



CITY OF SALISBURY

125 N. Division Street, Salisbury, MD 21801

LEGISLATIVE SESSION

125 N. Division Street, Room 301, Salisbury, MD 21801

Monday, September 14, 2026 6:00 PM

APRIL R. JACKSON
President

SHARON C. DASHIELL
Council Vice President

ANGELA M. BLAKE
Councilwoman

MICHELE R. GREGORY
Councilwoman

MELISSA D. HOLLAND
Councilwoman

CALL TO ORDER

WELCOME/ANNOUNCEMENTS/PLEDGE

INVOCATION - Rev. Howard Travers, Nu-Lyfe Church

PRESENTATION AND ADOPTION OF LEGISLATIVE AGENDA

AWARD OF BIDS

- Award of Bid(s)
 1. ITB 27-108 Motorola Radios \$ 145,527.48

DECLARATION OF SURPLUS

- Surplus Declaration
 1. 2013 Chevrolet Caprice

RESOLUTIONS

- Charter Amendment Resolution 2026-3 Referendum Schedule
Resolution No. 3480 - scheduling the referendum on the proposed charter amendment to repeal Article XXIII of the City Charter for the next general election scheduled for Tuesday, November 2, 2027.
- Special Litigation Counsel
Resolution No. 3489 - to appoint Lyndsey J. Ryan, Esquire and the attorneys of Booth, Cropper & Marriner, PC. as special litigation counsel for the City of Salisbury with respect to the litigation currently pending before the Circuit Court for Wicomico County and captioned as Worthington Asset Protection, LLC, et al. v. City of Salisbury, et al. (CASE NO.: C-22-CV-25-000184); City of Salisbury v. Mentis Lot 10, LLC (CASE NO.: C-22-CV-25-000298); and SBY Market Center, LLC v. Mayor and City Council of Salisbury, et al. (CASE NO.: C-22-CV-26-000299).

ORDINANCES

- Reallocating 2012 Bond to Zoo Facility Improvements - 2nd Reading
Ordinance No. 3016 - amending and supplementing Ordinance No. 2140, passed by the Council on March 14, 2011, approved by the Mayor of City of Salisbury (the "City") on March 18, 2011 and effective on March 18, 2011 ("ordinance no. 2140"), as previously amended and supplemented, in order to (1) authorize and empower the city to use and apply certain investment earnings on the \$7,693,000 City of Salisbury public improvements bond of 2012 issued on May 3, 2012 (the "2012 bond") to a project identified herein as "zoo facility

improvements,” in addition to the projects originally identified in Ordinance no. 2140, as previously amended and supplemented, and (2) identify such additional project as a “project” for all purposes of Ordinance no. 2140, as amended and supplemented; providing that this title is a fair statement of the substance of this Ordinance; authorizing certain City officials to take certain actions in connection with the transactions contemplated by this ordinance; providing that the provisions of this ordinance shall be liberally construed; and otherwise generally relating to the use of proceeds of the 2012 bond.

- Reallocating 2013 Bond to Zoo Facility Improvements - 2nd Reading

Ordinance No. 3017 - amending and supplementing Ordinance No. 2273, passed by the Council on December 16, 2013, approved by the Mayor of City of Salisbury (the “City”) on December 16, 2013 and effective on December 16, 2013 (“Ordinance No. 2273”), as previously amended and supplemented, in order to (1) authorize and empower the city to use and apply certain investment earnings on the \$3,178,000 City of Salisbury public improvements bond of 2013 issued on December 23, 2013 (the “2013 bond”) to a project identified herein as “zoo facility improvements,” in addition to the projects originally identified in Ordinance No. 2273, as previously amended and supplemented, and (2) identify such additional project as a “project” for all purposes of Ordinance No. 2273, as amended and supplemented; providing that this title is a fair statement of the substance of this ordinance; authorizing certain City officials to take certain actions in connection with the transactions contemplated by this ordinance; providing that the provisions of this Ordinance shall be liberally construed; and otherwise generally relating to the use of proceeds of the 2013 bond.

- Reallocating 2014A Bond to Zoo Facility Improvements - 2nd Reading

Ordinance No. 3018 - amending and supplementing Ordinance No. 2299, passed by the Council on August 25, 2014, approved by the Mayor of City of Salisbury (the “City”) on August 28, 2014 and effective on August 28, 2014 (“Ordinance No. 2299”), in order to (1) authorize and empower the City to use and apply certain investment earnings on the \$4,009,000 City of Salisbury public improvements bond, series 2014a issued on September 26, 2014 (the “2014a bond”) to a project identified herein as “zoo facility improvements,” in addition to the project originally identified in Ordinance No. 2299, and (2) identify such additional project as part of the “project” for all purposes of Ordinance No. 2299; providing that this title is a fair statement of the substance of this ordinance; authorizing certain City officials to take certain actions in connection with the transactions contemplated by this Ordinance; providing that the provisions of this Ordinance shall be liberally construed; and otherwise generally relating to the use of proceeds of the 2014a bond.

- Reallocating 2015 Bond to Zoo Facility Improvements - 2nd Reading

Ordinance No. 3019 - amending and supplementing Ordinance No. 2357, passed by the Council on October 12, 2015, approved by the Mayor of City of Salisbury (the “City”) on October 14, 2015 and effective on October 14, 2015 (“Ordinance No. 2357”), as previously amended and supplemented, in order to (1) authorize and empower the City to use and apply certain investment earnings on the \$4,726,200 City of Salisbury public improvements bond of 2015 issued on December 1, 2015 (the “2015 bond”) to a project identified herein as “zoo facility improvements,” in addition to the projects originally identified in Ordinance No. 2357, as previously amended and supplemented, and (2) identify such additional project as a “project” for all purposes of Ordinance No. 2357, as amended and supplemented; providing that this title is a fair statement of the substance of this ordinance; authorizing certain City officials to take certain actions in connection with the transactions contemplated by this Ordinance; providing that the provisions of this Ordinance shall be liberally construed; and otherwise generally relating to the use of proceeds of the 2015 bond.

- Reallocating 2016 Bonds to Zoo Facility Improvements - 2nd Reading

Ordinance No. 3020 - amending and supplementing Ordinance No. 2394, passed by the Council on July 18, 2016, approved by the Mayor of City of Salisbury (the “City”) on July 19, 2016 and effective on July 19, 2016 (“Ordinance No. 2394”), as amended and supplemented to date, in order to (1) authorize and empower the City to use and apply a certain investment earnings on the \$20,030,000 City of Salisbury public improvement and refunding bonds of 2016 issued on July 28, 2016 (the “2016 bonds”) to the project identified herein as “zoo facility improvements,” and (2) identify such additional project as a “project” for all purposes of Ordinance No. 2394 (as amended and supplemented); providing that this title is a fair statement of the substance of this Ordinance; authorizing certain city officials to take certain actions in connection with the transactions contemplated by this ordinance; providing that the provisions of this Ordinance shall be liberally construed; and otherwise generally relating to the use of proceeds of the 2016 bonds.

- Reallocating 2017 Bond to Zoo Facility Improvements - 2nd Reading

Ordinance No. 3021 - amending and supplementing Ordinance No. 2463, passed by the Council on November 13, 2017, approved by the mayor of City of Salisbury (the “City”) on November 15, 2017 and effective on November 15, 2017 (“Ordinance No. 2463”), as previously amended and supplemented, in order to (1) authorize and empower the City to use and apply certain investment earnings on the \$5,724,853 City of Salisbury public improvements bond of 2017 issued on December 13, 2017 (the “2017 bond”) to a project identified herein as “zoo facility improvements,” in addition to the projects originally identified in Ordinance No. 2463, as previously amended and supplemented, (2) identify such additional project as a “project” for all purposes of Ordinance No. 2463, as amended and supplemented; providing that this title is a fair statement of the substance of this ordinance, and (3) reverse certain allocations previously made by Ordinance No. 2649 identified herein; authorizing certain City officials to take certain actions in connection with the transactions contemplated by this Ordinance; providing that the provisions of this Ordinance shall be liberally construed; and otherwise generally relating to the use of proceeds of the 2017 bond.

- Reallocating 2019 Bond to Zoo Facility Improvements - 2nd Reading

Ordinance No. 3022 - amending and supplementing Ordinance No. 2554, passed by the council on August 26, 2019, approved by the Mayor of City of Salisbury (the “City”) on August 27, 2019 and effective on August 27, 2019 (“Ordinance No. 2554”), as amended and supplemented to date, in order to (1) authorize and empower the City to use and apply a portion of the principal amount of and certain investment earnings on the \$11,225,000 City of Salisbury public improvement bonds of 2019 issued on October 8, 2019 (the “2019 bonds”) to the project identified herein as “zoo facility improvements,” and (2) identify such additional project as a “project” for all purposes of Ordinance No. 2554 (as amended and supplemented); providing that this title is a fair statement of the substance of this Ordinance; authorizing certain City officials to take certain actions in connection with the transactions contemplated by this Ordinance; providing that the provisions of this Ordinance shall be liberally construed; and otherwise generally relating to the use of proceeds of the 2019 bonds.

- Reallocating 2021 Bonds to zoo Facility Improvements - 2nd Reading

Ordinance No. 3023 - amending and supplementing Ordinance No. 2675, passed by the Council on July 26, 2021, approved by the mayor of City of Salisbury (the “City”) on July 26, 2021 and effective on July 26, 2021 (“Ordinance No. 2675”), as amended and supplemented to date, in order to (1) authorize and empower the City to use and apply a portion of the principal amount of and certain other amounts relating to the \$8,965,000 City of Salisbury tax-exempt

public improvement and refunding bonds of 2021 issued on September 1, 2021 (the “2021 tax-exempt bonds”) to the project identified herein as “zoo facility improvements,” and (2) identify such additional project as a “project” for all purposes of Ordinance No. 2675 (as amended and supplemented); providing that this title is a fair statement of the substance of this Ordinance; authorizing certain city officials to take certain actions in connection with the transactions contemplated by this Ordinance; providing that the provisions of this Ordinance shall be liberally construed; and otherwise generally relating to the use of proceeds of the 2021 tax-exempt bonds.

- Ordinance for Accepting Funds From Main Street Improvement Grant FY27- 2nd Reading
Ordinance No. 3024 - authorizing the Mayor to enter into a contract with the Maryland Department of Housing and Community Development for the purpose of accepting grant funds in the amount of \$26,000 and to approve a Budget Amendment to the grant fund to appropriate these funds for the Arts, Business and Culture Department.
- Ordinance for Accepting Funds From Maryland State Arts Council-Arts and Entertainment Grant FY27-2nd Reading
Ordinance No. 3025 - authorizing the Mayor to enter into a contract with the Maryland State Arts Council for the purpose of accepting grant funds in the amount of \$16,500 and to approve a Budget Amendment to the Grant Fund to appropriate these funds for the Arts, Business and Culture Department.
- Text amendment to allow Accessory Dwelling Units as required by HB 1466 - 1st Reading
Ordinance No. 3027 - amending Title 17 of the Salisbury City Code entitled "Zoning," by amending section 17.04.120 "Definitions" and Chapter 17.164 entitled "R-5S, R-8S and R-10S Residential Districts," and adding a new Chapter 17.170 entitled "Accessory Dwelling Unit Standards."
- Permit Fee Reduction - 1st Reading
Ordinance No. 3028 - to amend the Salisbury City Code, Title 15, building and construction, to provide for discretionary reduction in permitting fees for nonprofit entities

BOND RESOLUTIONS

- Authorizing 2012 Bond Funds for Zoo Facility Improvements
Resolution No. 3481 - of the Council (the “Council”) amending and supplementing Resolution No. 2160, adopted by the Council on April 23, 2012, approved by the Mayor on April 24, 2012 and effective on April 4, 2012 (“Resolution No. 2160”), as amended and supplemented to date, in order to (1) authorize and empower City of Salisbury (the “City”) to use and apply certain investment earnings on the \$7,693,000 City of Salisbury public improvements bond of 2012 issued on May 3, 2012 (the “2012 bond”), to a project identified herein as “Zoo Facility Improvements” in addition to the prior authorized projects identified herein, and (2) identify such additional project as a “project” for all purposes of Resolution No. 2160, as amended and supplemented; authorizing and empowering city officials and employees to take certain actions with respect to the 2012 bond; providing that the provisions of this resolution shall be liberally construed; and otherwise generally relating to the use of proceeds of the 2012 bond.
- Authorizing 2013 Bond Funds for Zoo Facility Improvements
Resolution No. 3482 - of the Council (the “Council”) amending and supplementing Resolution No. 2358, adopted by the Council on December 16, 2013, approved by the Mayor on December 16, 2013 and effective on December 16, 2013 (“Resolution No. 2358”), in order to (1) authorize

and empower City of Salisbury (the “City”) to use and apply certain investment earnings on the \$3,178,000 City of Salisbury public improvements bond of 2013 issued on December 23, 2013 (the “2013 bond”), to a project identified herein as “Zoo Facility Improvements” in addition to the prior authorized projects identified herein, and (2) identify such additional project as a “project” for all purposes of Resolution No. 2358, as amended and supplemented; authorizing and empowering city officials and employees to take certain actions with respect to the 2013 bond; providing that the provisions of this resolution shall be liberally construed; and otherwise generally relating to the use of proceeds of the 2013 bond.

- Authorizing 2014A Bond Funds for Zoo Facility Improvements

Resolution No. 3483 - of the Council (the “Council”) amending and supplementing Resolution No. 2448, adopted by the Council on September 22, 2014, approved by the Mayor on September 22, 2014 and effective on September 22, 2014 (“Resolution No. 2448”), in order to (1) authorize and empower City of Salisbury (the “City”) to use and apply certain investment earnings on the \$4,009,000 City of Salisbury public improvements bond of 2014A issued on September 26, 2014 (the “2014A bond”), to a project identified herein as “Zoo Facility Improvements” in addition to the prior authorized projects identified herein, and (2) identify such additional project as a “project” for all purposes of Resolution No. 2448, as amended and supplemented; authorizing and empowering city officials and employees to take certain actions with respect to the 2014A bond; providing that the provisions of this resolution shall be liberally construed; and otherwise generally relating to the use of proceeds of the 2014A bond.

- Authorizing 2015 Bond Funds for Zoo Facility Improvements

Resolution No. 3484 - amending and supplementing Resolution No. 2569, adopted by the council on November 23, 2015, approved by the mayor on November 23, 2015 and effective on November 23, 2015 (“Resolution No. 2569”), as amended and supplemented to date, in order to (1) authorize and empower City of Salisbury (the “City”) to use and apply certain investment earnings on the \$4,726,200 City of Salisbury public improvements bond of 2015 issued on December 1, 2015 (the “2015 bond”), to a project identified herein as “Zoo Facility Improvements” in addition to the prior authorized projects identified herein, and (2) identify such additional project as a “project” for all purposes of Resolution No. 2569, as amended and supplemented; authorizing and empowering city officials and employees to take certain actions with respect to the 2015 bond; providing that the provisions of this resolution shall be liberally construed; and otherwise generally relating to the use of proceeds of the 2015 bond.

- Authorizing 2016 Bond Funds for Zoo Facility Improvements

Resolution No. 3485 - amending and supplementing Resolution No. 2645, adopted by the council on July 18, 2016, approved by the Mayor on July 19, 2016 and effective on July 19, 2016 (“Resolution No. 2645”), in order to (1) authorize and empower City of Salisbury (the “City”) to use and apply certain investment earnings on the \$20,030,000 City of Salisbury public improvement and refunding bonds of 2016 issued on July 28, 2016 (the “2016 bonds”) to a project identified herein as “Zoo Facility Improvements” in addition to the new money projects identified in Resolution No. 2645, and (2) identify such additional project as a “new money project” for all purposes of Resolution No. 2645; authorizing and empowering city officials and employees to take certain actions with respect to the 2016 bonds; providing that the provisions of this resolution shall be liberally construed; and otherwise generally relating to the use of proceeds of the 2016 bonds.

- Authorizing 2017 Bond Funds for Zoo Facility Improvements

Resolution No. 3486 - of the Council (the “Council”) amending and supplementing Resolution No. 2794, adopted by the Council on November 27, 2017, approved by the Mayor on November 28, 2017 and effective on November 28, 2017 (“Resolution No. 2794”), as amended and

supplemented to date, in order to (1) authorize and empower City of Salisbury (the “City”) to use and apply certain investment earnings on the \$5,724,853 City of Salisbury public improvements bond of 2017 issued on December 13, 2017 (the “2017 bond”), to a project identified herein as “Zoo Facility Improvements” in addition to the prior authorized projects identified herein, and (2) identify such additional project as a “project” for all purposes of Resolution No. 2794, as amended and supplemented; authorizing and empowering city officials and employees to take certain actions with respect to the 2017 bond; providing that the provisions of this resolution shall be liberally construed; and otherwise generally relating to the use of proceeds of the 2017 bond.

- Authorizing Bond 2019 Funds for Zoo Facility Improvements

Resolution No. 3487 - of the Council (the “Council”) amending and supplementing Resolution No. 2972, adopted by the Council on September 9, 2019, approved by the Mayor on September 9, 2019 and effective on September 9, 2019 (“Resolution No. 2972”), as amended and supplemented to date, in order to (1) authorize and empower City of Salisbury (the “City”) to use and apply a portion of the principal amount of and certain other amounts relating to the \$11,225,000 City of Salisbury public improvement bonds of 2019 issued on October 8, 2019 (the “2019 bonds”) to a project identified herein as “Zoo Facility Improvements” in addition to the prior authorized projects identified herein, and (2) identify such additional project as a “project” for all purposes of Resolution No. 2972, as amended and supplemented; authorizing and empowering city officials and employees to take certain actions with respect to the 2019 bonds; providing that the provisions of this resolution shall be liberally construed; and otherwise generally relating to the use of proceeds of the 2019 bonds.

- Authorizing 2021 Bond Funds for Zoo Facility Improvements

Resolution No. 3488 - of the Council (the “Council”) amending and supplementing Resolution No. 3117, adopted by the Council on August 9, 2021, approved by the Mayor on August 10, 2021 and effective on August 10, 2021 (“Resolution No. 3117”), as amended and supplemented to date, in order to (1) authorize and empower City of Salisbury (the “City”) to use and apply a portion of the principal amount of and certain other amounts relating to the \$8,965,000 City of Salisbury tax-exempt public improvement and refunding bonds of 2021 issued on September 1, 2021 (the “2021 tax-exempt bonds”) to a project identified herein as “Zoo Facility Improvements” in addition to the 2021 new money projects identified in Resolution No. 3117, as amended and supplemented to date, and (2) identify such additional project as a “2021 new money project” for all purposes of Resolution No. 3117; authorizing and empowering city officials and employees to take certain actions with respect to the 2021 tax-exempt bonds; providing that the provisions of this resolution shall be liberally construed; and otherwise generally relating to the use of proceeds of the 2021 tax-exempt bonds.

