerk of the Issuer (the "City Clerk"). The Program Documents shall be executed on behalf of the Issuer by the Mayor and/or the City Administrator. In the event any official whose signature appears on any of the Bonds or the Program Documents shall cease to be an official prior to the delivery of the Bonds or the Program Documents, or, in the event any official whose signature appears on any of the Bonds or the Program Documents becomes an official after the date of the issue, the Bonds or Program Documents shall nevertheless be valid and binding obligations of the Issuer in accordance with their terms. The Mayor is hereby authorized, empowered and directed to complete the

applicable forms of the Bonds and to make modifications, deletions, corrections or other changes thereto in any manner which the Mayor, in the Mayor's discretion, shall deem necessary or appropriate in order to complete the issuance and sale of the Bonds, as will not alter the substance thereof. The Mayor and/or the City Administrator are hereby authorized, empowered and directed to complete the applicable forms of the Program Documents and to make modifications, deletions, corrections or other changes thereto in any manner which such official(s), in the discretion of such official(s), shall deem necessary or appropriate in order to complete the execution and delivery of the Program Documents in accordance with the provisions of this Ordinance, as will not alter the substance thereof. The execution and delivery of the Bonds by the Mayor and the execution and delivery of the Program Documents by one or more of the duly authorized officials provided for in this Section 2 shall be conclusive evidence of such official's or officials' approval of the forms and substance thereof. To the extent appropriate, additional officials of the Issuer and counsel to the Issuer may be signatories to the Program Documents with respect to facts, representations, certifications, covenants and agreements.

Section 3. Registration of Bonds. Be it further enacted and ordained by the Mayor and Common Council of Westminster that the Director of Finance of the Issuer (who is sometimes referred to as the Director of Finance and Administrative Services of the Issuer or the Finance Director of the Issuer, and in any such case, the "Director of Finance"), or any official or employee of the Department of Finance of the Issuer designated from time to time by the Director of Finance, shall act as registrar for the Bonds and shall maintain registration books for the registration and registration of transfer of the Bonds. No security or bond shall be required of the Director of Finance or the Director of Finance's designee in the performance of the duties of registrar for the Bonds.

The Issuer may deem and treat the person in whose name any Bond (a "Bond" being, for purposes of this Ordinance, any one of the Bonds) shall be registered upon the books of the Issuer as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of, premium, if any, and interest on such Bond and for all other purposes.

Section 4. Prepayment. Be it further enacted and ordained by the Mayor and Common Council of Westminster that the Bonds are being issued in connection with the Program and will secure payment of the Administration's Bonds, which are being issued by the Administration to provide funds to purchase the Bonds from the Issuer, among other purposes. The Repayment Agreement limits the right of the Issuer to prepay the Bonds in accordance with restrictions upon the right of the Administration to redeem the Administration's Bonds. Accordingly, the Issuer may prepay the Bonds only in accordance with the provisions of the Repayment Agreement and the terms governing prepayments as set forth in the Bonds.

Section 5. Replacement of Mutilated, Lost, Stolen, or Destroyed Bonds. Be it further enacted and ordained by the Mayor and Common Council of Westminster that in case any Bond shall become mutilated or be destroyed, lost or stolen, the Issuer may cause to be executed and delivered a new Bond of like series or subseries, date and tenor and bearing the same or a different number, in exchange and substitution for each Bond mutilated, destroyed, lost or stolen, upon the owner paying the reasonable expenses and charges of the Issuer in connection therewith and, in the case

of any Bond being destroyed, lost or stolen, upon the owner filing with the Issuer evidence satisfactory to it that such Bond was destroyed, lost or stolen, and furnishing the Issuer with indemnity satisfactory to it. Any Bond so issued in substitution for a Bond so mutilated, destroyed, lost or stolen: (i) may be typewritten, printed or otherwise reproduced in a manner acceptable to the Administration, and (ii) shall constitute an original contractual obligation on the part of the Issuer under this Ordinance whether or not the Bond in exchange for which said new Bond is issued shall at any later date be presented for payment and such payment shall be enforceable by anyone, and any such new Bond shall be equally and proportionately entitled to the benefits of this Ordinance with all other like Bonds, in the manner and to the extent provided herein.

Section 6. Use of Proceeds. Be it further enacted and ordained by the Mayor and Common Council of Westminster that the proceeds of the Bonds shall be held and invested by the Administration in its sole discretion and shall be:

(a) Administered and disbursed by the Administration pursuant to the Repayment Agreement. The proceeds of the Bonds shall be used, when and as required, to pay Development Costs (as defined in the Repayment Agreement).

(b) After the Project has been completed and all Development Costs in connection therewith have been paid, any balance of the proceeds of the sale of the Bonds held by the Administration under the Repayment Agreement may be applied to the next maturing principal installment or installments, payment of interest on the Bonds or prepayment of the Bonds, as permitted by the Administration.

Section 7. Covenants. Be it further enacted and ordained by the Mayor and Common Council of Westminster that the Issuer covenants with the Administration and for the benefit of the Administration and the owners from time to time of the Bonds that so long as the Bonds or installments of principal thereunder shall remain outstanding and unpaid:

(a) The Issuer will duly and punctually pay, or cause to be paid, to the Administration the principal of the Bonds, premium (if any) and interest accruing thereon, at the dates and places and in the manner mentioned in the Bonds from unlimited ad valorem taxes in the event that available funds are inadequate to make such payment.

(b) The Issuer covenants that so long as any of the Bonds are outstanding and not paid, unless other funds are available for payment of principal of, premium, if any, and interest on the Bonds, it shall levy annually, in the manner prescribed by law, ad valorem taxes on all real and tangible personal property within its corporate limits subject to assessment for unlimited taxation in rate and amount sufficient to provide for the payment of the principal of and interest on the Bonds as the same become due and payable; and in the event that the revenues available from the taxes so levied in any fiscal year shall prove inadequate for the above purposes, the Issuer shall levy additional taxes in the succeeding fiscal year to make up such deficiency; and the full faith and credit and the unlimited taxing power of the Issuer are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds as the same become due.

(c) The Issuer will promptly provide to the Administration (or to any person designated by the Administration) all financial information and operating data concerning the Issuer as may be required by the Administration in its discretion in order for the Administration to comply with the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission, as in effect from time to time, applicable to the Administration's Bonds.

Section 8. Ordinance a Contract. Be it further enacted and ordained by the Mayor and Common Council of Westminster that the provisions of this Ordinance shall constitute a contract with the purchasers and owners from time to time of the Bonds, and this Ordinance shall not be repealed, modified or altered in any manner materially adverse to the Administration and/or the interests of such purchasers or owners while the Bonds or any portion thereof remain outstanding and unpaid without the consent of the owners of the Bonds and the Administration.

