

# **TOWN OF RIVERDALE PARK**

## **CHARTER AMENDMENT RESOLUTION NO. 2012-CR-2**

**Introduced by Council member Alan Thompson**

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**A RESOLUTION concerning**

### **CHARTER AMENDMENT – ISSUANCE OF DEBT**

**FOR** the purpose of amending the Charter of the Town of Riverdale Park to alter the authority and process for the borrowing of money and the issuance of certain bonds, notes and other evidences of indebtedness by and on behalf of the Town of Riverdale Park ("Town"); for the purpose of authorizing the Town to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or other evidences of indebtedness (the "Obligations"); specifying that the Town Council shall authorize by ordinance (1) the maximum aggregate principal amount of any such Obligations to be issued; (2) the purpose(s) for which such Obligations shall be expended; (3) a pledge of the security for such Obligations and, if applicable, a statement that such Obligations shall be payable in the first instance from a specified source of revenue or provisions for the making of such statement by resolution; and (4) a requirement that prior to issuing any such Obligations the Council shall adopt a resolution regarding certain matters; providing that any such resolution shall contain, determine, approve or provide for the approval of various details regarding such Obligations, including (1) their designation, issue date, denomination(s), form(s) and tenor, (2) their rate(s) of interest (which may be fixed or variable or may be determined by a method approved or provided for); (3) their date(s) and amount(s) of maturity, denomination(s) and serial and/or term maturities; (4) whether they will be sold by the solicitation of competitive bids at public sale or by private (negotiated) sale; (5) their price(s), which may be at, above or below par value; (6) any desired redemption or put provisions, including how notice of redemption or put shall be given; (7) the manner of executing and sealing such Obligations; (8) any documents pursuant to which such Obligations are to be issued, offered or secured, including for the purpose of enhancing the marketability of or as security for such Obligations and for securing any tender option; and (9) such other provisions as the Council may determine necessary or desirable, including whether such Obligations shall be sold for cash or other valuable consideration or further providing for application of their proceeds; providing that any such resolution may be introduced and adopted at a single session and shall become effective immediately upon adoption; providing that the Council may instead by ordinance determine, approve or provide for the approval of any of the matters specified as being determinable by resolution; providing for or authorizing the methods by which any such Obligations may be bid for in connection with the sale of the same by solicitation of competitive bids at

public sale and the methods by which any notice of sale or summary thereof may be published or disseminated; providing that the powers granted by this Charter Amendment are additional and supplemental to any other applicable general obligation borrowing authority; generally relating to the issuance and terms of such Obligations; and providing the procedures to be followed for the effectiveness of the Charter Amendment adopted by this Resolution.

**BY** repealing and reenacting, with amendments  
Charter of the Town of Riverdale Park  
ARTICLE VI, Finance  
Section 618.

**SECTION 1. BE IT RESOLVED BY THE COUNCIL OF THE TOWN OF RIVERDALE PARK,** That Section 618 of the Charter of the Town of Riverdale Park is repealed and reenacted, with amendments, to read as follows

**ARTICLE VI – Finance**

§ 618: Authorization to Borrow Money

(A) ~~The mayor and council shall have the power to~~ TOWN MAY borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes, or other certificates of indebtedness in the manner prescribed in ~~the subtitle Creation of Municipal Public Debt of Article 23A of the Annotated Code of Maryland~~ THIS SECTION.

(B) ALL GENERAL OBLIGATION BONDS, NOTES OR OTHER EVIDENCES OF INDEBTEDNESS ISSUED UNDER THE PROVISIONS OF THIS SECTION SHALL BE AUTHORIZED BY AN ORDINANCE THAT CONTAINS: (1) A STATEMENT OF THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF SUCH OBLIGATIONS TO BE ISSUED; (2) A STATEMENT OF THE PURPOSE OR PURPOSES FOR WHICH THE PROCEEDS OF SUCH OBLIGATIONS ARE TO BE EXPENDED; (3) A PLEDGE OF THE SECURITY FOR SUCH OBLIGATIONS AND, IF APPLICABLE, A STATEMENT THAT SUCH OBLIGATIONS SHALL BE PAYABLE IN THE FIRST INSTANCE FROM A SPECIFIED SOURCE OF REVENUE OR PROVISIONS FOR THE MAKING OF SUCH STATEMENT BY RESOLUTION; AND (4) A REQUIREMENT THAT, SUBJECT TO THE PROVISIONS OF SUBSECTION (D) BELOW, BEFORE THE ISSUANCE OF ANY SUCH OBLIGATIONS, THE TOWN COUNCIL SHALL ADOPT A RESOLUTION IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (C) BELOW.