ADJOURNMENT/CONVENE INTO WORK SESSION

City Council Meetings are conducted in Open Session unless otherwise indicated. All or part of the Council's meetings can be held in Closed Session under the authority of the Maryland Open Meetings Law, Annotated Code of Maryland General Provisions Article § 3-305(b) by vote of the City Council.



City of Salisbury

Memo

To: Nick Rice, City Administrator
From: Michael Lowe, Director of Procurement
Date: September 14, 2026
Subject: Award of Bid(s)

The Department of Procurement seeks Award of Bid approval from the Salisbury City Council for the solicitation as defined herein. The Department of Procurement followed required procurement policy and procedure as defined by the City of Salisbury Charter and Municipal Code of Ordinances for the procurements presented below.

- ITB 27-108 Motorola Radios
 - Department: Fire Department
 - Scope of Work: Replacement of radios within the replacement schedules
 - Cooperative contract & vendor information:
 - Contract 235510 State of Maryland 700MHz Statewide System
 - Vendor: Motorola Solutions
 - Contract Date: Ongoing
 - Contract Term: Ongoing
- Cost: \$145,527.48
- GL Account(s): 24035-577030
- Notes:
 - Purchasing authority per City of Salisbury Charter § SC 16-3 General Policy of Competitive Bidding, Exceptions, which states that competitive bidding is not necessary or appropriate in the following circumstances:
 - A.(9) Contracts in which the City receives a contract price negotiated by the State, County, or other governmental entity pursuant to a valid contract. “Cooperative Purchases” are permitted using this contract with Motorola and the State of Maryland.

Attachment(s):
[9.14.2026 attachment.pdf](#)



City of Salisbury

Fire Department

Memo

To: Michael Lowe, Director of Procurement
From: Rob Frampton, Fire Chief 
Date: 7/28/2025
Subject: Portable Radio Purchase

The Fire Department was approved in the FY27 budget for the purchase of the remaining portable radios to complete the 5-year replacement plan. The department is recommending the continued purchase of the same Motorola portable radios, to ensure seamless communication and continued interoperability with the existing radios. I am recommending that the vendor be awarded the bid for our purchase of the portable radios. Attached is the estimate from the vendor and funds have been allocated into account 24035-577030. If you need additional information, please do not hesitate to reach out to me.

Billing Address:
 SALISBURY FIRE DEPT INC
 125 N Division St
 Bldg RM 104
 Salisbury, MD 21801
 US

Shipping Address:
 City of Salisbury
 325 Cypress St.
 Salisbury, MD 21801
 US

Quote Date:08/17/2026
Expiration Date:10/16/2026
Quote Created By:
 Kelly Powell
 Sr. Account Executive
 Kelly.Powell@
 motorolasolutions.com
 240-344-4032

End Customer:
 SALISBURY FIRE DEPT INC
 Chris Truitt
 ctruitt@salisbury.md
 410-548-3120

Contract: 23551 - STATE OF MARYLAND
 700MHZ STATEWIDE SYSTEM

Summary:

Any sales transaction resulting from Motorola's quote is based on and subject to the applicable Motorola Standard Terms and Conditions, notwithstanding terms and conditions on purchase orders or other Customer ordering documents. Motorola Standard Terms and Conditions are found at www.motorolasolutions.com/product-terms.

Line #	Item Number	APC	Description	Qty	List Price	Ext. List Price	Sale Price	Ext. Sale Price
	APX™ 6000 Series		APX6000 XE					
1	H98UCH9PW7BN	0756	PORTABLE RADIO APX6000 700/800 MODEL 3.5	18	\$4,479.00	\$80,622.00	\$3,224.88	\$58,047.84
1a	H869BZ	0756	SOFTWARE LICENSE ENH: MULTIKEY	18	\$388.00	\$6,984.00	\$279.36	\$5,028.48
1b	G996AU	0756	ADD: PROGRAMMING OVER P25 (OTAP)	18	\$118.00	\$2,124.00	\$84.96	\$1,529.28
1c	QA01767AT	0756	ADD: P25 LINK LAYER AUTHENTICATION	18	\$118.00	\$2,124.00	\$84.96	\$1,529.28
1d	Q361AR	0756	ADD: P25 9600 BAUD TRUNKING	18	\$353.00	\$6,354.00	\$254.16	\$4,574.88
1e	QA02006AA	0756	PORTABLE RADIO ENH: APX6000XE RUGGED RADIO	18	\$942.00	\$16,956.00	\$678.24	\$12,208.32
1f	Q58AL	0185	ADD: 3Y ESSENTIAL SERVICE	18	\$184.00	\$3,312.00	\$184.00	\$3,312.00
1g	QA00580AC	0756	ADD: TDMA OPERATION	18	\$530.00	\$9,540.00	\$381.60	\$6,868.80



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.
 Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 - #: 36-1115800

Line #	Item Number	APC	Description	Qty	List Price	Ext. List Price	Sale Price	Ext. Sale Price
1h	QA09008AA	0756	ADD: GROUP SERVICES	18	\$177.00	\$3,186.00	\$127.44	\$2,293.92
1i	H38BT	0756	ADD: SMARTZONE OPERATION	18	\$1,412.00	\$25,416.00	\$1,016.64	\$18,299.52
1j	QA09113AB	0756	ADD: BASELINE RELEASE SW	18	\$0.00	\$0.00	\$0.00	\$0.00
1k	QA01427AB	0756	ALT: IMPACT GREEN HOUSING	18	\$30.00	\$540.00	\$21.60	\$388.80
1l	Q806BM	0756	ADD: ASTRO DIGITAL CAI OPERATION	18	\$607.00	\$10,926.00	\$437.04	\$7,866.72
1m	Q629AK	0756	SOFTWARE LICENSE ENH: AES ENCRYPTION AND ADP	18	\$560.00	\$10,080.00	\$403.20	\$7,257.60
2	PMNN4547A	0795	PORTABLE RADIO BATTERY IMPRES 2 LI-ION TIA4950 R IP68 3100T	18	\$213.15	\$3,836.70	\$164.13	\$2,954.34
3	PMLN5879A	0552	APX6000XE CC 3 FIX BL 4200MAH	18	\$71.65	\$1,289.70	\$71.65	\$1,289.70
4	PMMN4154BT	0554	XVE500 DIV 1 REMOTE SPEAKER MIC, HIGH IMPACT GREEN WITH KNOB, UL	18	\$800.00	\$14,400.00	\$616.00	\$11,088.00
	APX™ Radio Management		RADIO MANAGEMENT					
5	T7914A	0430	RADIO MANAGEMENT ON-PREMISE*	1	\$0.00	\$0.00	\$0.00	\$0.00
5a	UA00049AA	0430	ADD: RADIO MANAGEMENT LICENSES ON-PREMISE	18	\$118.00	\$2,124.00	\$55.00	\$990.00
6	HKVN4289A	0371	SOFTWARE, APX CPS - CURRENT VERSION*	1	\$0.00	\$0.00	\$0.00	\$0.00

Grand Total **\$145,527.48(USD)**

Notes:

- Additional information is required for one or more items on the quote for an order.
- Unless otherwise noted, this quote excludes sales tax or other applicable taxes (such as Goods and Services Tax, sales tax, Value Added Tax and other taxes of a similar nature). Any tax the customer is subject to will be added to invoices.



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.
 Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 ~ #: 36-1115800



City of Salisbury

Memo

To: Nick Rice, City Administrator
From: Michael Lowe, Director of Procurement
Date: September 14, 2026
Subject: Surplus Declaration

The Department of Procurement seeks Surplus property declaration approval from the Salisbury City Council for the items contained herein.

Pursuant to § SC16-8 Sale or Other Disposition of Surplus, Obsolete or Unused Property of the Salisbury Charter, I am requesting approval of the City Council to declare the following items as surplus:

Surplus Declaration

Disposition
2013 Chevrolet Caprice

Attachment(s):
[9.14.2026 attachment.pdf](#)



City of Salisbury

Fire Department

Memo

To: Michael Lowe, Director of Procurement
From: Rob Frampton, Fire Chief 
Date: 7/28/2025
Subject: Portable Radio Purchase

The Fire Department was approved in the FY27 budget for the purchase of the remaining portable radios to complete the 5-year replacement plan. The department is recommending the continued purchase of the same Motorola portable radios, to ensure seamless communication and continued interoperability with the existing radios. I am recommending that the vendor be awarded the bid for our purchase of the portable radios. Attached is the estimate from the vendor and funds have been allocated into account 24035-577030. If you need additional information, please do not hesitate to reach out to me.

Billing Address:
 SALISBURY FIRE DEPT INC
 125 N Division St
 Bldg RM 104
 Salisbury, MD 21801
 US

Shipping Address:
 City of Salisbury
 325 Cypress St.
 Salisbury, MD 21801
 US

Quote Date:08/17/2026
Expiration Date:10/16/2026
Quote Created By:
 Kelly Powell
 Sr. Account Executive
 Kelly.Powell@
 motorolasolutions.com
 240-344-4032

End Customer:
 SALISBURY FIRE DEPT INC
 Chris Truitt
 ctruitt@salisbury.md
 410-548-3120

Contract: 23551 - STATE OF MARYLAND
 700MHZ STATEWIDE SYSTEM

Summary:

Any sales transaction resulting from Motorola's quote is based on and subject to the applicable Motorola Standard Terms and Conditions, notwithstanding terms and conditions on purchase orders or other Customer ordering documents. Motorola Standard Terms and Conditions are found at www.motorolasolutions.com/product-terms.

Line #	Item Number	APC	Description	Qty	List Price	Ext. List Price	Sale Price	Ext. Sale Price
	APX™ 6000 Series		APX6000 XE					
1	H98UCH9PW7BN	0756	PORTABLE RADIO APX6000 700/800 MODEL 3.5	18	\$4,479.00	\$80,622.00	\$3,224.88	\$58,047.84
1a	H869BZ	0756	SOFTWARE LICENSE ENH: MULTIKEY	18	\$388.00	\$6,984.00	\$279.36	\$5,028.48
1b	G996AU	0756	ADD: PROGRAMMING OVER P25 (OTAP)	18	\$118.00	\$2,124.00	\$84.96	\$1,529.28
1c	QA01767AT	0756	ADD: P25 LINK LAYER AUTHENTICATION	18	\$118.00	\$2,124.00	\$84.96	\$1,529.28
1d	Q361AR	0756	ADD: P25 9600 BAUD TRUNKING	18	\$353.00	\$6,354.00	\$254.16	\$4,574.88
1e	QA02006AA	0756	PORTABLE RADIO ENH: APX6000XE RUGGED RADIO	18	\$942.00	\$16,956.00	\$678.24	\$12,208.32
1f	Q58AL	0185	ADD: 3Y ESSENTIAL SERVICE	18	\$184.00	\$3,312.00	\$184.00	\$3,312.00
1g	QA00580AC	0756	ADD: TDMA OPERATION	18	\$530.00	\$9,540.00	\$381.60	\$6,868.80



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.
 Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 - #: 36-1115800

Line #	Item Number	APC	Description	Qty	List Price	Ext. List Price	Sale Price	Ext. Sale Price
1h	QA09008AA	0756	ADD: GROUP SERVICES	18	\$177.00	\$3,186.00	\$127.44	\$2,293.92
1i	H38BT	0756	ADD: SMARTZONE OPERATION	18	\$1,412.00	\$25,416.00	\$1,016.64	\$18,299.52
1j	QA09113AB	0756	ADD: BASELINE RELEASE SW	18	\$0.00	\$0.00	\$0.00	\$0.00
1k	QA01427AB	0756	ALT: IMPACT GREEN HOUSING	18	\$30.00	\$540.00	\$21.60	\$388.80
1l	Q806BM	0756	ADD: ASTRO DIGITAL CAI OPERATION	18	\$607.00	\$10,926.00	\$437.04	\$7,866.72
1m	Q629AK	0756	SOFTWARE LICENSE ENH: AES ENCRYPTION AND ADP	18	\$560.00	\$10,080.00	\$403.20	\$7,257.60
2	PMNN4547A	0795	PORTABLE RADIO BATTERY IMPRES 2 LI-ION TIA4950 R IP68 3100T	18	\$213.15	\$3,836.70	\$164.13	\$2,954.34
3	PMLN5879A	0552	APX6000XE CC 3 FIX BL 4200MAH	18	\$71.65	\$1,289.70	\$71.65	\$1,289.70
4	PMMN4154BT	0554	XVE500 DIV 1 REMOTE SPEAKER MIC, HIGH IMPACT GREEN WITH KNOB, UL	18	\$800.00	\$14,400.00	\$616.00	\$11,088.00
	APX™ Radio Management		RADIO MANAGEMENT					
5	T7914A	0430	RADIO MANAGEMENT ON-PREMISE*	1	\$0.00	\$0.00	\$0.00	\$0.00
5a	UA00049AA	0430	ADD: RADIO MANAGEMENT LICENSES ON-PREMISE	18	\$118.00	\$2,124.00	\$55.00	\$990.00
6	HKVN4289A	0371	SOFTWARE, APX CPS - CURRENT VERSION*	1	\$0.00	\$0.00	\$0.00	\$0.00

Grand Total **\$145,527.48(USD)**

Notes:

- Additional information is required for one or more items on the quote for an order.
- Unless otherwise noted, this quote excludes sales tax or other applicable taxes (such as Goods and Services Tax, sales tax, Value Added Tax and other taxes of a similar nature). Any tax the customer is subject to will be added to invoices.



Any sales transaction following Motorola's quote is based on and subject to the terms and conditions of the valid and executed written contract between Customer and Motorola (the "Underlying Agreement") that authorizes Customer to purchase equipment and/or services or license software (collectively "Products"). If no Underlying Agreement exists between Motorola and Customer, then Motorola's Standard Terms of Use and Motorola's Standard Terms and Conditions of Sales and Supply shall govern the purchase of the Products.
 Motorola Solutions, Inc.: 500 West Monroe, United States - 60661 ~ #: 36-1115800



City of Salisbury

Memo

To: City Council
From: Julie English, City Clerk
Date: August 21, 2026
Subject: Charter Amendment Resolution 2026-3 Referendum Schedule

The petition for referendum that I received on July 6, 2026 was verified, by the Wicomico County Board of Elections, as having signatures by more than twenty percent of the qualified registered voters of the City of Salisbury. This resolution states the Council agreed to place the referendum on the next General Election ballot. The election is scheduled for Tuesday, November 2, 2027 from 7:00am to 7:00pm.

The exact text to be placed on the ballot is included in the resolution.

Thank you.

Attachment(s):
[Res3480](#)

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**A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY
SCHEDULING THE REFERENDUM ON THE PROPOSED CHARTER
AMENDMENT TO REPEAL ARTICLE XXIII OF THE CITY CHARTER
FOR THE NEXT GENERAL ELECTION SCHEDULED FOR TUESDAY,
NOVEMBER 2, 2027.**

WHEREAS, By Charter Amendment Resolution No. 2022-4, the City of Salisbury amended its Charter to add Article XXIII (§ SC23-1), which granted certain employees the right to organize and bargain collectively through representative employee organizations of their own choosing and to submit to binding arbitration certain labor disputes that arise during negotiations, which were to be subsequently defined and established by Ordinance referred to as the City’s “Labor Code”; and

WHEREAS, on April 27, 2026, the Council of the City of Salisbury initiated a proposed amendment to the City’s Charter, referred to as “Charter Amendment Resolution No. 2026-03,” which sought to repeal Article XXIII of the City Charter and to abrogate all collective bargaining rights; and

WHEREAS, on May 26, 2026, following a public hearing, the Council of the City of Salisbury by majority vote adopted Charter Amendment Resolution No. 2026-03 to repeal Article XXIII of the Charter in its entirety and to abrogate all collective bargaining rights; and

WHEREAS, on July 6, 2026, within forty (40) days of the Council adopting Charter Amendment Resolution No. 2026-03, a petition for a referendum, which was signed by more than twenty percent (20%) of the qualified voters of the City for the City’s general election, was received by the City Clerk and requested that the proposed amendment be submitted to referendum of the qualified voters of the City; and

WHEREAS, at the City Council Work Session on August 10, 2026, the City Clerk informed Council that the petition for a referendum, which was received by the City Clerk on July 6, 2026, satisfied all legal requirements; and

WHEREAS, pursuant to § 4-304(d)(5) of the Local Government Article of the Maryland Annotated Code, the Council hereby specifies by this Resolution the referendum shall occur at the next General Election, scheduled for Tuesday, November 2, 2027, from 7:00 a.m. to 7:00 p.m., and sets forth herein the exact text to be placed on the ballot.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY by virtue of the authority granted in Article XI-E of the Maryland Declaration of

Rights, §§ 4-301 *et seq.* of the Local Government Article of the Code of Maryland, and Article XXI of the City Charter as follows:

Section 1. The proposed Charter Amendment Resolution 2026-3 shall be submitted to referendum of the qualified voters of the City, and the referendum shall occur at the next General Election, which is scheduled for November 2, 2027, from 7:00 a.m. to 7:00 p.m.

Section 2. The following bolded text shall be placed on the ballot:

Article XXIII of the City Charter provides:

“§ SC23-1. - Collective Bargaining

The City of Salisbury grants certain public employees the right to organize and bargain collectively through representative employee organizations of their own choosing and to submit to binding arbitration certain labor disputes that may arise during negotiations as defined and provided by ordinance of the City Council to be referred to as the "Labor Code." Once this Charter Amendment takes effect, the City Council shall adopt a Labor Code establishing, inter alia, the scope and subjects of bargaining, including negotiable and non-negotiable items, or both; the rights of the employer and the employee; the units appropriate and inappropriate for collective bargaining; grievances; unfair labor practices; permissible and impermissible union activities; and the scope and method of binding arbitration and the disputes to be submitted to binding arbitration. The Labor Code shall prohibit strikes or work stoppages for all public employees.”

Should Article XXIII of the City Charter be repealed?

Yes

No

- **A “yes” vote means Article XXIII will no longer be valid or enforceable and Article XXIII will be removed from the City Charter.**
- **A “no” vote means Article XXIII will continue to be valid and enforceable and Article XXIII will not be removed from the City Charter.**

72 **AND, BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF**
73 **SALISBURY:**

74 **Section 3.** It is the intention of the Council of the City of Salisbury that each provision of
75 this Resolution shall be deemed independent of all other provisions herein.

