

**CITY OF HYATTSVILLE
ORDINANCE 2024-03**

AN ORDINANCE AMENDING AND RATIFYING THE AUTHORIZATION AND EMPOWERMENT OF THE CITY OF HYATTSVILLE (THE “CITY”) TO ISSUE AND SELL FROM TIME TO TIME, UPON ITS FULL FAITH AND CREDIT, ONE OR MORE SERIES OF GENERAL OBLIGATION BONDS IN AN ORIGINAL AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING SEVENTEEN MILLION FIVE HUNDRED THOUSAND DOLLARS (\$17,500,000), THE PROCEEDS OF THE SALE THEREOF TO BE USED AND APPLIED FOR THE PUBLIC PURPOSE OF FINANCING, REIMBURSING OR REFINANCING COSTS (AS DEFINED IN THIS ORDINANCE) OF THE PROJECT IDENTIFIED HEREIN AS 3505 HAMILTON STREET PUBLIC SAFETY BUILDING, TOGETHER WITH RELATED COSTS.

RECITALS

1. City of Hyattsville, a municipal corporation of the State of Maryland (the “City”) and a municipality within the meaning of the Enabling Act, the Bond Anticipation Note Act and the Refunding Act identified below, is authorized and empowered by Sections 19-301 to 19-309, inclusive, of the Local Government Article of the Annotated Code of Maryland (previously codified as Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland), as replaced, supplemented or amended (the “Enabling Act”), and Section C5-23A of the Charter of the City of Hyattsville, as replaced, supplemented or amended (the “Charter”), to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds.

2. Pursuant to Ordinance 2022-03, enacted by the City on July 18, 2022 and effective on August 7, 2022 (the “Original Ordinance”), the City determined to authorize the issuance and sale from time to time of one or more series of its general obligation bonds in order to finance, reimburse or refinance all or a portion of the costs of the public purpose projects identified therein.

3. Pursuant to Sections 19-211 through 19-223, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Bond Anticipation Note Act”) and Section C5-23A of the Charter, Section 7 of the Ordinance authorized the City to issue and sell, upon its full faith and credit, its general obligation bond anticipation notes in one or more series in an original aggregate principal amount not to exceed Eleven Million Dollars (\$11,000,000) for the public purpose of financing or reimbursing costs of the Project on an interim basis.

4. Pursuant to Resolution 2022-08, adopted by the City Council on July 18, 2022 (the “2022 Resolution”) the City issued the “City of Hyattsville General Obligation Public Improvement Bond Anticipation Notes, Series 2022” in the original aggregate maximum principal amount of Eleven Million Dollars (\$11,000,000) (the “2022 BAN”).

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1 5. Pursuant to the Bond Anticipation Note Act, Section C5-23A of the Charter and
2 Section 7(c) of the Ordinance, the City adopted Resolution 2023-03 on July 17, 2023, to renew
3 and modify the 2022 BAN and designated it as “City of Hyattsville Amended and Restated General
4 Obligation Public Improvement Bond Anticipation Note, Series 2023” in the original aggregate
5 principal amount of Eleven Million Dollars (\$11,000,000) (the “2023 BAN”).

6 6. Subsequent to the enactment of the Original Ordinance and the issuance of the 2023
7 BAN, the City has determined that the costs of the projects identified in the Original Ordinance
8 have exceeded the amount provided for in the Original Ordinance and, in connection therewith,
9 the City has determined to amend and replace the not to exceed original aggregate principal amount
10 of the bonds authorized thereby.

11 NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Hyattsville
12 in regular session assembled:

13 SECTION 1. (a) That the Recitals to this Ordinance are deemed a substantive part of this
14 Ordinance and are incorporated by reference herein. Capitalized terms used in the Sections of this
15 Ordinance and not otherwise defined herein shall have the meanings given to such terms in the
16 Recitals.

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

29 (c) References in this Ordinance to the “principal amount” of any of the Bonds,
30 the BANs, the Refunding Bonds or the Obligations (each as defined herein) shall be construed to
31 mean the par amount of such Bonds, BANs, Refunding Bonds or Obligations, as applicable.

32 SECTION 2. That the following amendments are hereby made to the Original Ordinance:

33 (a) The original aggregate principal amount not exceeding Eleven Million Two
34 Hundred Fifty Thousand Dollars (\$11,250,000) shall be deleted and inserted in lieu thereof
35 shall be the original aggregate principal amount not exceeding Seventeen Million Five
36 Hundred Thousand Dollars (\$17,500,000).