(C) PRIOR TO ISSUING ANY SUCH OBLIGATIONS IDENTIFIED IN SUBSECTION (B) ABOVE, THE TOWN COUNCIL SHALL ADOPT A RESOLUTION CONTAINING, DETERMINING OR PROVIDING FOR THE DETERMINATION OF, OR APPROVING OR PROVIDING FOR THE APPROVAL OF: (1) THE DESIGNATION, DATE OF ISSUE, DENOMINATION OR DENOMINATIONS, FORM OR FORMS AND TENOR OF SUCH OBLIGATIONS; (2) THE RATE OR RATES OF INTEREST PAYABLE ON

SUCH OBLIGATIONS (WHICH MAY BE FIXED OR VARIABLE OR MAY BE DETERMINED BY A METHOD APPROVED OR PROVIDED FOR); (3) THE DATE OR DATES AND AMOUNT OR AMOUNTS OF MATURITY, WHICH MAY BE IN ANY DENOMINATION AND WHICH MAY BE IN SERIAL AND/OR TERM MATURITIES; (4) THE MANNER OF SELLING SUCH OBLIGATIONS, WHICH MAY BE EITHER BY SOLICITATION OF COMPETITIVE BIDS AT PUBLIC SALE AFTER PUBLICATION OR DISSEMINATION OF THE NOTICE OF SALE OR A SUMMARY THEREOF OR BY PRIVATE (NEGOTIATED) SALE WITHOUT ADVERTISEMENT OR SOLICITATION OF COMPETITIVE BIDS; (5) THE PRICE OR PRICES OF SUCH OBLIGATIONS, WHICH MAY BE AT, ABOVE OR BELOW PAR VALUE; (6) ANY DESIRED PROVISIONS RELATING TO THE REDEMPTION OR PUT OF SUCH OBLIGATIONS PRIOR TO MATURITY (WHICH MAY BE AT, ABOVE OR BELOW PAR VALUE), AND THE MANNER OF PUBLISHING OR OTHERWISE GIVING NOTICE OF SUCH REDEMPTION OR PUT; (7) THE MANNER OF EXECUTING AND SEALING SUCH OBLIGATIONS, WHICH MAY BE BY FACSIMILE; (8) ANY DOCUMENTS PURSUANT TO WHICH SUCH OBLIGATIONS ARE TO BE ISSUED OR SECURED, INCLUDING, WITHOUT LIMITATION, AGREEMENTS WITH BANKS, FIDUCIARIES, INSURERS OR OTHERS FOR THE PURPOSE OF ENHANCING THE MARKETABILITY OF OR AS SECURITY FOR SUCH OBLIGATIONS AND FOR SECURING ANY TENDER OPTION GRANTED TO THE HOLDERS THEREOF; AND (9) SUCH OTHER PROVISIONS REGARDING THE TERMS, CONDITIONS, ISSUANCE, SALE, DELIVERY AND SECURITY OF AND FOR SUCH OBLIGATIONS AS THE TOWN COUNCIL MAY DETERMINE NECESSARY OR DESIRABLE, INCLUDING, WITHOUT LIMITATION, WHETHER SUCH OBLIGATIONS SHALL BE SOLD FOR CASH OR OTHER VALUABLE CONSIDERATION OR FURTHER SPECIFYING THE PURPOSES FOR WHICH SUCH OBLIGATIONS ARE TO BE EXPENDED (WITHIN THE LIMITATIONS SET FORTH IN THE APPLICABLE ORDINANCE). BY RESOLUTION THE TOWN COUNCIL MAY DELEGATE TO A SPECIFIED OFFICIAL OR OFFICIALS THE AUTHORITY TO APPROVE ANY MATTERS OR MAKE ANY DETERMINATIONS CONTEMPLATED BY THIS SUBSECTION (C). A RESOLUTION ADOPTED PURSUANT TO THIS SUBSECTION (C) MAY BE INTRODUCED AND ADOPTED AT A SINGLE SESSION OF THE COUNCIL AND SHALL BECOME EFFECTIVE IMMEDIATELY UPON ADOPTION OR UPON THE DATE SPECIFIED IN SUCH RESOLUTION.

(D) THE TOWN COUNCIL, AT ITS OPTION, MAY DETERMINE OR PROVIDE FOR THE DETERMINATION OF, OR APPROVE OR PROVIDE FOR THE APPROVAL OF, ANY OF THE MATTERS REFERENCED IN SUBSECTION (C) ABOVE BY ORDINANCE INSTEAD OF BY RESOLUTION.