76 **Section 4.** It is further the intention of the Council of the City of Salisbury that if any
77 section, paragraph, subsection, clause, or provision of this Resolution shall be adjudged invalid,
78 unconstitutional, or otherwise unenforceable under applicable Maryland or federal law, such
79 adjudication shall apply only to the section, paragraph, subsection, clause, or provision so
80 adjudged and all other provisions of this Resolution shall remain and shall be deemed valid and
81 enforceable.

82 **Section 5.** The Recitals set forth hereinabove are incorporated into this section of this
83 Resolution as if such recitals were specifically set forth at length in this Section.

84 **THE ABOVE RESOLUTION** was introduced and read and passed at the regular
85 meeting of the Council of the City of Salisbury held on this 14 day of September, 2026.

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87 _____
88 **Julie A. English,**
89 **City Clerk**

April R. Jackson,
City Council President



City of Salisbury

Memo

To: Salisbury City Council
From: Ashley A. Bosche, City Solicitor
Date: September 9, 2026
Subject: Special Litigation Counsel

Attached for your consideration is CBM's request for Council to retain special litigation counsel to represent the City in the lawsuits currently pending in the Circuit Court for Wicomico County: (1) Worthington Asset Protection, LLC, et al. v. City of Salisbury, et al. (Case No.: C-22-CV-25-000184); (2) City of Salisbury v. Mentis Lot 10, LLC (Case No.: C-22-CV-25-000298); and (3) SBY Market Center, LLC v. Mayor and City Council of Salisbury, et al. (Case No.: C-22-CV-26-000299) (collectively referred to as the Circuit Court for Wicomico County Litigation"). CBM recommends Lyndsey J. Ryan, Esquire and the attorneys of Booth, Cropper & Marriner, PC. Ms. Ryan and her partners at Booth, Cropper & Marriner, P.C. possess the necessary experience, qualifications, and independence to represent the City in the Circuit Court for Wicomico County Litigation effectively. The hourly rate charged by Ms. Ryan's firm is \$235.

Attachment(s):
[Res3489](#)

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RESOLUTION NO. 3489

A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND TO APPOINT LYNDSEY J. RYAN, ESQUIRE AND THE ATTORNEYS OF BOOTH, CROPPER & MARRINER, PC., AS SPECIAL LITIGATION COUNSEL FOR THE CITY OF SALISBURY WITH RESPECT TO THE LITIGATION CURRENTLY PENDING BEFORE THE CIRCUIT COURT FOR WICOMICO COUNTY AND CAPTIONED AS *WORTHINGTON ASSET PROTECTION, LLC, ET AL. V. CITY OF SALISBURY, ET AL.* (CASE NO.: C-22-CV-25-000184); *CITY OF SALISBURY V. MENTIS LOT 10, LLC* (CASE NO.: C-22-CV-25-000298); AND *SBY MARKET CENTER, LLC V. MAYOR AND CITY COUNCIL OF SALISBURY, ET AL.* (CASE NO.: C-22-CV-26-000299).

WHEREAS, § SC9-1 of the Charter of the City of Salisbury (the “City Charter”) provides in pertinent part: “There shall be a Department of Law headed by the City Solicitor. The City Solicitor and any Assistant City Solicitors, shall be appointed by and serve at the pleasure of the Mayor and a majority of the full Council. . . . Additional legal counsel may be authorized and/or retained from time to time by the Council”; and

WHEREAS, Since April 2, 2021, Cockey, Brennan & Maloney, P.C. has been the City Solicitor for the City of Salisbury (the “City”); and

WHEREAS, The City is a party to three lawsuits currently pending before the Circuit Court for Wicomico County: (1) *Worthington Asset Protection, LLC, et al. v. City of Salisbury, et al.* (Case No.: C-22-CV-25-000184); (2) *City of Salisbury v. Mentis Lot 10, LLC* (Case No.: C-22-CV-25-000298); and (3) *SBY Market Center, LLC v. Mayor and City Council of Salisbury, et al.* (Case No.: C-22-CV-26-000299) (collectively referred to as the “Circuit Court for Wicomico County Litigation”); and

WHEREAS, Council has determined that special litigation counsel shall be retained to represent the City in the Circuit Court for Wicomico County Litigation, including any necessary appeals or settlements arising directly therefrom; and

WHEREAS, the Council has determined that Lyndsey J. Ryan, Esquire, and the attorneys of Booth, Cropper & Marriner, PC., possess the necessary experience, qualifications, and independence to represent the City in the Circuit Court for Wicomico County Litigation effectively; and

WHEREAS, the Council has narrowly defined the scope of representation for special litigation counsel; and

WHEREAS, the scope of special limited counsel’s representation is strictly limited to representing the City in the Circuit Court for Wicomico County Litigation. Special litigation counsel is not authorized to act as City Solicitor or perform any of the duties set forth in § SC9-3 of the Charter other than representing the City in the Circuit Court for Wicomico County Litigation.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. Lyndsey J. Ryan, Esquire and the attorneys of Booth, Cropper & Marriner, PC. are hereby appointed to serve as special litigation counsel for the City in the Circuit Court for Wicomico County Litigation, pursuant to Article IX of the City Charter.

49 **Section 2.** The scope of special litigation counsel’s representation is strictly limited to representing
50 the City in the Circuit Court for Wicomico County Litigation including any necessary appeals or settlements
51 arising directly therefrom. Special litigation counsel is not authorized to act as City Solicitor or advise
52 Mayor and/or Council as general municipal counsel.

53 **Section 3.** Special litigation counsel shall report to and receive direction from Mayor and Council.

54 **Section 4.** It is the intention of the Mayor and Council of the City of Salisbury that each provision
55 of this Resolution shall be deemed independent of all other provisions herein.

56 **Section 5.** It is further the intention of the Mayor and Council of the City of Salisbury that if any
57 section, paragraph, subsection, clause or provision of this Resolution shall be adjudged invalid,
58 unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication
59 shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other
60 provisions of this Resolution shall remain and shall be deemed valid and enforceable.

61 **Section 6.** The recitals set forth hereinabove are incorporated into this section of the Resolution as
62 if such recitals were specifically set forth at length in this Section 6.

63 **THE ABOVE RESOLUTION** was introduced and read and passed at the regular meeting of the
64 Council of the City of Salisbury held on this 14 day of September, 2026 and is to become effective
65 immediately upon adoption.

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67 **ATTEST:**

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72 **Julie A. English, City Clerk**

April R. Jackson, City Council President



Memo

To: Mayor and City Council
From: Nick Rice, City Administrator
Date: August 12, 2026
Subject: Reallocating 2012 Bond to Zoo Facility Improvements - 2nd Reading

The City has identified approximately \$500,000 of available funding associated with prior bond issuances that may be utilized for the Zoo Facility Improvements project. These funds consist of remaining bond proceeds, accumulated investment earnings, and other available bond-related funds from completed or substantially completed projects.

The proposed ordinances amend eight prior bond ordinances to authorize the reallocation and use of these available funds for the Zoo Facility Improvements project, an eligible capital improvement project.

These amendments do not authorize any additional borrowing or increase the outstanding debt of the City. Rather, the ordinances provide authorization to utilize existing available bond-related funds that remain from prior issuances and apply those funds toward the Zoo Facility Improvements project.

The funding proposed to be allocated to Zoo Facility Improvements is derived from the following prior bond issues and original project allocations:

Bond Issue	Original Project(s) Providing Available Funds	Amount Allocated to Zoo Facility Improvements
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2012 Bond	Investment Earnings	\$14,748.00
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2013 Bond	Investment Earnings	\$8,724.00
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2014A Bond	Investment Earnings	\$9,661.00
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2015 Bond	Investment Earnings; GOB Roof and Air Handler Replacement	\$3,036.00; \$15,000.00
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2016 Bond	Investment Earnings	\$14,027.00
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2017 Bond	Investment Earnings	\$83,071.00
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2019 Bond	Investment Earnings; Building Lighting and Controls; Unallocated Proceeds	\$118,746.00; \$192,848.00; \$8,959.00
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2021 Bond	Investment Earnings; Unallocated Issuance Costs; Aerial Ladder; GOB Air Handler Replacement	\$4,854.00; \$2,696.00; \$2,380.00; \$21,250.00
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Total		\$500,000.00
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Each ordinance amends the applicable prior bond ordinance to add Zoo Facility Improvements as an authorized project and identifies the amount of available bond-related funds that may be allocated to the project. The corresponding bond resolutions will also be amended, as necessary, to implement the reallocations.

Finance will coordinate with bond counsel and the City's arbitrage advisor to ensure the

reallocations are properly documented and remain compliant with applicable bond covenants, arbitrage requirements, and Internal Revenue Code provisions.

Fiscal Impact:

The proposed action provides approximately \$500,000 in available funding for Zoo Facility Improvements through the reallocation of existing bond proceeds, investment earnings, and other available bond-related funds from prior bond issuances. No additional debt issuance or new tax-supported funding is required.

Recommendation:

Approval of the proposed bond ordinance amendments and related resolutions authorizing the allocation of available bond-related funds for Zoo Facility Improvements.

Attachment(s):

[Ord3016](#)

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ORDINANCE NO. 3016

AN ORDINANCE OF THE COUNCIL (THE “COUNCIL”) OF THE CITY OF SALISBURY AMENDING AND SUPPLEMENTING ORDINANCE NO. 2140, PASSED BY THE COUNCIL ON MARCH 14, 2011, APPROVED BY THE MAYOR OF CITY OF SALISBURY (THE “CITY”) ON MARCH 18, 2011 AND EFFECTIVE ON MARCH 18, 2011 (“ORDINANCE NO. 2140”), AS PREVIOUSLY AMENDED AND SUPPLEMENTED, IN ORDER TO (1) AUTHORIZE AND EMPOWER THE CITY TO USE AND APPLY CERTAIN INVESTMENT EARNINGS ON THE \$7,693,000 CITY OF SALISBURY PUBLIC IMPROVEMENTS BOND OF 2012 ISSUED ON MAY 3, 2012 (THE “2012 BOND”) TO A PROJECT IDENTIFIED HEREIN AS “ZOO FACILITY IMPROVEMENTS,” IN ADDITION TO THE PROJECTS ORIGINALLY IDENTIFIED IN ORDINANCE NO. 2140, AS PREVIOUSLY AMENDED AND SUPPLEMENTED, AND (2) IDENTIFY SUCH ADDITIONAL PROJECT AS A “PROJECT” FOR ALL PURPOSES OF ORDINANCE NO. 2140, AS AMENDED AND SUPPLEMENTED; PROVIDING THAT THIS TITLE IS A FAIR STATEMENT OF THE SUBSTANCE OF THIS ORDINANCE; AUTHORIZING CERTAIN CITY OFFICIALS TO TAKE CERTAIN ACTIONS IN CONNECTION WITH THE TRANSACTIONS CONTEMPLATED BY THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2012 BOND.

RECITALS

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WHEREAS, City of Salisbury, a municipal corporation of the State of Maryland (the “City”), was authorized and empowered by Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland (now codified as Sections 19-301 to 19-309, inclusive, of the Local Government Article of the Annotated Code of Maryland), as replaced, supplemented or amended (the “Enabling Act”), and Sections SC7-45 and SC7-46 of the Charter of the City of Salisbury, as replaced, supplemented or amended (the “Charter”), to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds; and

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WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, and Ordinance No. 2140, passed by the Council of the City (the “Council”) on March 14, 2011, approved by the Mayor of the City (the “Mayor”) on March 18, 2011 and effective on March 18, 2011 (“Ordinance No. 2140”), the City authorized general obligation bonds to be issued from time to time in one or more series in an aggregate principal amount not to exceed Seven Million Seven Hundred Thousand Dollars (\$7,700,000.00) (the “Authorized Bonds”) in order to finance, reimburse or refinance “costs” (as defined in Section 3(b) of Ordinance No. 2140) of the projects and costs of issuance identified in Section 3(b) of Ordinance No. 2140 as (i) “Riverwalk Repairs,” (ii) “East Main Street Water Valve,” (iii) “Isabella Street Water,” (iv) “East Main Street Sewer,” (v) “Isabella Street

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Sewer,” (vi) “Lift Station Pump Replacement,” (vii) “N. Division Street Sewer,” (viii) “Wastewater Treatment Plant Upgrade,” and (ix) “Costs of Issuance” (herein referred to as the “Original Authorized Projects” and referred to as the “Projects” in Ordinance No. 2140) in the maximum principal amounts set forth opposite each such Original Authorized Project in such Section 3(b); and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2140 and Resolution No. 2160, adopted by the Council on April 23, 2012, approved by the Mayor on April 24, 2012 and effective on April 24, 2012 (“Resolution No. 2160”), the City determined to borrow money for the public purpose of financing or reimbursing “costs” (as defined in Section 2(b) of Resolution No. 2160, which definition mirrors the definition of “costs” set forth in Section 3(b) of Ordinance No. 2140) of the projects specified in Section 2(a) of Resolution No. 2160 (which included all of the Original Authorized Projects), and to evidence this borrowing by the issuance and sale of a single series of the Authorized Bonds in the form of a single general obligation bond in the maximum principal amount of Seven Million Seven Hundred Thousand Dollars (\$7,700,000.00): and

WHEREAS, pursuant to Resolution No. 2160, the Mayor, with the assistance of the financial advisor to the City, the City Administrator of the City (the “City Administrator”) and the Director of Internal Services of the City (the Director of Internal Services”), was authorized to reduce the maximum principal amount of such Authorized Bond prior to issuance if it was determined that the entire authorized principal amount of \$7,700,000.00 was not needed due to any reduction in the amount needed for costs of issuance; and

WHEREAS, in accordance with the provisions of Resolution No. 2160, the Mayor, with the assistance of the City Administrator and the Director of Internal Services (which position is now titled as the Director of Finance), determined to reduce the final original principal amount of such Authorized Bond to Seven Million Six Hundred Ninety-Three Thousand Dollars (\$7,693,000.00) due to a reduction in the amount needed for costs of issuance, and such Authorized Bond as issued was designated as the “City of Salisbury Public Improvements Bond of 2012” (the “2012 Bond”); and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2140 and Resolution No. 2160, the City issued and delivered the 2012 Bond to SunTrust Bank on May 3, 2012; and

WHEREAS, Section 2 of Resolution No. 2160 provides that proceeds of the 2012 Bond (which is referred to as the “Bond” in Resolution No. 2160) shall be appropriated and allocated to the specified Original Authorized Projects identified therein, subject to the further provisions of such Section 2 (which Original Authorized Projects are referred to as the “Projects” in Resolution No. 2160); and

WHEREAS, after giving effect to issuance of the 2012 Bond, only \$7,000.00 of bonding authority remained unused under Ordinance No. 2140; accordingly, for all practical purposes the 2012

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Bond constitutes the only “Bonds” that will be issued pursuant to authority of Ordinance No. 2140 and the only “Authorized Bonds” as referred to in this Ordinance, and no BANs (as defined in Ordinance No. 2140) will be issued pursuant to the authority set forth in Ordinance No. 2140; and

WHEREAS, pursuant to Ordinance No. 2381, passed by the Council on April 11, 2016, approved by the Mayor on April 12, 2016 on April 12, 2016 (“Ordinance No. 2381”), the City reallocated \$1,996,355.00 of the principal amount of the Authorized Bonds originally allocated to the Original Authorized Project identified as “N. Division Street Sewer” to the Original Authorized Project identified as “Lift Station Pump Replacement,” such that the maximum principal amount of the Authorized Bonds was reallocated as follows:

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Riverwalk Repairs	\$ 500,000.00
2.	East Main Street Water Valve	100,000.00
3.	Isabella Street Water	435,000.00
4.	East Main Street Sewer	100,000.00
5.	Isabella Street Sewer	66,000.00
6.	Lift Station Pump Replacement	2,346,355.00
7.	N. Division Street Sewer	103,645.00
8.	Wastewater Treatment Plant Upgrade	4,000,000.00
9.	Costs of Issuance	<u>49,000.00</u>
TOTAL		<u>\$7,700,000.00</u>

; and

WHEREAS, pursuant to Ordinance No. 2391, passed by the Council on June 20, 2016, approved on behalf of the Mayor on June 22, 2016 and effective on June 22, 2016 (“Ordinance No. 2391”), the City reallocated \$118,906.00 of the principal amount of the Authorized Bonds originally allocated to the Original Authorized Project identified as “Wastewater Treatment Plant Upgrade” to the Original Authorized Project identified as “East Main Street Sewer,” such that the maximum principal amount of the Authorized Bonds was reallocated as follows:

[CONTINUED ON FOLLOWING PAGE]

Underlining : Indicates material added by amendment after introduction
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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Riverwalk Repairs	\$ 500,000.00
2.	East Main Street Water Valve	100,000.00
3.	Isabella Street Water	435,000.00
4.	East Main Street Sewer (1)	218,906.00
5.	Isabella Street Sewer	66,000.00
6.	Lift Station Pump Replacement	2,346,355.00
7.	N. Division Street Sewer	103,645.00
8.	Wastewater Treatment Plant Upgrade	3,881,094.00
9.	Costs of Issuance	49,000.00
TOTAL		<u>\$7,700,000.00</u>

(1) In addition, Ordinance No. 2391 allocated \$14,914.55 of investment earnings on the 2012 Bond to this project; and

WHEREAS, on July 28, 2016, the City issued its \$20,030,000 City of Salisbury Public Improvement and Refunding Bonds of 2016 (the “2016 Bonds”), a portion of the proceeds of which were applied to currently refund the then-outstanding principal amount of the 2012 Bond; and

WHEREAS, at the time of issuance of the 2016 Bonds, a portion of the proceeds of the 2012 Bond remained unexpended, and such unexpended proceeds of the 2012 Bond were considered “transferred proceeds” of the 2016 Bonds for purposes of the Internal Revenue Code of 1986, as amended, and the U.S. Treasury Regulations promulgated thereunder (collectively, the “Code”); and

WHEREAS, the outstanding 2012 Bond was prepaid in whole on July 28, 2016; and

WHEREAS, pursuant to Ordinance No. 2588, passed by the Council on April 27, 2020, approved by the Mayor on May 6, 2020 and effective on May 6, 2020 (“Ordinance No. 2588”), the City amended and supplemented Ordinance No. 2140 in order to reallocate a total of \$328,711.00 of the principal amount of the 2012 Bond originally allocated among the Original Authorized Projects identified as “East Main Street Water Valve,” “Isabella Street Water,” and “Wastewater Treatment Plant Upgrade” in Ordinance No. 2140 and Resolution No. 2160 was reallocated, together with certain investment earnings on proceeds of the 2012 Bond, to certain projects referred to in the City’s fiscal year 2020 budget as “Chemical Building HVAC,” “Paleo Fluoride Room Door and Tank Replacement,” “WWTP Outfall Inspection and Repairs,” “Park Aerator Building Improvements,” and “Park Water Treatment Plant Roof Improvements” (collectively, the “2020 Additional Projects”) such that the maximum principal amount of the Authorized Bonds was reallocated as follows:

Underlining : Indicates material added by amendment after introduction

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Riverwalk Repairs	\$ 500,000.00
2.	East Main Street Water Valve	75,294.00
3.	Isabella Street Water	144,169.00
4.	East Main Street Sewer	218,906.00
5.	Isabella Street Sewer	66,000.00
6.	Lift Station Pump Replacement	2,346,355.00
7.	N. Division Street Sewer	103,645.00
8.	Wastewater Treatment Plant Upgrade	3,867,920.00
9.	Chemical Building HVAC	48,000.00
10.	Paleo Fluoride Room Door and Tank Replacement	60,000.00
11.	WWTP Outfall Inspection and Repairs	78,030.00
12.	Park Aerator Building Improvements	81,600.00
13.	Park Water Treatment Plant Roof Improvements	61,081.00
14.	Costs of Issuance	49,000.00
TOTAL		<u>\$7,700,000.00</u>

; and

WHEREAS, the City wishes to allocate \$14,748.00 of investment earnings on the 2012 Bond to a project not included in Ordinance No. 2140 or Ordinance No. 2588 that is generally referred to as “Zoo Facility Improvements” or by similar names (the “2026 Additional Project”); and

WHEREAS, accordingly, the City desires to expand the list of the Original Authorized Projects and the 2020 Additional Projects provided for in Ordinance No. 2140 and Ordinance No. 2588, in order to allow certain investment earnings on the Authorized Bonds (meaning the 2012 Bond) to be applied to the 2026 Additional Project and to identify such 2026 Additional Project as part of the “Projects” for all purposes of Ordinance No. 2140, as amended and supplemented; and

WHEREAS, while the remaining unexpended proceeds of the 2012 Bond (including investment earnings thereon) are treated as “transferred proceeds” of the 2016 Bonds for purposes of the Code, they are referred to as proceeds of the 2012 Bond for purposes of this Ordinance.