Section 9. Pledge of Local Government Payments. Be it further enacted and ordained by the Mayor and Common Council of Westminster that as contemplated and authorized by Section 4-229(b) of the Act, the Issuer hereby pledges, assigns and grants a lien and a security interest to the Administration, its successors in trust and assigns, in all right, title and interest of the Issuer in and to the Local Government Payments (as defined in the Pledge Agreement), now or hereafter acquired, (i) to secure payment of the principal of, premium, if any, and interest on the Bonds and any other Local Obligations (as defined in the Pledge Agreement) issued and to be issued from time to time by the Issuer under the Program and (ii) to provide for deposits to the capital reserve fund securing the Bonds and/or other reserves required under the Program the amount of the Issuer's portion of any deficiency in such capital reserve fund or such other reserves as the Administration shall require, all as more fully set forth and provided in the Pledge Agreement.

Section 10. Purchase Price of Bonds. Be it further enacted and ordained by the Mayor and Common Council of Westminster that the Bonds shall be sold for cash in accordance with the terms and provisions of this Ordinance at par, or if premium or discount is permitted by law, at such premium or discount as is agreed to with the Administration in accordance with the terms and provisions of this Ordinance, and as authorized by Section 4-229(a) of the Act.

Section 11. Sale of Bonds. Be it further enacted and ordained by the Mayor and Common Council of Westminster that the Bonds shall be sold to the Administration under the Program at private sale, as authorized by Section 4-229(a) of the Act.

Section 12. Authority to Take Action; Publication and Public Hearing. Be it further enacted and ordained by the Mayor and Common Council of Westminster that:

(a) The appropriate officials and employees of the Issuer are hereby authorized and directed to do all acts and things required of them by the provisions of this Ordinance, for the full, punctual and complete performance of all the terms, covenants and provisions of the Bonds, the Program Documents and this Ordinance and to do and perform all acts and to execute, seal and deliver all documents or instruments of writing which may be necessary or desirable to carry out the full intent and purpose of this Ordinance and the Program Documents.

(b) As required by the Act, prior to the issuance of the Bonds, the Issuer shall publish in a newspaper of general circulation in the jurisdiction of the Issuer a notice of the proposed issuance of the Bonds, which notice shall include the proposed amount of the issue, the nature of the Project to be financed or refinanced, the time and place of the public hearing, the name of the person(s) and address of the place where written comments may be sent, and the Issuer shall hold a public hearing on the proposed issuance of the Bonds. Such actions may be (or have been) taken prior to or simultaneously with the passage of this Ordinance.

(c) The Issuer shall comply with any publication and/or posting requirements set forth in its Charter that are determined to be applicable to this Ordinance.

Section 13. Tax Matters. Be it further enacted and ordained by the Mayor and Common Council of Westminster that:

(a) Any one or more of the Mayor, the City Administrator and/or the Director of Finance shall be the officers of the Issuer responsible for the issuance of the Bonds within the meaning of the Arbitrage Regulations (defined herein). Any one or more of such identified officials shall also be the officers of the Issuer responsible for the execution and delivery (on the date of issuance of the Bonds) of a certificate of the Issuer (the "Section 148 Certificate") which complies with the requirements of Section 148 ("Section 148") of the Internal Revenue Code of 1986, as amended (the "Code") and the applicable regulations thereunder (the "Arbitrage Regulations"), and such official or officials are hereby directed to execute the Section 148 Certificate and to deliver the same to the Administration on the date of the issuance of the Bonds. The Section 148 Certificate may be contained within any of the Program Documents at the discretion of the Administration.

(b) The Issuer shall set forth in the Section 148 Certificate its reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of the Bonds, or of any monies, securities or other obligations to the credit of any account of the Issuer which may be deemed to be proceeds of the Bonds pursuant to Section 148 or the Arbitrage Regulations (collectively, "Bond Proceeds"). The Issuer covenants that the facts, estimates and circumstances set forth in the Section 148 Certificate will be based on the Issuer's reasonable expectations on the date of issuance of the Bonds and will be, to the best of the certifying official's or officials' knowledge, true and correct as of that date.

(c) The Issuer covenants and agrees with each of the holders of any of the Bonds that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the Bond Proceeds which would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 and the regulations thereunder which are applicable to the Bonds on the date of issuance of the Bonds and which may subsequently lawfully be made applicable to the Bonds.

(d) The Issuer further covenants that it shall make such use of the proceeds of the Bonds, regulate the investment of the proceeds thereof, and take such other and further actions as may be required to maintain the excludability from gross income for federal income tax purposes of interest on the Bonds. All officials, officers, employees and agents of the Issuer are hereby authorized and directed to take such actions, and to provide such certifications of facts and

estimates regarding the amount and use of the proceeds of the Bonds, as may be necessary or appropriate from time to time to comply with, or to evidence the Issuer's compliance with, the covenants set forth in this Section.

(e) Any one or more of the Mayor, the City Administrator and the Director of Finance, on behalf of the Issuer, may make such covenants or agreements in connection with the issuance of Bonds issued hereunder as such official(s) shall deem advisable in order to assure the registered owners of such Bonds that interest thereon shall be and remain excludable from gross income for federal income tax purposes, and such covenants or agreements shall be binding on the Issuer so long as the observance by the Issuer of any such covenants or agreements is necessary in connection with the maintenance of the exclusion of the interest on such Bonds from gross income for federal income tax purposes. The foregoing covenants and agreements may include such covenants or agreements on behalf of the Issuer regarding compliance with the provisions of the Code as such identified official(s) shall deem advisable in order to assure the registered owners of such Bonds that the interest thereon shall be and remain excludable from gross income for federal income tax purposes, including, without limitation, covenants or agreements relating to the investment of the proceeds of such Bonds, the payment of rebate (or payments in lieu of rebate) to the United States, limitations on the times within which, and the purpose for which, such proceeds may be expended, or the use of specified procedures for accounting for and segregating such proceeds. Such official(s) may also make on behalf of the Issuer any elections, designations or determinations authorized or permitted by the Code or the Arbitrage Regulations.

Section 14. Effective Date; Miscellaneous. Be it further enacted and ordained by the Mayor and Common Council of Westminster that:

(a) This Ordinance shall take effect from the date of its passage by the Common Council and its approval by the Mayor (or passage by the Common Council over the Mayor's veto), and it is the intent hereof that the laws of the State of Maryland shall govern its construction and the construction of the Bonds. Any copy of this Ordinance duly certified by the City Clerk or the City Clerk's successor in office shall constitute evidence of the contents and provisions hereof.