(E) IN CONNECTION WITH ANY SALE OF GENERAL OBLIGATION BONDS, NOTES OR OTHER EVIDENCES OF INDEBTEDNESS BY THE SOLICITATION OF COMPETITIVE BIDS AT PUBLIC SALE, ANY SUCH COMPETITIVE BIDS MAY BE DELIVERED BY ELECTRONIC AND/OR FACSIMILE MEANS AND/OR BY ANY OTHER THEN-COMMERCIALY REASONABLE MANNER FOR THE SALE OF MUNICIPAL OBLIGATIONS AT COMPETITIVE BID; AND ANY NOTICE OF SALE MAY BE PUBLISHED SOLELY IN SUMMARY FORM IN A NEWSPAPER OF GENERAL

CIRCULATION IN THE TOWN OR IN A GENERALLY RECOGNIZED FINANCIAL JOURNAL SUCH AS *THE BOND BUYER*, OR BOTH, OR ANY NOTICE OF SALE MAY BE DISSEMINATED, WITHOUT PUBLICATION, SOLELY IN ELECTRONIC FORM OR BY ANY OTHER THEN-COMMERCIALY REASONABLE MANNER FOR THE SALE OF MUNICIPAL OBLIGATIONS, AS DETERMINED BY THE TOWN COUNCIL IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION (C) OR SUBSECTION (D) ABOVE, AS APPLICABLE.

(F) THE POWERS CONFERRED ON THE TOWN UNDER THIS SECTION ARE ADDITIONAL AND SUPPLEMENTAL TO ANY OTHER BORROWING AUTHORITY GRANTED TO THE TOWN BY MARYLAND PUBLIC GENERAL OR PUBLIC LOCAL LAW OR THIS CHARTER, AND THE TOWN MAY AUTHORIZE, ISSUE AND SECURE ANY SUCH OTHER DEBT IN CONFORMITY WITH THIS CHARTER AND ANY OTHER APPLICABLE LAW.

**SECTION 2: AND BE IT FURTHER RESOLVED BY THE TOWN COUNCIL OF RIVERDALE PARK** that if any provision of this Resolution, or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this Resolution which can be given effect without the invalid provisions or application, and to this end, all the provisions of this Resolution are hereby declared to be severable.

**SECTION 3: AND BE IT FURTHER RESOLVED BY THE TOWN COUNCIL OF RIVERDALE PARK** that the date of adoption of this Resolution is March 5, 2012, and the amendment to the Charter of the Town of Riverdale Park, hereby enacted shall become effective on \_\_\_\_\_ unless a proper petition for referendum hereon shall be filed as permitted by law, provided a complete and exact copy of this Resolution shall be continuously posted on the bulletin board in the Town Hall until May 7, 2012, and provided further that a copy of the title of this Resolution shall be published in a newspaper of general circulation in the Town of Riverdale Park, or in any other newspaper of such general circulation, once in each of the weeks beginning \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_.

**SECTION 4: AND BE IT FURTHER RESOLVED BY THE TOWN COUNCIL OF RIVERDALE PARK** that the Town Administrator is hereby specifically commanded to carry out the provisions of Section 5 of this Resolution, and, as evidence of such compliance, the Town Administrator shall cause to be maintained appropriate certificates of publication of the newspaper or newspapers in which the title of the Resolution shall have been published and if a favorable referendum is held on the Charter change, the Mayor shall declare the Charter hereby enacted to be effective on the date provided by law.

**SECTION 5: AND BE IT FURTHER RESOLVED BY THE TOWN COUNCIL OF RIVERDALE PARK** that as soon as the Charter Amendment hereby enacted shall become effective, either as provided herein or following a referendum, the Town Administrator shall send to the Department of Legislative Services of Maryland a copy of this Resolution showing the number of members of the Council voting for and against it and a report on the

votes cast for or against the Charter hereby enacted at any referendum thereon and the date of such referendum.

The above Amendment to the Riverdale Park Town Charter was enacted by the foregoing Resolution which was passed at a Regular Legislative meeting of the Riverdale Park Town Council on March 5, 2012, 4 members of the Town Council voting in the affirmative, 0 members of the Town Council voting in the negative, 0 members of the Town Council abstaining and 2 members of the Town Council absent and the said Resolution becomes effective in accordance with law on the 7<sup>th</sup> day of May, 2012 if a petition for referendum has not been filed in the time prescribed by law.

ADOPTED this 5th day of March, 2012

ATTEST:

TOWN COUNCIL OF RIVERDALE PARK

  
\_\_\_\_\_  
Sara Imhulse, Town Administrator

BY:   
\_\_\_\_\_  
Vernon Archer, Mayor

Key:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
Strikethrough indicates matter deleted from existing law.