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

(a) The Recitals to this Ordinance are incorporated by reference herein and deemed a substantive part of this Ordinance. Capitalized terms used in the Sections of this Ordinance that are not defined therein shall have the meanings given to such terms in the Recitals.

Underlining : Indicates material added by amendment after introduction

~~Strike through~~ : Indicates material deleted by amendment after introduction

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

(c) References in this Ordinance to the “principal amount” of any obligations shall be construed to mean the par amount of such obligations.

(d) References in this Ordinance to “investment earnings” shall be construed to include interest income.

(e) References in this Ordinance to the application or use of proceeds of the 2012 Bond to fund costs of the 2026 Revised Projects (as defined in Section 2(c) hereof) shall be construed to mean (i) for purposes of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2140 and Resolution No. 2160, as the same may be amended, modified or supplemented (including as provided for herein), use of such proceeds (including investment earnings) to finance or reimburse costs of the 2026 Revised Projects, and (ii) to the extent applicable for purposes of the Code, expenditure or application of such proceeds as “transferred proceeds” of the 2016 Bonds.

SECTION 2. BE IT FURTHER ENACTED AND ORDAINED that:

(a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter and Ordinance No. 2140, from and after the effective date of this Ordinance, and subject to Sections 2(d) and 7 hereof, Section 3(b) of Ordinance No. 2140, as amended and supplemented to date, is hereby deleted in its entirety and inserted in place thereof shall be the following:

“(b) With respect to the projects listed below, the word “costs” as used in Section 2 hereof shall include, as applicable, land and right-of-way acquisition and development; site and utility improvements; acquisition, construction, expansion, demolition, reconstruction, replacement, renovation, rehabilitation, improvement, installation, furnishing and equipping activities and expenses; planning, design, engineering, architectural, feasibility, inspection, surveying, financial and legal expenses, and related or similar costs; costs of issuance (which may include costs of bond insurance or other credit or liquidity enhancement); capitalized interest (whether or not expressly so stated); and any such costs that may represent the City’s share or contribution to the financing, reimbursement or refinancing of any such project. The

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total Bond (or BAN, as identified in Section 6 hereof) funds to be appropriated or applied to the costs of such projects (exclusive of any investment earnings that may be applied for such purposes) shall be allocated among the following public purpose projects in the maximum principal amount set forth opposite each, except as otherwise herein provided:

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Riverwalk Repairs	\$ 500,000.00
2.	East Main Street Water Valve	75,294.00
3.	Isabella Street Water	144,169.00
4.	East Main Street Sewer	218,906.00
5.	Isabella Street Sewer	66,000.00
6.	Lift Station Pump Replacement	2,346,355.00
7.	N. Division Street Sewer	103,645.00
8.	Wastewater Treatment Plant Upgrade	3,867,920.00
9.	Chemical Building HVAC	48,000.00
10.	Paleo Fluoride Room Door and Tank Replacement	60,000.00
11.	WWTP Outfall Inspection and Repairs	78,030.00
12.	Park Aerator Building Improvements	81,600.00
13.	Park Water Treatment Plant Roof Improvements	61,081.00
14.	Zoo Facility Improvements (1)	0.00
15.	Costs of Issuance	49,000.00
TOTAL		<u>\$7,700,000.00</u>

(1) The City intends to allocate certain investment earnings on the Bonds to this project.

The projects and costs of issuance identified in items 1-15 above are collectively referred to herein as the "Projects." The Projects described in items 1-15 above are identified by approximately the same names as such Projects are identified in City budget materials. The City, without notice to or the consent of any registered owners of the Bonds (or the registered owners of any of the BANs, as applicable), may reallocate the maximum principal amount of the Bonds (and of any of the BANs, as applicable) to be spent among any of the Projects identified herein in compliance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution. Further, it is the intention of the Council that proceeds of the Bonds (or of any of the BANs, as applicable) may be spent on any applicable costs (as defined above) relating to the Projects identified in items 1-15 above, notwithstanding the

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descriptive names used for such Projects in the table above, including, without limitation, costs related to changes in the scopes of activities relating to the Projects and/or the names of the Projects, as such scopes of activities or names may have already been, or may in the future be, amended or modified in accordance with applicable budgetary procedures or applicable law.”

(b) By undertaking the amendments to Section 3(b) of Ordinance No. 2140 (as amended and supplemented to date) provided for in subsection (a) of this Section 2, the City is in effect adding the 2026 Additional Project identified as item 14 “Zoo Facility Improvements” in the table set forth in subsection (a) above to the list of projects the costs of which may be financed or reimbursed from principal of or investment earnings on the 2012 Bond, once the provisions of subsection (d) below and Section 7 below have been complied with, and renumbering “Costs of Issuance” as item 15 in such table. The Council hereby appropriates and allocates \$14,748.00 of investment earnings on the 2012 Bond to be applied to costs of the 2026 Additional Project identified in the table in subsection (a) above as “Zoo Facility Improvements.”

(c) The projects identified in the table set forth in subsection (a) above (which amends Section 3(b) of Ordinance No. 2140, as amended and supplemented to date) are collectively referred to herein as the “2026 Revised Projects.” Subject to the provisions of subsection (d) below and Section 7 of this Ordinance, from and after the effective date of this Ordinance, all references to the Projects in Ordinance No. 2140, as amended and supplemented to date, shall be deemed to be references to the 2026 Revised Projects, as identified in this Ordinance. Subject to the provisions of subsection (d) below and Section 7 of this Ordinance, from and after the effective date of this Ordinance, the provisions of this Section 2 shall supersede the provisions of Section 3(b) of Ordinance No. 2140, as amended and supplemented, including by this Ordinance, with respect to the application of the principal amount of the Authorized Bonds (which, for all practical purposes, is the 2012 Bond).

(d) Notwithstanding the foregoing provisions of this Section 2, the principal amount of the 2012 Bond and investment earnings thereon may not be applied to costs of the 2026 Additional Project unless and until the City adopts a resolution making corresponding amendments to the provisions of Section 2(a) of Resolution No. 2160, as amended and supplemented to date, to include the 2026 Additional Project in the list of Projects identified in Resolution No. 2160, as amended and supplemented to date, thereby allowing \$14,748.00 of the investment earnings on the 2012 Bond to be applied to costs of the 2026 Additional Project.

(e) Subject to the provisions of subsection (d) above and Section 7 of this Ordinance, it is the intention of the Council that any investment earnings earned on the principal amount of the 2012 Bond (i) prior to the effective date of this Ordinance, to the extent not already spent in accordance with the provisions of the Ordinance No. 2140 (as amended and supplemented to date), Resolution No. 2160 (as amended and supplemented to date) or applicable budgetary procedures or applicable law and (ii) on and after the effective date of this Ordinance, shall be applied to costs of any of the 2026 Revised Projects; provided that, any such investment earnings may be allocated otherwise in

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accordance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution.

SECTION 3. **BE IT FURTHER ENACTED AND ORDAINED** that, subject to the provisions of Sections 2(d) and 7 of this Ordinance, the Mayor, the City Administrator, the Director of Finance and all other appropriate officials and employees of the City, to the extent acting within the scope of their respective authority, are hereby authorized and empowered to take any and all action necessary or appropriate to provide for the application of investment earnings on the 2012 Bond to finance or reimburse costs of the 2026 Additional Project and to approve, execute and deliver all documents, certificates or instruments necessary or appropriate in connection therewith or in connection with the transactions contemplated by this Ordinance, including, without limitation, any amendments, modifications or supplements to any documents, certificates or instruments delivered in connection with the 2012 Bond or the 2016 Bonds.

SECTION 4. **BE IT FURTHER ENACTED AND ORDAINED** that from and after the effective date of this Ordinance, Ordinance No. 2140, as amended and supplemented to date, shall be deemed further amended and supplemented as provided herein and all other terms and provisions of Ordinance No. 2140, as amended and supplemented to date, shall remain in full force and effect.

SECTION 5. **BE IT FURTHER ENACTED AND ORDAINED** that the title of this Ordinance shall be deemed to be, and is, a fair statement of the substance of this Ordinance for posting and all other purposes.

SECTION 6. **BE IT FURTHER ENACTED AND ORDAINED** that the provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated by this Ordinance.

SECTION 7. **BE IT FURTHER ENACTED AND ORDAINED** that this Ordinance shall become effective following approval by the Mayor or subsequent passage by the Council following the Mayor's veto in accordance with the provision of Section SC2-12 of the Charter; provided, however, that unless and until the City adopts a resolution making corresponding amendments to the provisions of Section 2(a) of Resolution No. 2160, the City may not apply any proceeds of the 2012 Bond (including investment earnings) to costs of the 2026 Additional Project, notwithstanding the effective date of this Ordinance. Pursuant to Charter Section SC2-16, this Ordinance shall not be subject to petition to referendum.

[CONTINUED ON FOLLOWING PAGE]

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THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 24 day of August, 2026, and thereafter, a statement of the substance of this Ordinance having been posted or published as required by law, was finally passed by the Council X [as introduced] _____ [as amended] [CHECK APPLICABLE LINE] on the 14 day of September, 2026.

ATTEST:

Julie A English, City Clerk

April R. Jackson, City Council President

APPROVED BY ME THIS _____ **DAY OF** _____, 2026:

Randolph J. Taylor, Mayor

#244778;58111.001

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City of Salisbury

Memo

To: Mayor and City Council
From: Nick Rice, City Administrator
Date: August 12, 2026
Subject: Reallocating 2013 Bond to Zoo Facility Improvements - 2nd Reading

The City has identified approximately \$500,000 of available funding associated with prior bond issuances that may be utilized for the Zoo Facility Improvements project. These funds consist of remaining bond proceeds, accumulated investment earnings, and other available bond-related funds from completed or substantially completed projects.

The proposed ordinances amend eight prior bond ordinances to authorize the reallocation and use of these available funds for the Zoo Facility Improvements project, an eligible capital improvement project.

These amendments do not authorize any additional borrowing or increase the outstanding debt of the City. Rather, the ordinances provide authorization to utilize existing available bond-related funds that remain from prior issuances and apply those funds toward the Zoo Facility Improvements project.

The funding proposed to be allocated to Zoo Facility Improvements is derived from the following prior bond issues and original project allocations:

Bond Issue	Original Project(s) Providing Available Funds	Amount Allocated to Zoo Facility Improvements
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2012 Bond	Investment Earnings	\$14,748.00
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2013 Bond	Investment Earnings	\$8,724.00
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2014A Bond	Investment Earnings	\$9,661.00
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2015 Bond	Investment Earnings; GOB Roof and Air Handler Replacement	\$3,036.00; \$15,000.00
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2016 Bond	Investment Earnings	\$14,027.00
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2017 Bond	Investment Earnings	\$83,071.00
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2019 Bond	Investment Earnings; Building Lighting and Controls; Unallocated Proceeds	\$118,746.00; \$192,848.00; \$8,959.00
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2021 Bond	Investment Earnings; Unallocated Issuance Costs; Aerial Ladder; GOB Air Handler Replacement	\$4,854.00; \$2,696.00; \$2,380.00; \$21,250.00
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Total		\$500,000.00
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Each ordinance amends the applicable prior bond ordinance to add Zoo Facility Improvements as an authorized project and identifies the amount of available bond-related funds that may be allocated to the project. The corresponding bond resolutions will also be amended, as necessary, to implement the reallocations.

Finance will coordinate with bond counsel and the City's arbitrage advisor to ensure the

reallocations are properly documented and remain compliant with applicable bond covenants, arbitrage requirements, and Internal Revenue Code provisions.

Fiscal Impact:

The proposed action provides approximately \$500,000 in available funding for Zoo Facility Improvements through the reallocation of existing bond proceeds, investment earnings, and other available bond-related funds from prior bond issuances. No additional debt issuance or new tax-supported funding is required.

Recommendation:

Approval of the proposed bond ordinance amendments and related resolutions authorizing the allocation of available bond-related funds for Zoo Facility Improvements.

Attachment(s):

[Ord3017](#)

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ORDINANCE NO. 3017

AN ORDINANCE OF THE COUNCIL (THE “COUNCIL”) OF THE CITY OF SALISBURY AMENDING AND SUPPLEMENTING ORDINANCE NO. 2273, PASSED BY THE COUNCIL ON DECEMBER 16, 2013, APPROVED BY THE MAYOR OF CITY OF SALISBURY (THE “CITY”) ON DECEMBER 16, 2013 AND EFFECTIVE ON DECEMBER 16, 2013 (“ORDINANCE NO. 2273”), AS PREVIOUSLY AMENDED AND SUPPLEMENTED, IN ORDER TO (1) AUTHORIZE AND EMPOWER THE CITY TO USE AND APPLY CERTAIN INVESTMENT EARNINGS ON THE \$3,178,000 CITY OF SALISBURY PUBLIC IMPROVEMENTS BOND OF 2013 ISSUED ON DECEMBER 23, 2013 (THE “2013 BOND”) TO A PROJECT IDENTIFIED HEREIN AS “ZOO FACILITY IMPROVEMENTS,” IN ADDITION TO THE PROJECTS ORIGINALLY IDENTIFIED IN ORDINANCE NO. 2273, AS PREVIOUSLY AMENDED AND SUPPLEMENTED, AND (2) IDENTIFY SUCH ADDITIONAL PROJECT AS A “PROJECT” FOR ALL PURPOSES OF ORDINANCE NO. 2273, AS AMENDED AND SUPPLEMENTED; PROVIDING THAT THIS TITLE IS A FAIR STATEMENT OF THE SUBSTANCE OF THIS ORDINANCE; AUTHORIZING CERTAIN CITY OFFICIALS TO TAKE CERTAIN ACTIONS IN CONNECTION WITH THE TRANSACTIONS CONTEMPLATED BY THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2013 BOND.