(b) Any reference to an official of the Issuer in this Ordinance shall be deemed to include any such official serving in an "acting" or "interim" capacity (e.g., the Acting City Administrator of the Issuer or the Acting City Clerk of the Issuer). Any reference to an official of the Issuer in this Ordinance shall be deemed to include references to such official if generally known by another title; titles of officials as used in this Ordinance correspond generally to the titles used in the Charter or the City Code of the Issuer (the "City Code").

(c) In the event the position of any official who is referred to by title in this Ordinance is vacant at the time any action authorized to be taken by such official in accordance with the provisions of this Ordinance shall occur, and no person has been appointed to such position (including in an "acting" or "interim" capacity) and is incumbent in such position, references in this Ordinance to such official shall be deemed to refer to any other appropriate official of the Issuer charged with such responsibilities under the City Charter or the City Code or, to the extent not so provided for in the City Charter or the City Code, as designated by the Mayor and Common Council of the Issuer by motion or other appropriate action. Written evidence of any such

designation shall be provided to the Administration. Notwithstanding the foregoing sentence, in the event two or more officials are charged with responsibility for taking any actions in accordance with the provisions of this Ordinance and only one such position is filled at the applicable time, any such action may be taken solely by the remaining official.

(d) References in this Ordinance to the phrases "to finance", "to pay" or "to fund" or similar phrases shall be deemed to refer to and include "to reimburse" or "to refinance" or similar phrases.

(e) To the extent not paid from proceeds of the Bonds, the Issuer shall pay costs of issuance relating to the Bonds from other available sources.

(f) The provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated hereby.

[CONTINUED ON FOLLOWING PAGE]

INTRODUCED this _____ day of _____, 2020.

_____
Shannon M. Visocsky, City Clerk

PASSED this _____ day of _____, 2020 by the Common Council of The Mayor and Common Council of Westminster by affirmative vote of _____ (ayes), _____ (nos), _____ (abstentions).

_____
Shannon M. Visocsky, City Clerk

APPROVED or **VETOED** this _____ day of _____, 2020 (circle applicable action).

_____
Name: Joe Dominick
Title: Mayor

APPROVED by a four-fifths (4/5ths) vote of the Common Council over the Mayor's veto this _____ day of _____, 2020 (to be completed only if applicable).

_____
Shannon Visocsky, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
this _____ day of _____, 2020.

_____
Elissa D. Levan, City Attorney

Exhibit A. – Form of Bond

#217293;58293.044

[FORM OF BOND]

EXHIBIT A

United States of America
State of Maryland
The Mayor and Common Council of Westminster
Infrastructure Bond, 2020 Series A

No. R-1 [$_____]

The Mayor and Common Council of Westminster, a municipal corporation duly organized and existing under the Constitution and laws of the State of Maryland (the "Issuer"), hereby promises to pay to the

Maryland Community Development Administration

or its registered assigns, the principal amount of [_____] Dollars ($[_____]), plus interest on each unpaid principal installment at rates per annum resulting in the total interest cost ("TIC") (expressed as a yield) set forth on Exhibit A attached hereto, in lawful money of the United States of America, as follows: (a) interest on the outstanding and unpaid principal of this bond shall be due and payable in semiannual payments commencing on _____, 20__, and continuing on the first day of [October] and [April] in each year thereafter until final maturity; (b) principal of this bond shall be paid commencing on _____ and on [April] 1 in each year thereafter until final maturity in the aggregate amount of principal installments as set forth on Exhibit A. Payment of the principal hereof and the interest due hereon shall be made by check mailed to the address of the registered owner of this bond as shown on the registration books maintained by the Issuer, or in such other manner and to such other address as the registered owner of this bond may designate. If any payment of the principal of or interest on this bond shall be due on a day other than a Business Day (defined herein), such payment shall be made on the next Business Day with like effect as if made on the originally scheduled date. A "Business Day" is any day other than a Saturday, Sunday or legal holiday in the State of Maryland observed as such by the Issuer.

In the event any payment hereon (whether principal, interest or both) is not paid when due and payable, such payment shall continue as an obligation of the Issuer and shall bear interest until paid at the rate or rates of interest borne by this bond.

This bond, designated as "The Mayor and Common Council of Westminster Infrastructure Bond, 2020 Series A" (this "Bond"), is a general obligation of the Issuer, and has been duly issued by the Issuer for the purpose of providing all or a portion of the funds necessary for (i) financing or refinancing costs of a certain project identified in and more fully described in the Ordinance identified herein as the Westminster Community Pool Improvements Project, (ii) funding a portion

of a capital reserve fund and/or other reserves required by the Administration, and/or (iii) paying issuance and other costs related to this Bond. Unless paid from other sources, the Issuer covenants that so long as any portion of this Bond is outstanding and not paid, it shall levy annually, in the manner prescribed by law, ad valorem taxes on all real and tangible personal property within its corporate limits subject to assessment for unlimited taxation in rate and amount sufficient to provide for the payment of the principal of and interest on this Bond as the same become due and payable.

This Bond is issued pursuant to the authority of Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, Section 13.1 of the Charter of the Issuer, as amended, and Ordinance No. ___ of the Issuer, passed by the Common Council of the Issuer on _____, 2020, approved by the Mayor of the Issuer on _____, 2020 and effective on _____, 2020 (the "Ordinance"). The full faith and credit of the Issuer are hereby irrevocably pledged to the payment of the principal of this Bond and the interest to accrue hereon.

This Bond is issued in connection with the Local Government Infrastructure Financing Program of the Community Development Administration, a governmental unit in the Division of Development Finance of the Department of Housing and Community Development, a principal department of the government of the State of Maryland (the "Administration"). This Bond is subject to the terms and conditions of the Repayment Agreement dated as of _____, 2020, between the Issuer and the Administration (the "Repayment Agreement").

This Bond is subject to prepayment by the Issuer to the extent provided in the Repayment Agreement.

Notice of prepayment shall be given, the date of prepayment determined, and all prepayments of this Bond shall be applied in accordance with the provision of the Repayment Agreement.

The Issuer may treat the person in whose name this Bond is registered as the absolute owner hereof, whether or not this Bond shall be overdue, for the purpose of receiving payment thereof and for all other purposes whatsoever, and shall not be affected by any notice to the contrary, except as provided below.

This Bond is assignable and upon such assignment the assignor shall promptly notify the Issuer by certified mail, and the assignee shall surrender this Bond to the Issuer for transfer on the registration records and verification of the portion of the principal amount hereof and interest hereon paid or unpaid, and every such assignee shall take this Bond subject to such condition. In connection with any transfer of this Bond, the Issuer may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such transfer and any reasonable fees or expenses of the Issuer incurred in connection with such transfer.