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(b) Section 3(b) of the Original Ordinance shall be deleted in its entirety and inserted in lieu thereof shall be the following:

(b) With respect to the project listed below, the word “costs” as used in Section 2 hereof shall include, as applicable, costs of the following activities and expenses: land and right-of-way acquisition and development; site and utility improvements, including, without limitation, grading, landscaping, paving, sidewalk, curb, gutter, storm water, water, and sewer improvements, and related or similar activities and expenses; demolition, razing and removal and related or similar activities and expenses; acquisition, construction, expansion, reconstruction, replacement, renovation, rehabilitation, improvement, installation, furnishing and equipping activities and expenses (including the installation of the telecommunications equipment, and related or similar activities and expenses; planning, design, engineering, architectural, feasibility, surveying, bidding, permitting, inspection, construction management, financial, legal and administrative activities and expenses, and related or similar activities and expenses; costs of issuance (which may include costs of bond insurance or other credit or liquidity enhancement); capitalized interest; reserve funds; and any such costs that may represent the City’s share or contribution to the financing, reimbursement or refinancing of costs of any such project (collectively, “Costs of the Project”). The maximum original aggregate principal amount of the Bonds (or the BANs, as identified in Section 7 hereof) to be appropriated or applied to the Costs of the Project (exclusive of any premium realized upon sale or investment earnings that may be applied for such purposes) shall be allocated among the following public purpose project and related costs of issuance set forth below, except as otherwise herein provided:

	<u>Project Description</u>
1	3505 Hamilton Street Public Safety Building ^{(1), (2)}
2	Costs of Issuance, Interest on BANs and Related Costs

(1) Sometimes referred to in City materials as Reuse of 3505 Hamilton Street or Public Safety Building Renovation Project.

(2) Includes the payment of principal on the 2023 BAN, which produced the interim financing for the Project in the amount of \$11,000,000.

The projects identified in line items 1 and 2 above (including Costs of Issuance) are collectively referred to herein as the “Project”. Except as indicated in the footnotes above, the Project described is generally identified by the names used in the City’s Capital Improvements Plan. The

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1 City shall allocate the maximum principal amount of the Bonds (and of any
2 of the BANs, as applicable) (exclusive of any premium realized upon sale
3 or investment earnings that may be applied for such purposes) to be spent
4 among any of the line items identified herein in compliance with applicable
5 budgetary procedures or applicable law at or prior to the issuance of the
6 Bonds. Further, it is the intention of the City that proceeds of the Bonds (or
7 of any of the BANs, as applicable) may be spent on any applicable Costs of
8 the Project, notwithstanding the descriptive names for such Project in the
9 table above, including, without limitation, costs related to changes in the
10 scopes of and/or names of any of the Project identified above effected
11 through applicable budgetary procedures or applicable law.

12 (c) References in the Original Ordinance to the “Projects” shall be
13 deleted and inserted in lieu thereof shall be references to the “Project.”

14 SECTION 3. Except to the extent modified by this Ordinance, the Original Ordinance is
15 hereby ratified and confirmed.

16 SECTION 4. That the title of this Ordinance shall be deemed to be, and is, a fair summary
17 of this Ordinance for publication and all other purposes.

18 SECTION 5. That the provisions of this Ordinance shall be liberally construed in order
19 to effectuate the transactions contemplated by this Ordinance.

20 SECTION 6. That this Ordinance shall become effective twenty (20) calendar days
21 following the date of its passage, subject to the provisions of Section C2-10(A) of the Charter
22 regarding the filing with the City Clerk of a valid petition for referendum within thirty (30)
23 business days following the passage of this Ordinance.

24 [CONTINUED ON FOLLOWING PAGE]
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1 INTRODUCED by the Mayor and City Council of the City of Hyattsville, Maryland at a
2 regular public meeting on _____, 2024, at which meeting copies were available to the public
3 for inspection.

4 PASSED _____ [as introduced] _____ [as amended] by the Mayor and City
5 Council of the City of Hyattsville, Maryland at a ____ regular ____ special [check applicable
6 meeting type] public meeting on _____, 2024, at which meeting copies were available to
7 the public for inspection.

8 ATTEST:

9
10 _____
11 Nate Groenendyk, City Clerk

Robert S. Croslin, Mayor

12
13 189724225.4

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