RECITALS

27 **WHEREAS**, City of Salisbury, a municipal corporation of the State of Maryland (the “City”),
28 was authorized and empowered by Sections 31 to 37, inclusive, of Article 23A of the Annotated Code
29 of Maryland (now codified as Sections 19-301 to 19-309, inclusive, of the Local Government Article
30 of the Annotated Code of Maryland), as replaced, supplemented or amended (the “Enabling Act”),
31 and Sections SC7-45 and SC7-46 of the Charter of the City of Salisbury, as replaced, supplemented
32 or amended (the “Charter”), to borrow money for any proper public purpose and to evidence such
33 borrowing by the issuance and sale of its general obligation bonds; and
34

35 **WHEREAS**, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of
36 the Charter, and Ordinance No. 2273, passed by the Council of the City (the “Council”) on December
37 16, 2013, approved by the Mayor of the City (the “Mayor”) on December 16, 2013 and effective on
38 December 16, 2013 (“Ordinance No. 2273”), the City authorized general obligation bonds to be
39 issued from time to time in one or more series in an aggregate principal amount not to exceed Three
40 Million One Hundred Seventy-Eight Thousand Dollars (\$3,178,000.00) (the “Authorized Bonds”) in
41 order to finance, reimburse or refinance “costs” (as defined in Section 3(b) of Ordinance No. 2273)
42 of the following projects identified in the maximum principal amounts set forth opposite each such
43 Original Authorized Project in the table below:

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Riverwalk	\$1,600,000.00
2.	Mainstreet Master Plan	268,000.00
3.	Coty Cox Drainage Improvements	1,200,000.00
4.	Germania Circle	110,000.00
TOTAL		<u>\$3,178,000.00</u>

; and

WHEREAS, the projects identified in the table in the preceding WHEREAS clause are referred to in this Ordinance as the “Original Authorized Projects” and were referred to in Ordinance No. 2273 as the “Projects;” and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2273 and Resolution No. 2358, adopted by the Council on December 16, 2013, approved by the Mayor on December 16, 2013 and effective on December 16, 2013 (“Resolution No. 2358”), the City determined to borrow money for the public purpose of financing or reimbursing “costs” (as defined in Section 2(b) of Resolution No. 2358, which definition mirrors the definition of “costs” set forth in Section 3(b) of Ordinance No. 2273) of the projects specified in Section 2(a) of Resolution No. 2358 (which included all of the Original Authorized Projects), and to evidence this borrowing by the issuance and sale of a single series of the Authorized Bonds in the form of a single general obligation bond in the maximum principal amount of Three Million One Hundred Seventy-Eight Thousand Dollars (\$3,178,000.00) and designated as the “City of Salisbury Public Improvements Bond of 2013” (the “2013 Bond”); and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2273 and Resolution No. 2358, the City issued and delivered the 2013 Bond to Hebron Savings Bank on December 23, 2013; and

WHEREAS, Section 2 of Resolution No. 2358 provides that proceeds of the 2013 Bond (which is referred to as the “Bond” in Resolution No. 2358) shall be appropriated and allocated to the specified Original Authorized Projects identified therein, subject to the further provisions of such Section 2 (which Original Authorized Projects are referred to as the “Projects” in Resolution No. 2358); and

WHEREAS, pursuant to Ordinance No. 2391, passed by the Council on June 20, 2016, approved on behalf of the Mayor on June 22, 2016 and effective on June 22, 2016 (“Ordinance No. 2391”), the City reallocated the principal amount of the Authorized Bonds among the Original Authorized Projects as follows:

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Riverwalk	\$1,409,892.00
2.	Mainstreet Master Plan (1)	539,894.00
3.	Coty Cox Drainage Improvements	1,200,000.00
4.	Germania Circle	28,213.00
TOTAL		<u>\$3,178,000.00</u>

(1) In addition, Ordinance No. 2391 transferred \$4,345.48 of unallocated investment earnings on the 2013 Bond to this project; and

WHEREAS, on September 1, 2021, the City issued its \$8,965,000 Tax-Exempt Public Improvement and Refunding Bonds of 2021 (the “2021 Tax-Exempt Bonds”), a portion of the proceeds of which were applied to currently refund the then-outstanding principal amount of the 2013 Bond; and

WHEREAS, the outstanding 2013 Bond was prepaid in whole on September 1, 2021; and

WHEREAS, at the time of issuance of the 2021 Tax-Exempt Bonds, a portion of the proceeds of the 2013 Bond remained unexpended, and such unexpended proceeds of the 2013 Bond were considered “transferred proceeds” of the 2021 Tax-Exempt Bonds for purposes of the Internal Revenue Code of 1986, as amended, and the U.S. Treasury Regulations promulgated thereunder (collectively, the “Code”); and

WHEREAS, pursuant to Ordinance No. 2677, passed by the Council on September 13, 2021, approved by the Mayor on September 20, 2021 and effective on September 20, 2021 (“Ordinance No. 2677”), the City reallocated the principal amount of the Authorized Bonds among the Original Authorized Projects as follows:

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Riverwalk	\$1,409,892.00
2.	Mainstreet Master Plan (1)	577,693.00
3.	Coty Cox Drainage Improvements	1,162,201.00
4.	Germania Circle	28,213.00
TOTAL		<u>\$3,178,000.00</u>

(1) In addition, Ordinance No. 2677 allocated \$24,095.00 of investment earnings on the 2013 Bond to this project; and

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105 **WHEREAS**, the City wishes to allocate \$8,724.00 of investment earnings on the 2013 Bond
106 to a project not included in Ordinance No. 2273 that is generally referred to as “Zoo Facility
107 Improvements” or by similar names (the “2026 Additional Project”); and
108

109 **WHEREAS**, accordingly, the City desires to expand the list of the Original Authorized
110 Projects provided for in Ordinance No. 2273 in order to allow certain investment earnings on the
111 Authorized Bonds (meaning the 2013 Bond) to be applied to the 2026 Additional Project and to
112 identify such 2026 Additional Project as part of the “Projects” for all purposes of Ordinance No. 2273,
113 as amended and supplemented; and
114

115 **WHEREAS**, while the remaining unexpended proceeds of the 2013 Bond (including
116 investment earnings thereon) are treated as “transferred proceeds” of the 2021 Tax-Exempt Bonds for
117 purposes of the Code, they are referred to as proceeds of the 2013 Bond for purposes of this
118 Ordinance.
119

120 **SECTION 1. NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE**
121 **CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND** that:
122

123 (a) The Recitals to this Ordinance are incorporated by reference herein and deemed a
124 substantive part of this Ordinance. Capitalized terms used in the Sections of this Ordinance that
125 are not defined therein shall have the meanings given to such terms in the Recitals.

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

138 (c) References in this Ordinance to the “principal amount” of any obligations shall be
139 construed to mean the par amount of such obligations.

140 (d) References in this Ordinance to “investment earnings” shall be construed to include
141 interest income.

142 (e) References in this Ordinance to the application or use of proceeds of the 2013 Bond
143 to fund costs of the 2026 Revised Projects (as defined in Section 2(c) hereof) shall be construed to
144 mean (i) for purposes of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance

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No. 2273 and Resolution No. 2358, as the same may be amended, modified or supplemented (including as provided for herein), use of such proceeds (including investment earnings) to finance or reimburse costs of the 2026 Revised Projects, and (ii) to the extent applicable for purposes of the Code, expenditure or application of such proceeds as “transferred proceeds” of the 2021 Tax-Exempt Bonds.

SECTION 2. BE IT FURTHER ENACTED AND ORDAINED that:

(a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter and Ordinance No. 2273, from and after the effective date of this Ordinance, and subject to Sections 2(d) and 7 hereof, Section 3(b) of Ordinance No. 2273, as amended and supplemented to date, is hereby deleted in its entirety and inserted in place thereof shall be the following:

“(b) With respect to the projects listed below, the word “costs” as used in Section 2 hereof shall include, as applicable, land and right-of-way acquisition and development; site and utility improvements; acquisition, construction, expansion, demolition, reconstruction, replacement, renovation, rehabilitation, improvement, installation, furnishing and equipping activities and expenses, and related or similar costs; planning, design, engineering, architectural, feasibility, inspection, construction management, surveying, permitting, financial and legal expenses, and related or similar costs; costs of issuance (which may include costs of bond insurance or other credit or liquidity enhancement); interest during construction and for a reasonable period thereafter (whether or not expressly so stated); and any such costs that may represent the City’s share or contribution to the financing, reimbursement or refinancing of any such project. The total Bond (or BANs, as identified in Section 6 hereof) funds to be appropriated or applied to the costs of such projects (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 projects in the maximum principal amount set forth opposite each, except as otherwise herein provided:

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Riverwalk	\$1,409,892
2.	Mainstreet Master Plan	577,693
3.	Coty Cox Drainage Improvements	1,162,201
4.	Germania Circle	28,213
5.	Zoo Facility Improvements	0 (1)
	TOTAL	<u>\$3,178,000</u>

(1) The City intends to allocate certain investment earnings on the Bonds to this project.

The projects identified in items 1-5 above are collectively referred to herein as the “Projects.” The City, without notice to or the consent of any registered owners of the Bonds (or the registered owners of any of the BANs, as applicable), may reallocate the maximum principal amount of the Bonds (and of any of the BANs, as applicable) to be spent among any of the Projects identified herein in compliance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution. Further, it is the intention of the Council that proceeds of the Bonds (or of any of the BANs, as applicable) may be spent on any applicable costs (as defined above) relating to the Projects identified in items 1-5 above, notwithstanding the descriptive names used for such Projects in the table above, including, without limitation, costs related to changes in the scopes of activities relating to the Projects and/or the names of the Projects, as such scopes of activities or names may have already been, or may in the future be, amended or modified in accordance with applicable budgetary procedures or applicable law.”

(b) By undertaking the amendments to Section 3(b) of Ordinance No. 2273 (as amended and supplemented to date) provided for in subsection (a) of this Section 2, the City is in effect adding the 2026 Additional Project identified as item 5 “Zoo Facility Improvements” in the table set forth in subsection (a) above to the list of projects the costs of which may be financed or reimbursed from principal of or investment earnings on the 2013 Bond, once the provisions of subsection (d) below and Section 7 below have been complied with. The Council hereby appropriates and allocates \$8,724.00 of investment earnings on the 2013 Bond to be applied to costs of the 2026 Additional Project identified in the table in subsection (a) above as “Zoo Facility Improvements.”

(c) The projects identified in the table set forth in subsection (a) above (which amends Section 3(b) of Ordinance No. 2273, as amended and supplemented to date) are collectively referred to herein as the “2026 Revised Projects.” Subject to the provisions of subsection (d) below and Section 7 of this Ordinance, from and after the effective date of this Ordinance, all references to the Projects in Ordinance No. 2273, as amended and supplemented to date, shall be deemed to be

Underlining : Indicates material added by amendment after introduction

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references to the 2026 Revised Projects, as identified in this Ordinance. Subject to the provisions of subsection (d) below and Section 7 of this Ordinance, from and after the effective date of this Ordinance, the provisions of this Section 2 shall supersede the provisions of Section 3(b) of Ordinance No. 2273, as amended and supplemented, including by this Ordinance, with respect to the application of the principal amount of the Authorized Bonds (meaning the 2013 Bond).

(d) Notwithstanding the foregoing provisions of this Section 2, the principal amount of the 2013 Bond and investment earnings thereon may not be applied to costs of the 2026 Additional Project unless and until the City adopts a resolution making corresponding amendments to the provisions of Section 2(a) of Resolution No. 2358, as amended and supplemented to date, to include the 2026 Additional Project in the list of Projects identified in Resolution No. 2358, as amended and supplemented to date, thereby allowing \$8,724.00 of the investment earnings on the 2013 Bond to be applied to costs of the 2026 Additional Project.

(e) Subject to the provisions of subsection (d) above and Section 7 of this Ordinance, it is the intention of the Council that any investment earnings earned on the principal amount of the 2013 Bond (i) prior to the effective date of this Ordinance, to the extent not already spent in accordance with the provisions of the Ordinance No. 2273 (as amended and supplemented to date), Resolution No. 2358 (as amended and supplemented to date) or applicable budgetary procedures or applicable law and (ii) on and after the effective date of this Ordinance, shall be applied to costs of any of the 2026 Revised Projects; provided that, any such investment earnings may be allocated otherwise in accordance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution.

SECTION 3. **BE IT FURTHER ENACTED AND ORDAINED** that, subject to the provisions of Sections 2(d) and 7 of this Ordinance, the Mayor, the City Administrator, the Director of Finance and all other appropriate officials and employees of the City, to the extent acting within the scope of their respective authority, are hereby authorized and empowered to take any and all action necessary or appropriate to provide for the application of investment earnings on the 2013 Bond to finance or reimburse costs of the 2026 Additional Project and to approve, execute and deliver all documents, certificates or instruments necessary or appropriate in connection therewith or in connection with the transactions contemplated by this Ordinance, including, without limitation, any amendments, modifications or supplements to any documents, certificates or instruments delivered in connection with the 2013 Bond or the 2021 Tax-Exempt Bonds.

SECTION 4. **BE IT FURTHER ENACTED AND ORDAINED** that from and after the effective date of this Ordinance, Ordinance No. 2273, as amended and supplemented to date, shall be deemed further amended and supplemented as provided herein and all other terms and provisions of Ordinance No. 2273, as amended and supplemented to date, shall remain in full force and effect.

SECTION 5. **BE IT FURTHER ENACTED AND ORDAINED** that the title of this Ordinance shall be deemed to be, and is, a fair statement of the substance of this Ordinance for posting and all other purposes.

Underlining : Indicates material added by amendment after introduction
~~Strike through~~ : Indicates material deleted by amendment after introduction

SECTION 6. BE IT FURTHER ENACTED AND ORDAINED that the provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated by this Ordinance.

SECTION 7. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall become effective following approval by the Mayor or subsequent passage by the Council following the Mayor's veto in accordance with the provision of Section SC2-12 of the Charter; provided, however, that unless and until the City adopts a resolution making corresponding amendments to the provisions of Section 2(a) of Resolution No. 2358, the City may not apply any proceeds of the 2013 Bond (including investment earnings) to costs of the 2026 Additional Project, notwithstanding the effective date of this Ordinance. Pursuant to Charter Section SC2-16, this Ordinance shall not be subject to petition to referendum.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 24 day of August, 2026, and thereafter, a statement of the substance of this Ordinance having been posted or published as required by law, was finally passed by the Council X [as introduced] _____ [as amended] [CHECK APPLICABLE LINE] on the 14 day of September, 2026.

ATTEST:

Julie A English, City Clerk

April R. Jackson, City Council President

APPROVED BY ME THIS _____ **DAY OF** _____, 2026:

Randolph J. Taylor, Mayor

#245301;58111.001

Underlining : Indicates material added by amendment after introduction
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Memo

To: Mayor and City Council
From: Nick Rice, City Administrator
Date: August 12, 2026
Subject: Reallocating 2014A Bond to Zoo Facility Improvements - 2nd Reading

The City has identified approximately \$500,000 of available funding associated with prior bond issuances that may be utilized for the Zoo Facility Improvements project. These funds consist of remaining bond proceeds, accumulated investment earnings, and other available bond-related funds from completed or substantially completed projects.

The proposed ordinances amend eight prior bond ordinances to authorize the reallocation and use of these available funds for the Zoo Facility Improvements project, an eligible capital improvement project.

These amendments do not authorize any additional borrowing or increase the outstanding debt of the City. Rather, the ordinances provide authorization to utilize existing available bond-related funds that remain from prior issuances and apply those funds toward the Zoo Facility Improvements project.

The funding proposed to be allocated to Zoo Facility Improvements is derived from the following prior bond issues and original project allocations:

Bond Issue	Original Project(s) Providing Available Funds	Amount Allocated to Zoo Facility Improvements
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2012 Bond	Investment Earnings	\$14,748.00
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2013 Bond	Investment Earnings	\$8,724.00
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2014A Bond	Investment Earnings	\$9,661.00
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2015 Bond	Investment Earnings; GOB Roof and Air Handler Replacement	\$3,036.00; \$15,000.00
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2016 Bond	Investment Earnings	\$14,027.00
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2017 Bond	Investment Earnings	\$83,071.00
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2019 Bond	Investment Earnings; Building Lighting and Controls; Unallocated Proceeds	\$118,746.00; \$192,848.00; \$8,959.00
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2021 Bond	Investment Earnings; Unallocated Issuance Costs; Aerial Ladder; GOB Air Handler Replacement	\$4,854.00; \$2,696.00; \$2,380.00; \$21,250.00
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Total		\$500,000.00
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Each ordinance amends the applicable prior bond ordinance to add Zoo Facility Improvements as an authorized project and identifies the amount of available bond-related funds that may be allocated to the project. The corresponding bond resolutions will also be amended, as necessary, to implement the reallocations.

Finance will coordinate with bond counsel and the City's arbitrage advisor to ensure the

reallocations are properly documented and remain compliant with applicable bond covenants, arbitrage requirements, and Internal Revenue Code provisions.

Fiscal Impact:

The proposed action provides approximately \$500,000 in available funding for Zoo Facility Improvements through the reallocation of existing bond proceeds, investment earnings, and other available bond-related funds from prior bond issuances. No additional debt issuance or new tax-supported funding is required.

Recommendation:

Approval of the proposed bond ordinance amendments and related resolutions authorizing the allocation of available bond-related funds for Zoo Facility Improvements.

Attachment(s):

[Ord3018](#)

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44 **WHEREAS**, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of
45 the Charter, Ordinance No. 2299 and Resolution No. 2448, adopted by the Council on September 22,
46 2014, approved by the Mayor on September 22, 2014 and effective on September 22, 2014
47 (“Resolution No. 2448”), the City determined to borrow money for the public purpose of financing
48 or reimbursing “costs” (as defined in Section 2(b) of Resolution No. 2448, which definition mirrors
49 the definition of “costs” set forth in Section 3(b) of Ordinance No. 2299) of the Original
50 Authorized Project, and to evidence this borrowing by the issuance and sale of a single series of
51 the Authorized Bonds in the form of a single general obligation bond in the maximum principal
52 amount of Four Million Nine Thousand Dollars (\$4,009,000.00) and designated as the “City of
53 Salisbury Public Improvements Bond, Series 2014A” (the “2014A Bond”); and
54

55 **WHEREAS**, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of
56 the Charter, Ordinance No. 2299 and Resolution No. 2448, the City issued and delivered the 2014A
57 Bond to STI Institutional & Government, Inc. on September 26, 2014; and
58

59 **WHEREAS**, Section 2 of Resolution No. 2448 provides that proceeds of the 2014A Bond
60 (which is referred to as the “Series 2014A Bond” in Resolution No. 2448) shall be appropriated and
61 allocated to the Original Authorized Project (which Original Authorized Project is referred to as the
62 “New Money Project” in Resolution No. 2448); and
63

64 **WHEREAS**, after giving effect to issuance of the 2014A Bond, only \$191,000.00 of bonding
65 authority remained unused under Ordinance No. 2299; accordingly, for all practical purposes the
66 2014A Bond constitutes the only “Bonds” that will be issued pursuant to authority of Ordinance No.
67 2299 and the only “Authorized Bonds” as referred to in this Ordinance, and no “BANs” (as defined
68 in Ordinance No. 2299) will be issued pursuant to the authority set forth in Ordinance No. 2299; and
69

70 **WHEREAS**, on July 28, 2016, the City issued its \$20,030,000 Public Improvement and
71 Refunding Bonds of 2016 (the “2016 Bonds”), a portion of the proceeds of which were applied to
72 currently refund the then-outstanding principal amount of the 2014A Bond; and
73

74 **WHEREAS**, at the time of issuance of the 2016 Bonds, a portion of the proceeds of the
75 2014A Bond remained unexpended, and such unexpended proceeds of the 2014A Bond were
76 considered “transferred proceeds” of the 2016 Bonds for purposes of the Internal Revenue Code of
77 1986, as amended, and the U.S. Treasury Regulations promulgated thereunder (collectively, the
78 “Code”); and
79

80 **WHEREAS**, the outstanding 2014A Bond was prepaid in whole on July 28, 2016; and
81

82 **WHEREAS**, the City wishes to allocate \$9,661.00 of investment earnings on the 2014A
83 Bond to a project not included in Ordinance No. 2299 that is generally referred to as “Zoo Facility
84 Improvements” or by similar names (the “2026 Additional Project”); and
85

Underlining : Indicates material added by amendment after introduction
~~Strike through~~ : Indicates material deleted by amendment after introduction

86 **WHEREAS**, accordingly, the City desires to add the 2026 Additional Project to the Original
87 Authorized Project provided for in Ordinance No. 2299 in order to allow certain investment earnings
88 on the Authorized Bonds (meaning the 2014A Bond) to be applied to the 2026 Additional Project and
89 to identify the Original Authorized Project and the 2026 Additional Project collectively as the
90 “Project” for all purposes of Ordinance No. 2299; and
91

92 **WHEREAS**, while the remaining unexpended proceeds of the 2014A Bond (including
93 investment earnings thereon) are treated as “transferred proceeds” of the 2016 Bonds for purposes of
94 the Code, they are referred to as proceeds of the 2014A Bond for purposes of this Ordinance.
95

96 **SECTION 1. NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE**
97 **CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND** that:
98

99 (a) The Recitals to this Ordinance are incorporated by reference herein and deemed a
100 substantive part of this Ordinance. Capitalized terms used in the Sections of this Ordinance that
101 are not defined therein shall have the meanings given to such terms in the Recitals.