Principal of this Bond is paid in annual installments and this Bond is subject to partial redemption without any notation of such payment being made on this Bond or the surrender of this

Bond for cancellation and the issuance of a new Bond or Bonds in the amount of the unpaid principal hereof. Accordingly, the outstanding principal of this Bond may be less than the stated face amount hereof and any purchaser or transferee of this Bond should contact the Issuer and the prior owner of this Bond to ascertain the outstanding face amount hereof.

As declared by Section 4-231(c) of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, this Bond shall have and possess all the attributes of negotiable instruments as provided in Section 19-224 of the Local Government Article of the Annotated Code of Maryland, as amended. This Bond is issued with the intent that the laws of the State of Maryland shall govern its construction.

No recourse shall be had for the payment of the principal of, the interest on, or for any claim based hereon or on the Ordinance against any elected or appointed official or employee, past, present or future of the Issuer or any agency thereof; and any such recourse, claim or liability is expressly waived by acceptance by the owner of the delivery of this Bond.

It is hereby certified and recited that each and every act, condition and thing required to exist, to be done, to have happened and to be performed precedent to and in the issuance of this Bond does exist, has been done, has happened and has been performed in full and strict compliance with the Constitution and laws of the State of Maryland, the Charter of the Issuer and the proceedings of the Issuer.

IN WITNESS WHEREOF, The Mayor and Common Council of Westminster has caused this Bond to be signed in its name by the manual or facsimile signature of its Mayor, and its corporate seal to be affixed hereto and attested by the manual signature of the City Clerk, as of _____, 2020.

(SEAL)

ATTEST:

THE MAYOR AND COMMON COUNCIL
OF WESTMINSTER

_____
City Clerk

By: _____
Mayor

BOND PAYMENT SCHEDULE

[Use the following paragraph (with necessary modifications) to clarify the amount to be paid under the schedule prepared by the Financial Advisor.]

[Repayment Schedule to be Inserted.]

Each installment of Principal and Interest or Interest alone shall be the aggregate of amounts set forth in this Exhibit A for the date of such payment as shown under the heading designated "Debt Service."

To: Mayor and Common Council

From: Barbara B. Matthews, City Administrator

Date: June 25, 2020

Re: General Fee Schedule

Background

The Mayor and Common requested that the City Attorney draft an ordinance to remove certain fees from the City Code for efficiency reasons. The fees in question would then be adopted by resolution, making it easier to make adjustments to them going forward.

The associated ordinance has been drafted as Emergency Ordinance No. 925, in recognition of the timing issues associated with the implementation of the new Fitness Center membership structure as of July 1, 2020.

Accompanying Resolution No. 20-04 incorporates the new Fitness Center membership structure and the recently approved new pool membership/daily usage rates. It also changes certain fees related to Maryland Public Information Act requests.

Recommendation

Staff recommends that the Common Council make a motion to introduce Emergency Ordinance No. 925. After such motion, the Common Council can proceed with adopting Emergency Ordinance No. 925.

Staff further recommends that the Common Council adopt companion Resolution No. 20-04.

Attachments

- Emergency Ordinance No. 925
- Resolution No. 20-04

cc: Elissa D. Levan, City Attorney

EMERGENCY ORDINANCE NO. 925

AN ORDINANCE OF THE CITY OF WESTMINSTER, DELETING CERTAIN FEES AND CHARGES FROM CHAPTER A175, "FEES", ARTICLE I, "GENERAL FEE ORDINANCE", OF THE CITY CODE AND PROVIDING THAT SUCH FEES SHALL BE SET FROM TIME TO TIME BY RESOLUTION OF THE MAYOR AND COMMON COUNCIL

WHEREAS, pursuant to the Local Gov't Art., § 5-202 of the Maryland Annotated Code, the Mayor and Common Council of Westminster ("the City") has the authority to enact ordinances to assure the good government of the municipality; protect and preserve the municipality's rights, property, and privileges; preserve peace and good order; secure persons and property from danger and destruction; and protect the health, comfort, and convenience of the residents of the municipality; and

WHEREAS, § 5-205(d)(b) of the Local Gov't Article permits the City to set reasonable fees and charges for governmental and proprietary functions of the City; and

WHEREAS, Section 12 of the City Charter implements the authority of Local Gov't Art., § 5-202 and § 5-205; and

WHEREAS, pursuant to the aforementioned authority, the City enacted Chapter A175, "Fees", of the City Code, Article I, "General Fees", designated as the "General Fee Ordinance"; and

WHEREAS, the Common Council believes that the removal of the fees, costs, and charges set forth in Chapter A175 Article I, "General Fee Ordinance", from the City Code and the adoption from time to time of a schedule of fees, costs, and charges by resolution of the Mayor and Common Council is in the best interests of City and will promote the most efficient operation of City government; and

WHEREAS, the Common Council believes that an emergency exists sufficient to warrant the declaration of an emergency, permitting the Council to dispense with the provisions of the Council Rules of Procedure that require a second reading of the ordinance, in order to permit the adoption of this ordinance at the same meeting at which it was introduced and to permit the ordinance to take effect immediately upon signature by the Mayor.

Section 1. **NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Mayor and Common Council of Westminster, Chapter 1, "General Provisions", Article II, "Provisions Applicable to Entire Code", Section 1-12, "Definitions and Rules of Construction", of the City Code be and hereby is amended to read as follows:

Sec. 1-12. Definitions and rules of construction.

A. As used in this Code, the following terms shall have the meanings indicated:

* * *

General Fee [Ordinance] SCHEDULE

[An ordinance adopted by the Mayor and Common Council of Westminster and amended from time to time establishing certain fees, costs and charges, excluding those established pursuant to Chapter 124 and 160 of the Code.] A SCHEDULE OF GENERAL FEES ADOPTED BY THE MAYOR AND COMMON COUNCIL OF WESTMINSTER BY RESOLUTION AND AS MAY BE AMENDED FROM TIME TO TIME, ESTABLISHING CERTAIN FEES, COSTS, AND CHARGES, INCLUDING THOSE FEES, COSTS AND CHARGES FORMERLY SET FORTH IN CHAPTER A175, ARTICLE I, "GENERAL FEE ORDINANCE" OF THIS CODE, AND EXCLUDING THOSE ESTABLISHED PURSUANT TO CHAPTER 124 AND 160 OF THE CODE. WHEREVER THIS CODE MAKES REFERENCE TO THE GENERAL FEE ORDINANCE, SUCH REFERENCE SHALL BE DEEMED AND INTERPRETED TO BE A REFERENCE TO THE GENERAL FEE SCHEDULE.

* * *

Section 2. **AND BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Common Council of Westminster that that Chapter A175. Article I, "General Fee Ordinance", be and hereby is repealed in its entirety and Chapter A175, Article II, "Utility Fee Ordinance" is henceforth designated as "Article I".