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

114 (c) References in this Ordinance to the “principal amount” of any obligations shall be
115 construed to mean the par amount of such obligations.

116 (d) References in this Ordinance to “investment earnings” shall be construed to include
117 interest income.

118 (e) References in this Ordinance to the application or use of proceeds of the 2014A Bond
119 to fund costs of the 2026 Revised Projects (as defined in Section 2(c) hereof) shall be construed to
120 mean (i) for purposes of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance
121 No. 2299 and Resolution No. 2448, as the same may be amended, modified or supplemented
122 (including as provided for herein), use of such proceeds (including investment earnings) to finance or
123 reimburse costs of the 2026 Revised Projects, and (ii) to the extent applicable for purposes of the
124 Code, expenditure or application of such proceeds as “transferred proceeds” of the 2016 Bonds.

Underlining : Indicates material added by amendment after introduction
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125 **SECTION 2. BE IT FURTHER ENACTED AND ORDAINED** that:
126

127 (a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the
128 Charter and Ordinance No. 2299, from and after the effective date of this Ordinance, and subject to
129 Sections 2(d) and 7 hereof, Section 3(b) of Ordinance No. 2299 is hereby deleted in its entirety and
130 inserted in place thereof shall be the following:
131

132 “(b) With respect to the projects listed below, the word “costs” as used in
133 Section 2 hereof shall include, as applicable, land and right-of-way acquisition and
134 development; site and utility improvements; acquisition, construction, expansion,
135 demolition, reconstruction, replacement, renovation, rehabilitation, improvement,
136 installation, furnishing and equipping activities and expenses, and related or similar
137 costs; planning, design, engineering, architectural, feasibility, inspection, construction
138 management, surveying, permitting, financial and legal expenses, and related or
139 similar costs; costs of issuance (which may include costs of bond insurance or other
140 credit or liquidity enhancement); interest during construction and for a reasonable
141 period thereafter (whether or not expressly so stated); and any such costs that may
142 represent the City’s share or contribution to the financing, reimbursement or
143 refinancing of such project. The projects to which proceeds of the Bonds (or BANs,
144 as identified in Section 6 hereof) are to be applied are (i) identified in the City’s capital
145 improvement program as “Facility Renovation – Fire Station #2” and (ii) referred to
146 by the City generally as “Zoo Facility Improvements” (or by a similar name), and as
147 the same may be amended or modified in accordance with applicable law, are
148 collectively referred to herein as the “Project.” It is the intention of the Council that
149 proceeds of the Bonds (or of any of the BANs, as applicable) may be spent on any
150 applicable costs (as defined above) relating to the Project. The City intends to
151 allocate certain investment earnings on the Bonds to costs of the project identified
152 as “Zoo Facility Improvements.” The City, without notice to or the consent of any
153 registered owners of the Bonds (or the registered owners of any of the BANs, as
154 applicable), may reallocate the maximum principal amount of the Bonds (and of any
155 of the BANs, as applicable) to be spent among any components of the Project
156 identified herein in compliance with applicable budgetary procedures or applicable
157 law, including, to the extent applicable, by resolution. Further, it is the intention of
158 the Council that proceeds of the Bonds (or of any of the BANs, as applicable) may be
159 spent on any applicable costs (as defined above) relating to the Project,
160 notwithstanding the descriptive names used for the Project, including, without
161 limitation, costs related to changes in the scopes of activities relating to the Project
162 and/or the names of the Project, as such scopes of activities or names may have already
163 been, or may in the future be, amended or modified in accordance with applicable
164 budgetary procedures or applicable law.”
165

166 (b) By undertaking the amendments to Section 3(b) of Ordinance No. 2299 provided for
167 in subsection (a) of this Section 2, the City is in effect adding the 2026 Additional Project identified

Underlining : Indicates material added by amendment after introduction
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as “Zoo Facility Improvements” in subsection (a) above to the definition of the “Project” in order to allow costs of the 2026 Additional Project to be financed or reimbursed from principal of or investment earnings on the 2014A Bond, once the provisions of subsection (d) below and Section 7 below have been complied with. The Council hereby appropriates and allocates \$9,661.00 of investment earnings on the 2014A Bond to be applied to costs of the 2026 Additional Project identified in subsection (a) above as “Zoo Facility Improvements.”

(c) The two projects identified in subsection (a) above (which amends Section 3(b) of Ordinance No. 2299) are collectively referred to herein as the “2026 Revised Projects.” Subject to the provisions of subsection (d) below and Section 7 of this Ordinance, from and after the effective date of this Ordinance, all references to the Project in Ordinance No. 2299 shall be deemed to be references to the 2026 Revised Projects as identified in this Ordinance. Subject to the provisions of subsection (d) below and Section 7 of this Ordinance, from and after the effective date of this Ordinance, the provisions of this Section 2 shall supersede the provisions of Section 3(b) of Ordinance No. 2299, as amended and supplemented by this Ordinance, with respect to the application of the principal amount of the Authorized Bonds (which, for all practical purposes, is the 2014A Bond).

(d) Notwithstanding the foregoing provisions of this Section 2, the principal amount of the 2014A Bond and investment earnings thereon may not be applied to costs of the 2026 Additional Project unless and until the City adopts a resolution making corresponding amendments to the provisions of Section 2(a) of Resolution No. 2448 to include the 2026 Additional Project in the definition of the term “New Money Project” as used in Resolution No. 2448, thereby allowing \$9,661.00 of the investment earnings on the 2014A Bond to be applied to costs of the 2026 Additional Project.

(e) Subject to the provisions of subsection (d) above and Section 7 of this Ordinance, it is the intention of the Council that any investment earnings earned on the principal amount of the 2014A Bond (i) prior to the effective date of this Ordinance, to the extent not already spent in accordance with the provisions of the Ordinance No. 2299, Resolution No. 2448 or applicable budgetary procedures or applicable law and (ii) on and after the effective date of this Ordinance, shall be applied to costs of either of the 2026 Revised Projects; provided that, any such investment earnings may be allocated otherwise in accordance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution.

SECTION 3. **BE IT FURTHER ENACTED AND ORDAINED** that, subject to the provisions of Sections 2(d) and 7 of this Ordinance, the Mayor, the City Administrator, the Director of Finance and all other appropriate officials and employees of the City, to the extent acting within the scope of their respective authority, are hereby authorized and empowered to take any and all action necessary or appropriate to provide for the application of investment earnings on the 2014A Bond to finance or reimburse costs of the 2026 Additional Project and to approve, execute and deliver all documents, certificates or instruments necessary or appropriate in connection therewith or in connection with the transactions contemplated by this Ordinance, including, without limitation, any

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amendments, modifications or supplements to any documents, certificates or instruments delivered in connection with the 2014A Bond or the 2016 Bonds.

SECTION 4. BE IT FURTHER ENACTED AND ORDAINED that from and after the effective date of this Ordinance, Ordinance No. 2299 shall be deemed amended and supplemented as provided herein and all other terms and provisions of Ordinance No. 2299 shall remain in full force and effect.

SECTION 5. BE IT FURTHER ENACTED AND ORDAINED that the title of this Ordinance shall be deemed to be, and is, a fair statement of the substance of this Ordinance for posting and all other purposes.

SECTION 6. BE IT FURTHER ENACTED AND ORDAINED that the provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated by this Ordinance.

SECTION 7. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall become effective following approval by the Mayor or subsequent passage by the Council following the Mayor's veto in accordance with the provision of Section SC2-12 of the Charter; provided, however, that unless and until the City adopts a resolution making corresponding amendments to the provisions of Section 2(a) of Resolution No. 2448, the City may not apply any proceeds of the 2014A Bond (including investment earnings) to costs of the 2026 Additional Project, notwithstanding the effective date of this Ordinance. Pursuant to Charter Section SC2-16, this Ordinance shall not be subject to petition to referendum.

[CONTINUED ON FOLLOWING PAGE]

Underlining : Indicates material added by amendment after introduction
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THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 24 day of August, 2026, and thereafter, a statement of the substance of this Ordinance having been posted or published as required by law, was finally passed by the Council X [as introduced] _____ [as amended] [CHECK APPLICABLE LINE] on the 14 day of September, 2026.

ATTEST:

Julie A English, City Clerk

April R. Jackson, City Council President

APPROVED BY ME THIS _____ **DAY OF** _____, 2026:

Randolph J. Taylor, Mayor

#245305;58111.001

Underlining : Indicates material added by amendment after introduction
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Memo

To: Mayor and City Council
From: Nick Rice, City Administrator
Date: August 12, 2026
Subject: Reallocating 2015 Bond to Zoo Facility Improvements - 2nd Reading

The City has identified approximately \$500,000 of available funding associated with prior bond issuances that may be utilized for the Zoo Facility Improvements project. These funds consist of remaining bond proceeds, accumulated investment earnings, and other available bond-related funds from completed or substantially completed projects.

The proposed ordinances amend eight prior bond ordinances to authorize the reallocation and use of these available funds for the Zoo Facility Improvements project, an eligible capital improvement project.

These amendments do not authorize any additional borrowing or increase the outstanding debt of the City. Rather, the ordinances provide authorization to utilize existing available bond-related funds that remain from prior issuances and apply those funds toward the Zoo Facility Improvements project.

The funding proposed to be allocated to Zoo Facility Improvements is derived from the following prior bond issues and original project allocations:

Bond Issue	Original Project(s) Providing Available Funds	Amount Allocated to Zoo Facility Improvements
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2012 Bond	Investment Earnings	\$14,748.00
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2013 Bond	Investment Earnings	\$8,724.00
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2014A Bond	Investment Earnings	\$9,661.00
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2015 Bond	Investment Earnings; GOB Roof and Air Handler Replacement	\$3,036.00; \$15,000.00
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2016 Bond	Investment Earnings	\$14,027.00
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2017 Bond	Investment Earnings	\$83,071.00
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2019 Bond	Investment Earnings; Building Lighting and Controls; Unallocated Proceeds	\$118,746.00; \$192,848.00; \$8,959.00
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2021 Bond	Investment Earnings; Unallocated Issuance Costs; Aerial Ladder; GOB Air Handler Replacement	\$4,854.00; \$2,696.00; \$2,380.00; \$21,250.00
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Total		\$500,000.00
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Each ordinance amends the applicable prior bond ordinance to add Zoo Facility Improvements as an authorized project and identifies the amount of available bond-related funds that may be allocated to the project. The corresponding bond resolutions will also be amended, as necessary, to implement the reallocations.

Finance will coordinate with bond counsel and the City's arbitrage advisor to ensure the

reallocations are properly documented and remain compliant with applicable bond covenants, arbitrage requirements, and Internal Revenue Code provisions.

Fiscal Impact:

The proposed action provides approximately \$500,000 in available funding for Zoo Facility Improvements through the reallocation of existing bond proceeds, investment earnings, and other available bond-related funds from prior bond issuances. No additional debt issuance or new tax-supported funding is required.

Recommendation:

Approval of the proposed bond ordinance amendments and related resolutions authorizing the allocation of available bond-related funds for Zoo Facility Improvements.

Attachment(s):

[Ord3019](#)

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ORDINANCE NO. 3019

AN ORDINANCE OF THE COUNCIL (THE “COUNCIL”) OF THE CITY OF SALISBURY AMENDING AND SUPPLEMENTING ORDINANCE NO. 2357, PASSED BY THE COUNCIL ON OCTOBER 12, 2015, APPROVED BY THE MAYOR OF CITY OF SALISBURY (THE “CITY”) ON OCTOBER 14, 2015 AND EFFECTIVE ON OCTOBER 14, 2015 (“ORDINANCE NO. 2357”), AS PREVIOUSLY AMENDED AND SUPPLEMENTED, IN ORDER TO (1) AUTHORIZE AND EMPOWER THE CITY TO USE AND APPLY CERTAIN INVESTMENT EARNINGS ON THE \$4,726,200 CITY OF SALISBURY PUBLIC IMPROVEMENTS BOND OF 2015 ISSUED ON DECEMBER 1, 2015 (THE “2015 BOND”) TO A PROJECT IDENTIFIED HEREIN AS “ZOO FACILITY IMPROVEMENTS,” IN ADDITION TO THE PROJECTS ORIGINALLY IDENTIFIED IN ORDINANCE NO. 2357, AS PREVIOUSLY AMENDED AND SUPPLEMENTED, AND (2) IDENTIFY SUCH ADDITIONAL PROJECT AS A “PROJECT” FOR ALL PURPOSES OF ORDINANCE NO. 2357, AS AMENDED AND SUPPLEMENTED; PROVIDING THAT THIS TITLE IS A FAIR STATEMENT OF THE SUBSTANCE OF THIS ORDINANCE; AUTHORIZING CERTAIN CITY OFFICIALS TO TAKE CERTAIN ACTIONS IN CONNECTION WITH THE TRANSACTIONS CONTEMPLATED BY THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2015 BOND.

RECITALS

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WHEREAS, City of Salisbury, a municipal corporation of the State of Maryland (the “City”), was authorized and empowered by Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland (now codified as Sections 19-301 to 19-309, inclusive, of the Local Government Article of the Annotated Code of Maryland), as replaced, supplemented or amended (the “Enabling Act”), and Sections SC7-45 and SC7-46 of the Charter of the City of Salisbury, as replaced, supplemented or amended (the “Charter”), to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds; and

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WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, and Ordinance No. 2357, passed by the Council of the City (the “Council”) on October 12, 2015, approved by the Mayor of the City (the “Mayor”) on October 14, 2015 and effective on October 14, 2015 (“Ordinance No. 2357”), the City authorized general obligation bonds to be issued from time to time in one or more series in an aggregate principal amount not to exceed Four Million Seven Hundred Twenty-Six Thousand Two Hundred Dollars (\$4,726,200.00) (the “Authorized Bonds”) in order to finance, reimburse or refinance “costs” (as defined in Section 3(b) of Ordinance No. 2357) of the projects identified in Section 3(b) of Ordinance No. 2357 as (i) “Main Street Master Plan,” (ii) “East Main St Storm Drain,” (iii) “Beaverdam Creek Tidal Dam Repair,” and (iv) “24” W

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in Gordy Rd” (herein collectively referred to as the “Original Authorized Projects” and referred to as the “Projects” in Ordinance No. 2357) in the maximum principal amounts set forth opposite each such Original Authorized Project in such Section 3(b); and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2357 and Resolution No. 2569, adopted by the Council on November 23, 2015, approved by the Mayor on November 23, 2015 and effective on November 23, 2015 (“Resolution No. 2569”), the City determined to borrow money for the public purpose of financing or reimbursing “costs” (as defined in Section 2(b) of Resolution No. 2569, which definition mirrors the definition of “costs” set forth in Section 3(b) of Ordinance No. 2357) of the projects specified in Section 2(a) of Resolution No. 2569 (which included all of the Original Authorized Projects), and to evidence this borrowing by the issuance and sale of a single series of the Authorized Bonds in the form of a single general obligation bond in the maximum principal amount of Seven Million Four Million Seven Hundred Twenty-Six Thousand Two Hundred Dollars (\$4,726,200.00); and

WHEREAS, pursuant to Resolution No. 2569, such Authorized Bond was issued in the original principal amount of \$4,726,200.00 and was designated as the “City of Salisbury Public Improvements Bond of 2015” (the “2015 Bond”); and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2357 and Resolution No. 2569, the City issued and delivered the 2015 Bond to Bank of America, N.A. on December 1, 2015; and

WHEREAS, Section 2 of Resolution No. 2569 provides that proceeds of the 2015 Bond (which is referred to as the “Bond” in Resolution No. 2569) shall be appropriated and allocated to the specified Original Authorized Projects identified therein, subject to the further provisions of such Section 2 (which Original Authorized Projects are referred to as the “Projects” in Resolution No. 2569); and

WHEREAS, pursuant to Ordinance No. 2411, passed by the Council on January 23, 2017, approved by the Mayor on January 24, 2017 and effective on January 24, 2017 (“Ordinance No. 2411”), the City reallocated an aggregate of \$548,117.00 (rounded to the nearest whole dollar) of the original principal amount of the Authorized Bonds originally allocated to the Original Authorized Project identified as “Beaverdam Creek Tidal Dam Repair” to costs of the Original Authorized Project identified as “Main Street Master Plan;” and

WHEREAS, pursuant to (i) Ordinance No. 2648, passed by the Council on January 25, 2021, approved by the Mayor on January 27, 2021 and effective on January 27, 2021 (“Ordinance No. 2648”), the City amended and supplemented Ordinance No. 2357, as amended and supplemented by Ordinance No. 2411, and (ii) Resolution No. 3086, adopted by the Council on January 25, 2021, approved by the Mayor on January 27, 2021 and effective on January 27, 2021 (“Resolution No. 3086”), the City amended and supplemented Resolution No. 2569, in order to allocate \$203,500.00 of investment earnings on the 2015 Bond to two new projects identified as “GOB Roof and Air

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Handler Replacement” and “WWTP HVAC” (collectively, the “2021 Additional Projects”), resulting in an aggregate reallocation of principal amount of the 2015 Bond, plus certain investment earnings, as follows:

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Main Street Master Plan	\$2,788,117
2.	East Main St Storm Drain	350,200
3.	Beaverdam Creek Tidal Dam Repair	587,883
4.	24” W in Gordy Rd	1,000,000
5.	GOB Roof and Air Handler Replacement	0(1)
6.	WWTP HVAC	0(2)
	TOTAL	<u>\$4,726,200</u>

(1) As provided in Ordinance No. 2648, the City allocated \$113,500.00 of investment earnings of the 2015 Bond to pay costs (as redefined in Ordinance No. 2648 and Resolution No. 3086) of this project.

(2) As provided in Ordinance No. 2648, the City allocated \$90,000.00 of Investment Proceeds of the 2015 Bond to pay costs of this project; and

WHEREAS, the 2015 Bond matured on July 1, 2025 and is no longer outstanding, but certain investment earnings on the 2015 Bond remain unexpended; and

WHEREAS, the City wishes to allocate \$3,036.00 of investment earnings on the 2015 Bond to a project not included in Ordinance No. 2357 or Ordinance No. 2648 that is generally referred to as “Zoo Facility Improvements” or by similar names (the “2026 Additional Project”); and

WHEREAS, the City also wishes to reallocate to the 2026 Additional Project \$15,000.00 of the investment earnings on the 2015 Bond originally allocated to the 2021 Additional Project identified as “GOB Roof and Air Handler Replacement” pursuant to Ordinance No. 2648; and

WHEREAS, accordingly, the City desires to expand the list of the Original Authorized Projects and the 2021 Additional Projects provided for in Ordinance No. 2357 and Ordinance No. 2648, in order to allow certain investment earnings on the Authorized Bonds (meaning the 2015 Bond) to be applied to the 2026 Additional Project and to identify such 2026 Additional Project as part of the “Projects” for all purposes of Ordinance No. 2357, as amended and supplemented.

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

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(a) The Recitals to this Ordinance are incorporated by reference herein and deemed a substantive part of this Ordinance. Capitalized terms used in the Sections of this Ordinance that are not defined therein shall have the meanings given to such terms in the Recitals.

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

(c) References in this Ordinance to the “principal amount” of any obligations shall be construed to mean the par amount of such obligations.

(d) References in this Ordinance to “investment earnings” shall be construed to include interest income.

(e) References in this Ordinance to the application or use of proceeds of the 2015 Bond to fund costs of the 2026 Revised Projects (as defined in Section 2(c) hereof) shall be construed to mean for purposes of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2357 and Resolution No. 2569, as the same may be amended, modified or supplemented (including as provided for herein), use of such proceeds (including investment earnings) to finance or reimburse costs of the 2026 Revised Projects.

SECTION 2. BE IT FURTHER ENACTED AND ORDAINED that:

(a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter and Ordinance No. 2357, from and after the effective date of this Ordinance, and subject to Sections 2(d) and 7 hereof, Section 3(b) of Ordinance No. 2357, as amended and supplemented to date, is hereby deleted in its entirety and inserted in place thereof shall be the following:

“(b) With respect to the projects listed below, the word “costs” as used in Section 2 hereof shall include, as applicable, land and right-of-way acquisition and development; site and utility improvements; acquisition, construction, expansion, demolition, reconstruction, replacement, renovation, rehabilitation, improvement, installation, furnishing and equipping activities and expenses, and related or similar costs; planning, design, engineering, architectural, feasibility, inspection, construction management, surveying, permitting, financial and legal expenses, and related or

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similar costs; costs of issuance (which may include costs of bond insurance or other credit or liquidity enhancement); interest during construction and for a reasonable period thereafter (whether or not expressly so stated); and any such costs that may represent the City's share or contribution to the financing, reimbursement or refinancing of any such project. The total Bond (or BANs, as identified in Section 6 hereof) funds to be appropriated or applied to the costs of such projects (exclusive of any investment earnings that may be applied for such purposes) shall be allocated among the following public purpose projects in the maximum principal amount set forth opposite each, except as otherwise herein provided:

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Main Street Master Plan	\$2,788,117
2.	East Main St Storm Drain	350,200
3.	Beaverdam Creek Tidal Dam Repair	587,883
4.	24" W in Gordy Rd	1,000,000
5.	GOB Roof and Air Handler Replacement	0(1)
6.	WWTP HVAC	0(2)
7.	Zoo Facility Improvements	0(3)
	TOTAL	<u>\$4,726,200</u>

(1) The City previously allocated certain investment earnings on the Bonds to pay costs of this project.

(2) The City previously allocated certain investment earnings on the Bonds to pay costs of this project.

(3) The City intends to (i) allocate certain investment earnings on the Bonds to this project and (ii) reallocate certain investment earnings previously allocated to the "GOB Roof and Air Handler Replacement" project to this project.

The projects identified in items 1-7 above are collectively referred to herein as the "Projects." The Projects described in items 1-7 above are identified by approximately the same names as such Projects are identified in City budget materials. The City, without notice to or the consent of any registered owners of the Bonds (or the registered owners of any of the BANs, as applicable), may reallocate the maximum principal amount of the Bonds (and of any of the BANs, as applicable) to be spent among any of the Projects identified herein in compliance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution. Further, it is the intention of the Council that proceeds of the Bonds (or of any of the BANs, as applicable) may be spent on any applicable costs (as defined above) relating to the Projects, notwithstanding the descriptive names used for such Projects in the

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187 table above, including, without limitation, costs related to changes in the scopes of
188 activities relating to the Projects and/or the names of the Projects, as such scopes of
189 activities or names may have already been, or may in the future be, amended or
190 modified in accordance with applicable budgetary procedures or applicable law.”
191

192 (b) By undertaking the amendments to Section 3(b) of Ordinance No. 2357 (as amended
193 and supplemented to date) provided for in subsection (a) of this Section 2, the City is in effect adding
194 the 2026 Additional Project identified as item 7 “Zoo Facility Improvements” in the table set forth in
195 subsection (a) above to the list of projects the costs of which may be financed or reimbursed from
196 principal of or investment earnings on the 2015 Bond, once the provisions of subsection (d) below
197 and Section 7 below have been complied with. The Council hereby appropriates (i) and allocates
198 \$3,036.00 of investment earnings on the 2015 Bond not previously allocated to costs of the 2026
199 Additional project identified in the table in subsection (a) above as “Zoo Facility Improvements,” and
200 (ii) and reallocates \$15,000.00 of investment earnings on the 2015 Bond previously allocated to the
201 2021 Additional Project identified in the table above in subsection (a) above as “GOB Roof and Air
202 Handler Replacement” to be applied to costs of the 2026 Additional Project identified in the table in
203 subsection (a) above as “Zoo Facility Improvements.”
204

205 (c) The projects identified in the table set forth in subsection (a) above (which amends
206 Section 3(b) of Ordinance No. 2357, as amended and supplemented to date) are collectively referred
207 to herein as the “2026 Revised Projects.” Subject to the provisions of subsection (d) below and
208 Section 7 of this Ordinance, from and after the effective date of this Ordinance, all references to the
209 Projects in Ordinance No. 2357, as amended and supplemented to date, shall be deemed to be
210 references to the 2026 Revised Projects, as identified in this Ordinance. Subject to the provisions of
211 subsection (d) below and Section 7 of this Ordinance, from and after the effective date of this
212 Ordinance, the provisions of this Section 2 shall supersede the provisions of Section 3(b) of Ordinance
213 No. 2357, as amended and supplemented, including by this Ordinance, with respect to the application
214 of the principal amount of the Authorized Bonds (which is the 2015 Bond because the maximum
215 principal amount of the “Bonds” authorized by Ordinance No. 2357 was issued as the 2015 Bond).
216

217 (d) Notwithstanding the foregoing provisions of this Section 2, the principal amount of
218 the 2015 Bond and investment earnings thereon may not be applied to costs of the 2026 Additional
219 Project unless and until the City adopts a resolution making corresponding amendments to the
220 provisions of Section 2(a) of Resolution No. 2569, as amended and supplemented to date, to include
221 the 2026 Additional Project in the list of Projects identified in Resolution No. 2569, as amended and
222 supplemented to date, thereby allowing \$3,036.00 of the investment earnings on the 2015 Bond to be
223 applied to costs of the 2026 Additional Project.
224

225 (e) Subject to the provisions of subsection (d) above and Section 7 of this Ordinance, it is
226 the intention of the Council that any investment earnings earned on the principal amount of the 2015
227 Bond (i) prior to the effective date of this Ordinance, to the extent not already spent in accordance
228 with the provisions of the Ordinance No. 2357 (as amended and supplemented to date), Resolution
229 No. 2569 (as amended and supplemented to date) or applicable budgetary procedures or applicable

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law and (ii) on and after the effective date of this Ordinance, shall be applied to costs of any of the 2026 Revised Projects; provided that, any such investment earnings may be allocated otherwise in accordance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution.

SECTION 3. BE IT FURTHER ENACTED AND ORDAINED that, subject to the provisions of Sections 2(d) and 7 of this Ordinance, the Mayor, the City Administrator, the Director of Finance and all other appropriate officials and employees of the City, to the extent acting within the scope of their respective authority, are hereby authorized and empowered to take any and all action necessary or appropriate to provide for the application of investment earnings on the 2015 Bond to finance or reimburse costs of the 2026 Additional Project and to approve, execute and deliver all documents, certificates or instruments necessary or appropriate in connection therewith or in connection with the transactions contemplated by this Ordinance, including, without limitation, any amendments, modifications or supplements to any documents, certificates or instruments delivered in connection with the 2015 Bond or the 2016 Bonds.

SECTION 4. BE IT FURTHER ENACTED AND ORDAINED that from and after the effective date of this Ordinance, Ordinance No. 2357, as amended and supplemented to date, shall be deemed further amended and supplemented as provided herein and all other terms and provisions of Ordinance No. 2357, as amended and supplemented to date, shall remain in full force and effect.

SECTION 5. BE IT FURTHER ENACTED AND ORDAINED that the title of this Ordinance shall be deemed to be, and is, a fair statement of the substance of this Ordinance for posting and all other purposes.

SECTION 6. BE IT FURTHER ENACTED AND ORDAINED that the provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated by this Ordinance.

SECTION 7. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall become effective following approval by the Mayor or subsequent passage by the Council following the Mayor's veto in accordance with the provision of Section SC2-12 of the Charter; provided, however, that unless and until the City adopts a resolution making corresponding amendments to the provisions of Section 2(a) of Resolution No. 2569 (as amended and supplemented to date), the City may not apply any proceeds of the 2015 Bond (including investment earnings) to costs of the 2026 Additional Project, notwithstanding the effective date of this Ordinance. Pursuant to Charter Section SC2-16, this Ordinance shall not be subject to petition to referendum.

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THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 24 day of August, 2026, and thereafter, a statement of the substance of this Ordinance having been posted or published as required by law, was finally passed by the Council X [as introduced] _____ [as amended] [CHECK APPLICABLE LINE] on the 14 day of September, 2026.

ATTEST:

Julie A. English, City Clerk

April R. Jackson, City Council President

APPROVED BY ME THIS _____ **DAY OF** _____, 2026:

Randolph J. Taylor, Mayor

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City of Salisbury

Memo

To: Mayor and City Council
From: Nick Rice, City Administrator
Date: August 12, 2026
Subject: Reallocating 2016 Bonds to Zoo Facility Improvements - 2nd Reading

The City has identified approximately \$500,000 of available funding associated with prior bond issuances that may be utilized for the Zoo Facility Improvements project. These funds consist of remaining bond proceeds, accumulated investment earnings, and other available bond-related funds from completed or substantially completed projects.

The proposed ordinances amend eight prior bond ordinances to authorize the reallocation and use of these available funds for the Zoo Facility Improvements project, an eligible capital improvement project.

These amendments do not authorize any additional borrowing or increase the outstanding debt of the City. Rather, the ordinances provide authorization to utilize existing available bond-related funds that remain from prior issuances and apply those funds toward the Zoo Facility Improvements project.

The funding proposed to be allocated to Zoo Facility Improvements is derived from the following prior bond issues and original project allocations:

Bond Issue	Original Project(s) Providing Available Funds	Amount Allocated to Zoo Facility Improvements
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2012 Bond	Investment Earnings	\$14,748.00
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2013 Bond	Investment Earnings	\$8,724.00
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2014A Bond	Investment Earnings	\$9,661.00
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2015 Bond	Investment Earnings; GOB Roof and Air Handler Replacement	\$3,036.00; \$15,000.00
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2016 Bond	Investment Earnings	\$14,027.00
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2017 Bond	Investment Earnings	\$83,071.00
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2019 Bond	Investment Earnings; Building Lighting and Controls; Unallocated Proceeds	\$118,746.00; \$192,848.00; \$8,959.00
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2021 Bond	Investment Earnings; Unallocated Issuance Costs; Aerial Ladder; GOB Air Handler Replacement	\$4,854.00; \$2,696.00; \$2,380.00; \$21,250.00
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Total		\$500,000.00
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Each ordinance amends the applicable prior bond ordinance to add Zoo Facility Improvements as an authorized project and identifies the amount of available bond-related funds that may be allocated to the project. The corresponding bond resolutions will also be amended, as necessary, to implement the reallocations.

Finance will coordinate with bond counsel and the City's arbitrage advisor to ensure the

reallocations are properly documented and remain compliant with applicable bond covenants, arbitrage requirements, and Internal Revenue Code provisions.

Fiscal Impact:

The proposed action provides approximately \$500,000 in available funding for Zoo Facility Improvements through the reallocation of existing bond proceeds, investment earnings, and other available bond-related funds from prior bond issuances. No additional debt issuance or new tax-supported funding is required.

Recommendation:

Approval of the proposed bond ordinance amendments and related resolutions authorizing the allocation of available bond-related funds for Zoo Facility Improvements.

Attachment(s):

[Ord3020](#)

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AN ORDINANCE OF THE COUNCIL (THE “COUNCIL”) OF THE CITY OF SALISBURY AMENDING AND SUPPLEMENTING ORDINANCE NO. 2394, PASSED BY THE COUNCIL ON JULY 18, 2016, APPROVED BY THE MAYOR OF CITY OF SALISBURY (THE “CITY”) ON JULY 19, 2016 AND EFFECTIVE ON JULY 19, 2016 (“ORDINANCE NO. 2394”), AS AMENDED AND SUPPLEMENTED TO DATE, IN ORDER TO (1) AUTHORIZE AND EMPOWER THE CITY TO USE AND APPLY A CERTAIN INVESTMENT EARNINGS ON THE \$20,030,000 CITY OF SALISBURY PUBLIC IMPROVEMENT AND REFUNDING BONDS OF 2016 ISSUED ON JULY 28, 2016 (THE “2016 BONDS”) TO THE PROJECT IDENTIFIED HEREIN AS “ZOO FACILITY IMPROVEMENTS,” AND (2) IDENTIFY SUCH ADDITIONAL PROJECT AS A “PROJECT” FOR ALL PURPOSES OF ORDINANCE NO. 2394 (AS AMENDED AND SUPPLEMENTED); PROVIDING THAT THIS TITLE IS A FAIR STATEMENT OF THE SUBSTANCE OF THIS ORDINANCE; AUTHORIZING CERTAIN CITY OFFICIALS TO TAKE CERTAIN ACTIONS IN CONNECTION WITH THE TRANSACTIONS CONTEMPLATED BY THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2016 BONDS.

4 **RECITALS**

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

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, and Ordinance No. 2394, passed by the Council of the City (the “Council”) on July 18, 2016, approved by the Mayor of the City (the “Mayor”) on July 19, 2016 and effective on July 19, 2016 (“Ordinance No. 2394”), the City authorized general obligation bonds to be issued from time to time in one or more series in an aggregate principal amount not to exceed Four Million Seven Hundred Fifty-One Thousand Five Hundred Dollars (\$4,751,500.00) (the “Authorized Bonds”) in order to finance, reimburse or refinance “costs” (as defined in Section 3(b) of Ordinance No. 2394) of the projects identified in Section 3(b) of Ordinance No. 2394 as (1) “Spine Rail Trail”, (2) “Community Centers”, (3) “Riverside Circle”, (4) “Service Center Facility Plan Phase 1”, (5) “E-7 Inspector’s Truck”, (6) “S-14 2001 F-150 Dump Truck”, (7) “S-32 Hot Patch Trail Improvements”, (8) “Replacement of 1998 Roller”, (9) “Lemmon Hill Standpipe”, (10) “Fitzwater Street Lift Station – Phase II”, (11) “Belt Filter Press Rehabilitation”, (12) “Dump Truck”, (13) “Dump Truck WWTP”,

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(14) “Parking Garage Façade and Landscaping”, and (15) “Aquatic Weed Harvester with Unloading Conveyor” (herein collectively referred to as the “Original Authorized New Money Projects” and referred to as the “Projects” in Ordinance No. 2394) in the maximum principal amounts set forth opposite each such Original Authorized New Money Project in such Section 3(b); and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2394, certain other ordinances identified in Resolution No. 2645 (defined herein), and Resolution No. 2645, adopted by the Council on July 18, 2016, approved by the Mayor on July 19, 2016 and effective on July 19, 2016 (“Resolution No. 2645”), the City issued on July 28, 2016 its general obligation bonds in the original aggregate principal amount of \$20,030,000 and designated as the “City of Salisbury Public Improvement and Refunding Bonds of 2016” (the “2016 Bonds”); and

WHEREAS, the 2016 Bonds were issued in order to (i) finance or reimburse costs of the Original Authorized New Money Projects, including allocable costs of issuance, and (ii) currently refund on the date of issuance of the 2016 Bonds certain outstanding obligations of the City and pay allocable costs of issuance, all as described in the Tax and Section 148 Certificate of the City dated July 28, 2016 (the “2016 Tax Certificate”); and

WHEREAS, that portion of the 2016 Bonds applied or to be applied for new money purposes (including paying allocable costs of issuance) was authorized by Ordinance No. 2394; and

WHEREAS, because the 2016 Bonds were sold by public sale at competitive bid, the City realized net original issue premium in connection with the sale of the 2016 Bonds that allowed it to reduce the par amount of the 2016 Bonds needed for new money purposes from the maximum par amount authorized for such purposes by Ordinance No. 2394, and thereby to allocate a portion of such net original issue premium, together with the par amount of the 2016 Bonds allocated to new money purposes, to fund the Original Authorized New Money Projects in the maximum aggregate principal amount of \$4,751,500 contemplated by Ordinance No. 2394; and

WHEREAS, \$4,300,000 in par amount of the 2016 Bonds (which constitute the Authorized Bonds for purposes of Ordinance No. 2394), together with a portion of the net original issue premium paid with respect to the 2016 Bonds, was appropriated and allocated to the specified Original Authorized New Money Projects identified below (which Original Authorized New Money Projects are referred to as the “New Money Projects” in Resolution No. 2645), in the amounts set forth below, exclusive of allocable costs of issuance:

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	<u>Project Name</u>	<u>Maximum Amount</u>
1.	Spine Rail Trail	\$150,000
2.	Community Centers	500,000
3.	Riverside Circle	175,000
4.	Service Center Facility Plan Phase 1	102,000
5.	E-7 Inspector's Truck	30,000
6.	S-14 2001 F-150 Dump Truck	48,500
7.	S-32 Hot Patch Trailer Improvements	40,000
8.	Replacement of 1998 Roller	50,000
9.	Lemmon Hill Standpipe	100,000
10.	Fitzwater Street Lift Station – Phase II	2,690,000
11.	Belt Filter Press Rehabilitation	357,000
12.	Dump Truck	90,000
13.	Dump Truck WWTP	90,000
14.	Parking Garage Façade and Landscaping	200,000
15.	Aquatic Weed Harvester with Unloading Conveyor	129,000
	TOTAL	<u>\$4,751,500.00</u>