Section 3. **AND BE IT FURTHER ORDAINED** by the Mayor and Common Council that this Ordinance is declared to be an emergency measure, under Section 41 of the Council's Rules of Procedure, permitting this Emergency Ordinance to take effect immediately upon adoption, in order to ensure that fees, costs, and charges formerly covered by Chapter A175, Article I, "General Fee Ordinance", are properly enacted prior to the July 1, 2020 beginning of fiscal year 2021.

INTRODUCED this ____ day of June, 2020

_____
Shannon Visocsky, City Clerk

PASSED this _____day of June, 2020

_____
Shannon Visocsky, City Clerk

APPROVED this _____day of June, 2020

_____
Joe Dominick, Mayor

Approved as to form and legal sufficiency
this _____ day of June, 2020

_____
Elissa D. Levan, City Attorney

RESOLUTION NO. 20-04

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF WESTMINSTER, APPROVING A GENERAL FEE SCHEDULE FOR GOVERNMENTAL AND PROPRIETARY FUNCTIONS OF THE CITY, EXCEPTING UTILITY CHARGES AND INCLUDING FINES FOR VIOLATIONS OF THE CITY'S VARIOUS LAWS AND REGULATIONS, EFFECTIVE JULY 1, 2020

WHEREAS, pursuant to the Local Gov't Art., § 5-202 of the Maryland Annotated Code, the Mayor and Common Council of Westminster ("the City") has the authority to enact ordinances to assure the good government of the municipality; protect and preserve the municipality's rights, property, and privileges; preserve peace and good order; secure persons and property from danger and destruction; and protect the health, comfort, and convenience of the residents of the municipality; and

WHEREAS, § 5-205(d)(b) of the Local Gov't Article permits the City to set reasonable fees and charges for governmental and proprietary functions of the City; and

WHEREAS, Section 12 of the City Charter implements the authority of Local Gov't Art., § 5-202 and § 5-205; and

WHEREAS, pursuant to the aforementioned authority, the City enacted Chapter A175, "Fees", of the City Code, Article I, "General Fees", designated as the "General Fee Ordinance"; and

WHEREAS, the Common Council believes that the removal of the fees, costs, and charges set forth in Chapter A175 Article I, "General Fee Ordinance", from the City Code and the adoption from time to time of a schedule of fees, costs, and charges by resolution of the Mayor and Common Council is in the best interests of the City and will promote the most efficient operation of the City government.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Common Council of Westminster that, beginning on July 1, 2020, the fees, costs, and charges for the various governmental and proprietary functions of the City, except utility charges, and for violations of City laws and regulations shall be as set forth in Exhibit A hereto.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION shall take effect on July 1, 2020.

ADOPTED this _____ day of June, 2020

_____
Shannon Visocsky, City Clerk

APPROVED this _____ day of June 2020

_____
Joe Dominick, Mayor

APPROVED AS TO FORM AND SUFFICIENCY
this _____ day of June 2020.

_____
Elissa D. Levan, City Attorney

General fees, charges and costs.

The following fees, charges and costs relating to the provision of its municipal services pursuant to the Westminster Charter, the Westminster City Code, and related authorities are hereby established.

A. Specific City Code Provisions

Code Section	Subject	Fee
(1) Chapter 14, Elections.		
§ 14-2	Filing fees	$25
(2) Chapter 83, Floodplain Management.		
§ 83-26	Administrative fees	Actual costs as determined by Director of Public works
(3) Chapter 94, Licenses.		
§ 94-8	Circus parades	$100
§ 94-9	Circuses and other entertainments	
	First performance of circus	$100
	Additional performance	$100
	First performance of sideshow	$100
	Additional performance	$100
	Other exhibitions	$100
§ 94-10	Distribution of handbills, per distribution	$25
§ 94-11	Peddling and soliciting	$100
(4) Chapter 109, Picketing and Parades.		
§ 109-10	Procedure for requesting parades and demonstrations permits	Actual cost as determined by City Clerk
(5) Chapter 119, Property Maintenance.		
Annual licensing fees	If application is timely filed.	$20
	If application is filed up to 30 days late	$30
	If application is filed between 31 and 60 days late	$50

	If application is filed between 61 and 90 days late	$100
	If application is filed between 91 and 120 days late	$150
	If application is filed between 121 and 365 days late	$250
	If application is filed over 1 year late	$350
	If application is filed over 2 years late	$450
	For habitual offender	$500
(6) Chapter 130, Solid Waste.		
§ 130-4C	Permit to collect or dispose of solid waste, annual charge	$200
§ 130-7	Bulk pickup	
	Fewer than 3 residential units	No charge
	More than 4 residential units, mixed business-residential units, business institutions, and related uses	No service provided
	Eviction and other bulk collection service:	
	Normal pickup day for location	$150
	Other than normal pickup day for location	$300
	Overtime ($300 x 1.5)	$450
	Nonentitled:	
	Normal pickup day for location	$300
	Other than normal pickup day for location	$500
	Overtime ($500 x 1.5)	$750

(7) Chapter 133, Special Capital Benefit Assessment.

§ 133-3A	Dwelling and Dwelling Units	

(including mobile homes).

Each single-family dwelling unit or the first unit in a multifamily dwelling unit as defined in Chapter 164 of this Code	$3,840
Each dwelling unit in a multifamily dwelling unit over and above the first unit:	
1-bedroom or efficiency	$3,072
2-bedroom	$3,264
3-bedroom	$3,456
4-bedroom	$3,648
Industrial Manufacturing Minimum (includes buildings containing up to 5,000 square feet total floor space)	$3,840
Next 10,000 square feet	$0.77 per square foot
Next 15,000 square feet	$0.73 per square foot
All over 30,000 square feet	$0.70 per square foot
Industrial Warehousing Minimum (includes buildings containing up to 2,000 square feet total floor space)	$3,840
Next 3,000 square feet	$0.77 per square foot
Next 5,000 square feet	$0.70 per square foot
Next 20,000 square feet	$0.59 per square foot
All over 30,000 square feet	$0.46 per square foot
Schools and Colleges, including Dormitories (students and staff)	
1 to 100 persons	$6,528
101 to 250 persons	$11,520
251 to 400 persons	$16,896
401 to 1,000 persons	$22,080
Each additional 400 persons or fraction thereof over 1,000	$26,880
Hospitals, Care Homes and Nursing Homes	
1 to 20 beds	$6,528

	21 to 60 beds	$11,520
	Each additional bed over 60	$269
	Hotels and Motels	
	1 to 10 rooms	$3,840
	11 to 50 rooms	$6,528
	Each additional bed over 50	$307
	Commercial (retail, wholesale and business offices)	
	Minimum (includes buildings containing up to 5,000 square feet total floor space)	$3,840
	Next 5,000 square feet	$0.77 per square foot
	Next 10,000 square feet	$0.70 per square foot
	All over 20,000 square feet	$0.59 per square foot
§ 133-3B	Existing structure converted to additional dwelling units, commercial units or business offices	$576, plus $0.77 per square foot

(8) Chapter 136, Stormwater Management.

§ 136-17	Review and inspections completed for City by county	

(9) Chapter 139, streets and sidewalks.

§ 139-5	Use of sidewalks by merchants and contractors	$50
§ 139-14	Petition to close streets, etc.	$250
§ 139-21	Permit for outdoor display signs or display structure	$50
§ 139-23	Permit fee for awnings	$50
§ 139-25	Permit to dig streets, etc.	$500
§ 139-29	Underground facilities	
	First marking	$35
	Additional markings	$15

(10) Chapter 145, Taxicabs.

§ 145-5	Taxicab owner's license, for each vehicle	$50
§ 145-7	Transferability of taxi license, for each vehicle	$50
§ 145-9	Taxi stands, per space	$250
§ 145-15	Taxi driver's license, per license	$50
§ 145-23	Fares and rates	
	Flat fare for trips from 7:00 a.m. to 10:00 p.m.	$5
	Surcharge for trips prior to 7:00 a.m. and after 10:00 p.m. to be added to base fare	$10
	Charge for intracity portion of trip outside the City	$5
§ 145-25	Impoundment Service charge of $100 plus actual storage cost	

(11) Chapter 148, Trees.

§ 148-12	Tree topping, per tree	$25

(12) Chapter 155, Vehicles and Traffic.

§ 155-30	Parking permits:	
	Permit parking lots (per month)	
	Longwell Annex Lot	$0
	Lower Conaway Lot	$25
	Upper Conaway Lot	$20
	Chapel Lot	$20
	North Longwell Lot	$25
	Bauerlein Lot	$20
	Parking structures (per month)	

	Longwell	$30
	Westminster Square	$30
§ 155-31B	Parking meter zones and charges, per hour	$0.50

(13) Chapter 164, Zoning and Subdivision of Land.

§ 164-45.21D	Criteria for approval, per space	$2,500
§ 164-82B	Open space, per acre	$2,500
§ 164-93B	Open space, per acre	$2,500
§ 164-111C	General provisions and requirements One-time charge of $2,500 per space plus an annual maintenance fee of $56.79 adjusted annually on CPI	
§ 164-111D	Parking requirements	$2,500 per space plus an annual maintenance fee of $56.79 adjusted annually on CPI
§ 164-123C	Sign permits	
	Less than 64 square feet/less than 20 feet high	$50
	More than 64 square feet/ more than 20 feet high	$150
§ 164-151A	Junkyard permit	$250
§ 164-157A	Zoning certificate, per certificate	$200
§ 164-158.1C	Administrative adjustments	$400
§ 164-174	Filing fees	
	Special exceptions:	
	Day-care	$300
	Owner-occupied	$300
	All others	$1,500, plus City legal fees and court reporter costs
	Variances:	

	Owner-occupied	$200
	All others	$1,000 plus City legal fees and court reporter costs
	Appeals	$600
§ 164-179 Zoning filing fees		
	Text amendment	$1,500
	Local map amendment	
	Less than 25 acres	$1,600
	More than 25 acres	$1,600, plus $100 per acre over 25
	Historic	$0
§ 164-192	Subdivision application for approval	$200
§ 164-203	Fees	
	Subdivision application fee	$200
	Concept plan	$500
	Preliminary plan	$1,250 plus $50 per lot
	Development plan	$1,250 lot plus $50 per lot
	Final plat	$1,000 plus $50 per lot
§ 164-213	Fees	
	Site plan	
	Minor site plan	$1,000, plus $200 per each acre less than 5
	Major site plan	$1,500, plus $250 per each acre less than 5
	Development plan	$1,250, plus $50 per lot

B. Miscellaneous fees.

Department		Subject Fee
(1) Finance.		
	[1] Bad check fee:	$~~50~~35.
	[2] Release of lien:	$50.
	[3] Bonds	
	Issuer's fee for conduit	[1] The lesser of:

revenue bonds, notes or other evidences of obligation as to which closing occurs on or after July 15, 2014, and which relate to projects located outside the City's corporate limits:	[a] One percent of the original principal amount of such obligations; and [b] $10,000, provided that, to the extent the I.R.C or the regulations promulgated thereunder require that a lesser amount be charged than the amount determined by application of such formula, such lesser amount as determined in accordance with the Tax Code; such fee to be payable by the obligor as a one-time fee at closing.

(2) Planning zoning and development.

[1] Annexation fees.	
[a] Less than ~~five~~5 acres:	$2,500, plus reimbursement of legal costs.
[b] ~~More than five~~Five acres or more:	$5,000, plus reimbursement of legal costs.
[2] Zoning verification letter:	$50.
[3] Electronic data.	
[a] Stored drawings and historic maps:	Actual cost
[i] Blueline copies:	~~$5.~~Actual cost
[ii] Burn to CD/e-mail:	~~$5.~~Actual cost
[4] Plotted maps.	
[a] Eight and one-half inches by 11 inches:	~~$5.~~Actual cost
[b] Eleven inches by 17 inches:	~~$10.~~Actual cost
[c] Twenty-four inches by 36 inches:	~~$20.~~Actual cost
[d] Thirty-six inches by 48 inches:	~~$30.~~Actual cost
[e] Custom sizes:	~~$5 per square foot.~~Actual cost
[f] Zoning Map (24 inches by 36 inches):	~~$20.~~Actual cost
[5] Custom Products:	~~$65 per hour. Add $5 per square foot for custom-sized plotted maps.~~Actual cost
[6] Special loan programs:	
[a] Application fee:	$2,000.
[b] Work plan and inspection fee:	$1,000.

(3) Public Works.

[1] Construction inspection:	4.5% of public bond
[2] Standard spec book:	$40, if mailed; $35.
[3] Standard Detail Sheet:	available online, $0.

(4) Recreation.

[1] Westminster Municipal Pool:

[a] At gate per person(3 years and older):	$7.
	$200.235
[b] Family, City:	$128.139
[c] Individual, City:	$260.315
[d] Family, county:	$146.169
[e] Individual, county:	$55
[f] 10-visit punch card	$7

[2] Westminster Family Center

Enrollment fees:

[a] Family:	
[i] City:	$100.
[ii] County:	$125.
[b] Individual:	
[i] City:	$50.
[ii] County:	$75.
[c] Youth:	
[i] City:	$30.
[ii] County:	$55.
[d] Child supervision:	
[i] City:	$20.
[ii] County:	$45.

Monthly	$40/year/membership package

Membership fees:

City residents

[a] Family:	$50/month
[b] Family:	$50. w/childcare
	$65/month
[bc] Individual:	$25./month
[cd] Youth:	$15.$18/month
[de] Child supervision:	$10$20/month

One-time guest fees:

[a] Per person: [f] Daily Walk-in (12 and up)	$7.
[b] With a member:	$5.

~~[c] Per child for child supervision: $3.~~

~~One~~ /month ~~membership fees:~~

[g] 10-visit punch card	$60/month
Non-City-residents	$55/month
[a] Family:	$~~60.~~55/month
[b]Family w/childcare	$70/month
[c] Individual:	$30~~.~~/month
[~~c~~d] Youth:	$20~~.~~/month
[~~d~~e] Child supervision:	$~~15.~~25/month
[f] Daily Walk-in (12 and up)	$10
[g] 10-visit punch card	$60

[6] Avondale Run Ballfield:

[a] Permit required.	$75, plus refundable security deposit of $75.

[7] Belle Grove Square Park:

[a] Permit required; permit fee	$75.

[8] Bishop's Garth Park:

[a] Permit required; permit fee	$75.

[9] Charles Street Park:

[a] Permit required; permit fee	$75 plus, refundable security deposit of $75

[10] Community Building at the pool:

[a] Permit required	$30 per hour, plus refundable security deposit of $75.

[11] Dutterer Family Park;

[a] Permit required~~; pavilion rental~~	$75 for four hours, plus refundable security deposit of $75.

[12] Green's Tot Lot:

[a] Permit required~~; permit fee~~	$75.

[13] Jaycee Park:

[a] Permit required~~; permit fee~~	$75 plus refundable security deposit of $75.
[b] Ballfield lights	$25 per hour.

[14] King Park:

[a] Permit required~~; pavilion rental~~ $75 for four hours, plus refundable security deposit of $75.

[15] Locust Lane:

[a] Permit required~~;~~ $75.

[16] Longwell Municipal Center Gym Rental:

~~[a]~~ Permit required.

~~$30~~City resident

Regular hours $50 per hour ~~for gym rental and~~

~~$20~~After hours $75 per hour

~~for room rental.~~

Non-City resident

Regular hours $60 per hour

After hours $80 per hour

[17] Uniontown Road Athletic Field;

[a] Permit required $75.

[18] Westminster City Playground:

[a] Permit required~~;~~ $75 for four hours, plus security deposit of $75.

[19] Westminster City Park Ballfields:

[a] Permit required $75, plus refundable security deposit of $75.

[b] Ballfield lights $25 per hour.

[20] Library Park:

[a] Permit required $75 for four hours, plus refundable security deposit of $75.

[21] Main Street banners:

[a] Per banner for two-week rental: $150.

(5) City Clerk:

[1] Maryland public information requests:

[a] Copy costs, per page: ~~$0.25.~~ $.05[b] Time:

~~[b] Time:~~

[i] Less than or equal to ~~two~~

2 hours~~:~~ free.

[ii]Greater than ~~or equal to~~

	~~two~~2 hours: actual costs determined by the City Clerk.

(6) Police:

[1] ~~Maryland~~Copies of public ~~information~~ records, paper ~~requests:~~	
[a] Copy costs, per page:	~~$0.25.~~ $.05
[b] Time:	
[i] ~~Less than or equal to two~~ Search time, 2 hours~~: free.~~ or less	Free
[ii] Greater than ~~or equal to~~ 2hours:	Actual cost ~~two hours: actual costs determined by the Chief of Police.~~
~~[2] Accident report:~~	~~$5.~~
~~[3] Police report:~~	
~~[a] Initial:~~	~~$5.~~
~~[b] Supplemental pages:~~	~~$1 per page.~~
~~[4] Research fee: $15; deposit of $10 required, first hour free.~~	
~~[5~~[2] Photographs:	Actual cost
~~[a] Standard:~~	~~$2.~~
~~[b] Eight inches by 10 inches:~~	~~$8.~~
~~[6~~3] Audio tapes (cassette):	~~$10.~~ Actual cost
[~~7~~4] CDs:	~~$10.~~ Actual cost
[~~8~~5] Video tapes:	~~$25.~~ ~~[9~~ Actual cost
[6] Fingerprints:	
[a] Per card:	$5.
[b] Child prints:	~~free.~~Free
[~~10~~7] Meter bags:	
[a] Single-head meter bag~~:~~	$4 per day~~.~~
[b] Double-head meter bag~~:~~	$8 per day~~.~~
[~~11~~8] "No Parking" pedestal~~:~~	
[a] Half day:	$5~~.~~
[b] Full day:	$5~~.~~

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MEMORANDUM

TO: The Honorable Mayor and Common Council of Westminster

THROUGH: Barbara B. Matthews, City Administrator

FROM: Lindsey A. Rader, Bond Counsel to the City

DATE: June 4, 2020

RE: Overview and Summary of CDA Loan Ordinance (Ordinance No. 924)

OVERVIEW: The City has determined to undertake a project generally referred to as the Westminster Community Pool Improvements Project (the "Project"), and is seeking to participate in the Maryland Community Development Administration's ("CDA") Local Government Infrastructure Financing Program (the "Program") in order to finance costs of the Project. The City has previously participated in the Program in order to finance or refinance various infrastructure projects, including a stand-alone issue for the benefit of just the City in 2019 and a pooled issue in 2017 for the benefit of the City and other Maryland governmental entities.

Under the Program, CDA issues its own revenue bonds to the public and uses proceeds to make loans to participating Maryland counties, municipalities and other public entities. A CDA loan is "papered" by one or more general obligation bonds, notes or other evidences of indebtedness issued by a borrower to CDA. CDA requires that Program participants pass legislation in the form required by CDA (an ordinance in this case). Before passing the legislation the borrower must hold a public hearing after at least 7-10 days' prior published notice.

The maximum term of a Program loan is approximately 30 years. Under the Program, bond maturity is tied to the weighted useful lives of the improvements financed or refinanced. The City prefers an approximately 20-year term for the financing (not to exceed 21-years from the date of issuance), but the City will issue more than one bond to CDA if the useful lives of the financed Project components dictate that bonds should be issued with different maturity dates.

Under the Program, the City will enter into both a Pledge Agreement and a Repayment Agreement (similar to a loan agreement) with CDA. The Pledge Agreement will contain an intercept mechanism providing that, if the City defaults in its obligations with respect to the CDA loans, CDA has the right to direct the State Treasurer to send to CDA from any sources held by the State, including income tax revenues, the amount owed by the City. The Repayment Agreement will require the City to file its audited financial statements with CDA on an annual basis and certain other reporting information tied to the events reportable under SEC Rule 15c2-12.

The Ordinance authorizing the City's participation in the Program is scheduled for introduction on June 8, 2020. The date of the required public hearing and consideration of the Ordinance for passage has not been scheduled yet.

The Ordinance authorizes a maximum aggregate principal amount of not-to-exceed $1,225,000 of general obligation bonds to be issued by the City.

A summary of pertinent provisions of the Ordinance follows. In the Ordinance, the City is referred to as the "Issuer" and CDA is referred to as the "Administration". To the extent the City issues multiple bonds to CDA, the loans evidenced by such bonds are collectively referred to as the "Loan" in the Ordinance.

SUMMARY OF ORDINANCE:

- Recitals: The Recitals trace authority for participating in the Program and define the Project.

- Authorizes the City to issue general obligation bonds in one or more series in the aggregate principal amount not to exceed $1,225,000 (the "Bonds") in order to finance or reimburse costs of the Project, fund reserves and/or pay issuance costs of the Bonds. (A series may consist of a single bond.)

- Section 1(d) authorizes the Mayor to determine (i) the final principal amount of the Bonds subject to the $1,225,000 aggregate principal amount limitation and (ii) the interest rates to be borne by the Bonds resulting in a total interest cost (expressed as a yield) within the limitations set forth in Section 1(d) for up to 5, 10, 15, 20 and 21 year maturities. (Yield limitations are stated in terms of maturities in 5-year increments because the Bonds likely will not mature exactly 20 years from date of issuance.) Also, Section 1(d) expresses the City's preference to amortize the Bonds over an approximately 20-year term, or for Project components that do not qualify for an approximately 20-year term, the longest applicable terms possible.

- Provides that the Bonds will be in substantially the form set forth in Exhibit A to the Ordinance. The final form(s) of the Bonds will be approved and executed by the Mayor, and the City seal shall be impressed thereon, attested by the City Clerk.

- Specifies that the City will be required to enter into a Repayment Agreement and a Pledge Agreement with CDA, as well as any other documents, agreements, instruments or certificates required by CDA (collectively with the Repayment Agreement and the Pledge Agreement, the "Program Documents").

- Provides for approval and execution of the Bonds by the Mayor and City Clerk, approval and execution of the Program Documents by the Mayor and/or the City Administrator, and

specifies that to the extent applicable other City officials may be signatories to the Program Documents.

- Specifies that the Bonds will be subject to prepayment as provided for in the Repayment Agreement, and such prepayment right will be tied to prepayment rights relating to CDA's bonds. (Note: typically CDA's bonds may not be prepaid for approximately 10 years from date of issuance, which means there is an approximately 10-year window in which the City may not prepay its Bonds).

- Specifies the Director of Finance shall serve as registrar for the Bonds. Standard provisions for registration, transfer or exchange of the Bonds and lost, stolen or destroyed Bonds are set forth in the Ordinance.

- Contains the City's agreement to make timely payments on the Bonds and pledges the City's full faith and credit and unlimited taxing power to payment of the Bonds. (Note: the City may pay debt service on the Bonds from other available sources as long as such sources do not violate Maryland law or federal tax code considerations.)

- The City pledges to provide CDA with financial and operating information regarding the City that will allow CDA to meet the continuing disclosure requirements of SEC Rule 15c2-12 with respect to CDA's bonds. (Note: the Repayment Agreement will also require the City to disclose to CDA the occurrence of certain enumerated events specified in SEC Rule 15c2-12.)

- Provides that as authorized by the statute governing the Program (the "CDA Act") and as security for the Bonds, the City pledges its right to receive tax and other revenue payments from the State (referred to as the "Local Government Payments"). Such pledge will be detailed in full in the Pledge Agreement. (Note: This pledge will allow CDA (i) to intercept taxes and other State-collected or State-shared revenues due from the State to the City in the event the City defaults in its obligations under the Bonds and the Program Documents and (ii) apply such intercepted taxes and revenues to meet the City's payment obligations with respect to the Bonds or to fund a deposit to a capital reserve fund maintained by CDA.)

- The Bonds will be sold to CDA at private sale for cash at par or such premium or discount as is allowed by law.

- Because it is anticipated that interest on the Bonds will be tax-exempt for federal income tax purposes, any one or more of the Mayor, the City Administrator and/or the Director of Finance are designated as the City officials responsible for issuance of the Bonds within the meaning of the federal tax code and are authorized to make certain representations and certifications or designations, determinations or elections relating to the tax-exempt status of the Bonds for federal tax code purposes. Standard representations and covenants regarding complying with the federal tax code are set forth in the Ordinance.

- The Ordinance will not be passed until a public hearing has been held with respect thereto following publication of notice of such public hearing in a newspaper of general circulation in the City.

- To the extent not paid from Bonds proceeds, the City agrees to pay costs of issuance of the Bonds from other available sources.

- Provisions of the Ordinance shall be liberally construed.

_____
Notes:

(1) While the Bonds are outstanding, the City will be required to timely file its Uniform Financial Report (UFR) and audited financial statements with CDA on an annual basis. These requirements are not specified in the Ordinance but will be specified in the Program Documents.

(2) Although not specified in the Ordinance, the Program Documents will provide that in the event the City defaults under the terms of the Program Documents, CDA will have the right to accelerate payment of the Bonds, which means that remaining outstanding principal and accrued interest could be payable to CDA upon demand following a default (this is standard for a CDA loan but is not standard in situations where the City issues its general obligation bonds to a bank). I am not aware of CDA ever accelerating any of its underlying loans.

(3) With its June 2012 bond issue, CDA changed the form of Pledge Agreement to provide that (i) a borrower may not, without CDA's prior consent (which cannot be unreasonably withheld and is based on calculated debt service coverage ratios), incur any other obligations where it has to pledge its right to receive State-collected taxes or other revenues as security *other than Maryland Water Quality Financing Administration ("MWQFA") loans,* and (ii) a borrower must notify CDA beforehand of its intention to obtain an MWQFA loan. Once the Bonds are issued, the City will have to monitor and comply with this requirement if the City participates in other State loan or grant programs in which the City is required to pledge such State-collected taxes/revenues as security for its obligations, including by providing prior notice to CDA of any MWQFA loans.

(4) CDA anticipates pricing its revenue bonds the week of July 27, 2020 and closing on the Program loans the week of August 13, 2020. If the City wishes to (i) pull out of the Program entirely or (ii) reduce the aggregate principal amount of the Bonds to be issued to an amount less than $1,225,000, that decision must be made *no later than Thursday, July 23, 2020*.

L.A.R.

cc: Tammy M. Palmer, Director of Finance
Elissa D. Levan, City Attorney