; and

WHEREAS, Ordinance No. 2394 provides that, without notice to or the consent of any registered owners of the Authorized Bonds, the City may reallocate the maximum principal amount of the Authorized Bonds to be spent among any of the Original Authorized New Money Projects in compliance with applicable budgetary procedures or applicable law; and

WHEREAS, the 2016 Tax Certificate identifies that portion of the par amount of the 2016 Bonds, together with that portion of the net original issue premium on the 2016 allocated to costs of the Original Authorized New Money Projects (which are identified as the “New Money Projects” in the 2016 Tax Certificate), including allocable costs of issuance, as the “New Money Portion” of the 2016 Bonds and such portion is referred to in this Ordinance as the “New Money Portion;” and

WHEREAS, pursuant to Ordinance No. 2544, passed by the Council on June 10, 2019, approved by the Mayor on June 11, 2019 and effective on June 11, 2019 (“Ordinance No. 2544”), the City in effect amended and supplemented Ordinance No. 2394 to (i) reallocate \$129,000.00 of the total amount of the New Money Portion of the 2016 Bonds allocated to the Original Authorized New Money Project identified as “Aquatic Weed Harvester with Unloading Conveyor” to the Original Authorized New Money Project identified as “Riverside Circle,” (ii) reallocate \$500.00 of the total amount of the New Money Portion of the 2016 Bonds allocated to the Original Authorized New Money Project identified as “Spine Rail Trail” to the Original Authorized New Money Project identified as “Riverside Circle,” (iii) reallocate \$4,189.10 of the New Money Portion of the 2016 Bonds originally allocated to costs of issuance to the Original Authorized New Money Project

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identified as “Riverside Circle,” and (iv) allocate \$42,225.38 of investment earnings on the New Money Portion of the 2016 Bonds to the Original Authorized New Money Project identified as “Riverside Circle,” without differentiating between the principal amount of the New Money Portion of the 2016 Bonds and the net original issue premium constituting a portion of the New Money Portion of the 2016 Bonds so allocated to costs of the Original Authorized New Money Projects; and

WHEREAS, pursuant to Ordinance No. 2544, the Council in effect provided that no portion of the proceeds of the New Money Portion of the 2016 Bonds would be applied to the Original Authorized New Money Project identified “Aquatic Weed Harvester with Unloading Conveyor;” and

WHEREAS, pursuant to Ordinance No. 2833, passed by the Council on October 23, 2023, approved by the Acting Mayor of the City on October 24, 2023 and effective on October 24, 2023 (“Ordinance No. 2833”), the City in effect amended and supplemented Ordinance No. 2394, as amended and supplemented by Ordinance No. 2544, to reallocate or allocate, as applicable, the following amounts to the Original Authorized New Money Project identified as “Community Centers:” (i) reallocate \$6,941.77 from the total amount of the New Money Portion of the 2016 Bonds allocated to the Original Authorized New Money Project identified as “Riverside Circle,” (ii) reallocate \$2,267.12 from the total amount of the New Money Portion of the 2016 Bonds allocated to the Original Authorized New Money Project identified as “E-7 Inspector’s Truck,” (iii) reallocate \$4,381.00 from the total amount of the New Money Portion of the 2016 Bonds allocated to the Original Authorized New Money Project identified as “S-14 2001 F-150 Dump Truck,” (iv) reallocate \$4,026.00 from the total amount of the New Money Portion of the 2016 Bonds allocated to the Original Authorized New Money Project identified as “S-32 Hot Patch Trailer Improvements,” (v) reallocate \$13,048.34 from the total amount of the New Money Portion of the 2016 Bonds originally allocated to costs of issuance, and (vi) allocate \$15,054.54 of investment earnings from the New Money Portion of the 2016 Bonds, without differentiating between the principal amount of the New Money Portion of the 2016 Bonds and the net original issue premium constituting a portion of the New Money Portion of the 2016 Bonds so allocated to costs of the Original Authorized New Money Projects; and

WHEREAS, pursuant to Ordinance No. 2833, the City also reallocated \$3,596.00 from the total amount of the New Money Portion of the 2016 Bonds allocated to the Original Authorized New Money Project identified as “S-32 Hot Patch Trailer Improvements” to the Original Authorized New Money Project identified as “Replacement of 1998 Roller,” without differentiating between the principal amount of the New Money Portion of the 2016 Bonds and the net original issue premium constituting a portion of the New Money Portion of the 2016 Bonds so allocated to costs of the Original Authorized New Money Projects; and

WHEREAS, the City desires to allocate \$14,027.00 of investment earnings on the 2016 Bonds to a project not included in Ordinance No. 2394; and

WHEREAS, accordingly, the City desires to expand the list of the Original Authorized New Money Projects as set forth in Ordinance No. 2394, in order to allow certain investment earnings on the Authorized Bonds (meaning a portion of the 2016 Bonds) to be applied to the 2026 Additional

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Project and to identify such 2026 Additional Project as part of the “Projects” for all purposes of Ordinance No. 2394, as amended and supplemented.

Section 1. NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

(a) The Recitals to this Ordinance are incorporated by reference herein and deemed a substantive part of this Ordinance. Capitalized terms used in the Sections of this Ordinance that are not defined therein shall have the meanings given to such terms in the Recitals.

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

(c) References in this Ordinance to “investment earnings” shall be construed to include interest income.

(d) References in this Ordinance to “par amount” shall be construed to mean principal amount. In addition, references in this Ordinance to “principal amount” shall be construed to refer to the original aggregate principal amount of the 2021 Bonds issued for new money purposes.

(e) References in this Ordinance to the application or use of proceeds of the 2012 Bond to fund costs of the 2026 Revised Projects (as defined in Section 2(c) hereof) shall be construed to mean (i) for purposes of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2394 and Resolution No. 2645, as the same may be amended, modified or supplemented (including as provided for herein), use of such proceeds (including investment earnings) to finance or reimburse costs of the 2026 Revised Projects, and (ii) to the extent applicable for purposes of the Code, expenditure or application of such proceeds as “transferred proceeds” of the 2016 Bonds.

Section 2. BE IT FURTHER ENACTED AND ORDAINED as follows:

(a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter and Ordinance No. 2394, from and after the effective date of this Ordinance, and subject to Sections 2(d) and 7 hereof, Section 3(b) of Ordinance No. 2394, as amended and supplemented to date, is hereby deleted in its entirety and inserted in place thereof shall be the following:

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“(b) With respect to the projects listed below, the word “costs” as used in Section 2 hereof shall include, as applicable, land and right-of-way acquisition and development; site and utility improvements, including, without limitation, grading, landscaping, paving, sidewalk, curb, gutter, storm drain, water and sewer improvements, and related or similar activities and expenses; demolition, razing and removal; acquisition, construction, expansion, reconstruction, replacement, renovation, rehabilitation, improvement, installation, furnishing and equipping activities and expenses, and related or similar activities and expenses; planning, design, engineering, architectural, feasibility, bidding, inspection, construction management, surveying, permitting, financial and legal expenses, and related or similar activities and expenses; costs of issuance (which may include costs of bond insurance or other credit or liquidity enhancement); interest during construction and for a reasonable period thereafter (whether or not expressly so stated); and any such costs that may represent the City’s share or contribution to the financing, reimbursement or refinancing of any such project. The total Bond (or BANs, as identified in Section 6 hereof) funds to be appropriated or applied to the costs of such projects (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 projects in the maximum principal amount set forth opposite each, except as otherwise herein provided:

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Spine Rail Trail	\$149,500
2.	Community Centers (1)	517,615.89
3.	Riverside Circle	297,558.23
4.	Service Center Facility Plan Phase 1	102,000
5.	E-7 Inspector's Truck	27,732.88
6.	S-14 2001 F-150 Dump Truck	44,119
7.	S-32 Hot Patch Trailer Improvements	32,378
8.	Replacement of 1998 Roller	53,596
9.	Lemmon Hill Standpipe	100,000
10.	Fitzwater Street Lift Station – Phase II	2,690,000
11.	Belt Filter Press Rehabilitation	357,000
12.	Dump Truck	90,000
13.	Dump Truck WWTP	90,000
14.	Parking Garage Façade and Landscaping	200,000
15.	Aquatic Weed Harvester with Unloading Conveyor	0
16.	Zoo Facility Improvements	<u>0(2)</u>
	TOTAL	<u>\$4,751,500.00</u>

(1) The City previously also allocated a portion of the net original issue premium allocable to the Bonds and certain investment earnings on the Bonds to this project.

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

The projects identified in items 1-16 above are collectively referred to herein as the “Projects”. The Projects described in items 1-16 above are identified by approximately the same names as such Projects are identified in City budget materials. The City, without notice to or the consent of any registered owners of the Bonds (or the registered owners of any of the BANs, as applicable), may reallocate the maximum principal amount of the Bonds (and of any of the BANs, as applicable) to be spent among any of the Projects in compliance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution. Further, it is the intention of the Council that proceeds of the Bonds (or of any of the BANs, as applicable) may be spent on any applicable costs (as defined above) relating to the Projects identified in items 1-16 above, notwithstanding the descriptive names used for such Projects in the table above, including, without limitation, changes in scopes of the Projects identified above effected through applicable budgetary procedures or applicable law.”

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(b) By undertaking the amendments to Section 3(b) of Ordinance No. 2394 (as amended and supplemented to date) provided for in subsection (a) of this Section 2, the City is in effect adding the 2026 Additional Project identified as item 16 “Zoo Facility Improvements” in the table set forth in subsection (a) above to the list of the Original Authorized New Money Projects the costs of which may be financed or reimbursed from the principal of the New Money Portion of the 2016 Bonds and investment earnings thereon, without taking into account the fact that a portion of net original issue premium allocated to the sale proceeds of the New Money Portion of the 2016 Bonds is or was being applied to pay costs of the Original Authorized New Money Projects. By adding the 2026 Additional Project identified in item 16 in the table set forth in subsection (a) to the list of Projects set forth in Section 3(b) of Ordinance No. 2394 (as amended and supplemented to date), the City is also providing authorization for investment earnings on proceeds of the New Money Portion of the 2016 Bonds to be applied to the costs of the 2026 Additional Project once the provisions of subsection (d) below and Section 7 hereof have been complied with. The Council hereby appropriates and allocates \$14,027.00 of investment earnings on the New Money Portion of the 2016 Bonds to be applied to costs of the 2026 Additional Project identified in the table in subsection (a) above as “Zoo Facility Improvements.”

(c) The projects identified in the table set forth in subsection (a) above (which amends Section 3(b) of Ordinance No. 2394, as amended and supplemented to date) are collectively referred to herein as the “2026 Revised Projects.” Subject to the provisions of subsection (d) below and Section 7 of this Ordinance, from and after the effective date of this Ordinance, all references to the Projects in Ordinance No. 2394 (as amended and supplemented to date) shall be deemed to be references to the 2026 Revised Projects, as identified in this Ordinance. Subject to the provisions of subsection (d) below and Section 7 of this Ordinance, from and after the effective date of this Ordinance, the provisions of this Section 2 shall supersede the provisions of Section 3(b) of Ordinance No. 2394 (as amended and supplemented to date) with respect to the application of the principal amount of the Authorized Bonds as authorized by Ordinance No. 2394 (as amended and supplemented to date).

(d) Notwithstanding the foregoing provisions of this Section 2, the sale proceeds of the New Money Portion of the 2016 Bonds (including investment earnings thereon) may not be applied to costs of the 2026 Additional Project unless and until the City adopts a resolution making corresponding amendments to the provisions of Section 2(a) of Resolution No. 2645, as amended and supplemented to date, to include the 2026 Additional Project in the list of the New Money Projects identified in Resolution No. 2645, thereby allowing \$14,027.00 of the investment earnings on the New Money Portion of the 2016 Bonds to be applied to costs of the 2026 Additional Project.

(e) Subject to the provisions of the subsection (d) above and Section 7 of this Ordinance, it is the intention of the Council that any investment earnings earned on the New Money Portion of the proceeds of the 2016 Bonds (i) prior to the effective date of this Ordinance, to the extent not already spent in accordance with the provisions of the Ordinance No. 2394 (as amended and supplemented to date), Resolution No. 2645 (as amended and supplemented to date) or applicable budgetary procedures or applicable law, and (ii) on and after the effective date of this Ordinance, shall be applied to costs of any of the 2026 Revised Projects; provided that, any such investment earnings

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may be allocated otherwise in accordance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution.

(f) References in this Ordinance to applying principal or net original issue premium of the 2016 Bonds and any investment earnings on the proceeds of the 2016 Bonds to costs of the 2026 Additional Project shall be construed to refer solely to proceeds constituting the New Money Portion of the 2016 Bonds and not to any proceeds of the 2016 Bonds issued for current refunding purposes.

Section 3. **BE IT FURTHER ENACTED AND ORDAINED** that, subject to the provisions of Sections 2(d) and 7 of this Ordinance, any of the Mayor, the City Administrator, the Director of Finance and all other appropriate officials and employees of the City, to the extent acting within the scope of their respective authority, are hereby authorized and empowered to take any and all action necessary or appropriate to provide for the application of the proceeds of the New Money Portion of the 2016 Bonds to finance or reimburse costs of the 2026 Revised Projects and to approve, execute and deliver all documents, certificates or instruments necessary or appropriate in connection therewith or in connection with the transactions contemplated by this Ordinance, including, without limitation, any amendments, modifications or supplements to any documents, certificates or instruments delivered in connection with the 2016 Bonds.

Section 4. **BE IT FURTHER ENACTED AND ORDAINED** that from and after the effective date of this Ordinance, Ordinance No. 2394, as amended and supplemented to date, shall be deemed amended and supplemented as provided herein and all other terms and provisions of Ordinance No. 2394 shall remain in full force and effect.

Section 5. **BE IT FURTHER ENACTED AND ORDAINED** that the title of this Ordinance shall be deemed to be, and is, a fair statement of the substance of this Ordinance for posting and all other purposes.

Section 6. **BE IT FURTHER ENACTED AND ORDAINED** that the provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated by this Ordinance.

Section 7. **BE IT FURTHER ENACTED AND ORDAINED** that this Ordinance shall become effective following approval by the Mayor or subsequent passage by the Council following the Mayor's veto in accordance with the provision of Section SC2-12 of the Charter; provided, however, that, notwithstanding the effective date of this Ordinance, no portion of the principal amount of the 2016 Bonds or investment earnings thereon may be applied to costs of the 2026 Additional Project unless Resolution No. 2645 (as amended and supplemented to date) is amended and supplemented as described herein. Pursuant to Charter Section SC2-16, this Ordinance shall not be subject to petition to referendum.

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THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 24 day of August, 2026, and thereafter, a statement of the substance of this Ordinance having been posted or published as required by law, was finally passed by the Council X [as introduced] _____ [as amended] [CHECK APPLICABLE LINE] on the 14 day of September, 2026.

ATTEST:

Julie A. English, City Clerk

April R. Jackson, City Council President

Approved by me, this _____ day of _____, 2026:

Randolph J. Taylor, Mayor

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Memo

To: Mayor and City Council
From: Nick Rice, City Administrator
Date: August 12, 2026
Subject: Reallocating 2017 Bond to Zoo Facility Improvements - 2nd Reading

The City has identified approximately \$500,000 of available funding associated with prior bond issuances that may be utilized for the Zoo Facility Improvements project. These funds consist of remaining bond proceeds, accumulated investment earnings, and other available bond-related funds from completed or substantially completed projects.

The proposed ordinances amend eight prior bond ordinances to authorize the reallocation and use of these available funds for the Zoo Facility Improvements project, an eligible capital improvement project.

These amendments do not authorize any additional borrowing or increase the outstanding debt of the City. Rather, the ordinances provide authorization to utilize existing available bond-related funds that remain from prior issuances and apply those funds toward the Zoo Facility Improvements project.

The funding proposed to be allocated to Zoo Facility Improvements is derived from the following prior bond issues and original project allocations:

Bond Issue	Original Project(s) Providing Available Funds	Amount Allocated to Zoo Facility Improvements
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2012 Bond	Investment Earnings	\$14,748.00
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2013 Bond	Investment Earnings	\$8,724.00
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2014A Bond	Investment Earnings	\$9,661.00
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2015 Bond	Investment Earnings; GOB Roof and Air Handler Replacement	\$3,036.00; \$15,000.00
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2016 Bond	Investment Earnings	\$14,027.00
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2017 Bond	Investment Earnings	\$83,071.00
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2019 Bond	Investment Earnings; Building Lighting and Controls; Unallocated Proceeds	\$118,746.00; \$192,848.00; \$8,959.00
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2021 Bond	Investment Earnings; Unallocated Issuance Costs; Aerial Ladder; GOB Air Handler Replacement	\$4,854.00; \$2,696.00; \$2,380.00; \$21,250.00
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Total		\$500,000.00
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Each ordinance amends the applicable prior bond ordinance to add Zoo Facility Improvements as an authorized project and identifies the amount of available bond-related funds that may be allocated to the project. The corresponding bond resolutions will also be amended, as necessary, to implement the reallocations.

Finance will coordinate with bond counsel and the City's arbitrage advisor to ensure the

reallocations are properly documented and remain compliant with applicable bond covenants, arbitrage requirements, and Internal Revenue Code provisions.

Fiscal Impact:

The proposed action provides approximately \$500,000 in available funding for Zoo Facility Improvements through the reallocation of existing bond proceeds, investment earnings, and other available bond-related funds from prior bond issuances. No additional debt issuance or new tax-supported funding is required.

Recommendation:

Approval of the proposed bond ordinance amendments and related resolutions authorizing the allocation of available bond-related funds for Zoo Facility Improvements.

Attachment(s):

[Ord3021](#)

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3(b) of Ordinance No. 2463, and also defined as “Costs of the Projects”) of the projects identified in Section 3(b) of Ordinance No. 2463 as (1) “MDT Upgrades/Replacements,” (2) “Station 16 Rear Driveway Paving,” (3) “Radio System & Dispatch Equipment/Improvements,” (4) “Riverside Circle,” (5) “Service Center Facility – Phase 1,” (6) “Service Center Facility – Phase 2,” (7) “Urban Greenway – Phase 1 – Riverwalk Section,” (8) “Urban Greenway – Phase 2 – Carroll Street Section,” (9) “Bicycle Master Plan Paths Including 1st Half of Rail Trail,” (10) “Maintenance Dump Trucks,” (11) “Recycle Trucks,” (12) “Street Scaping: Division, Circle, and Camden,” (13) Parking Garage Roof Waterproof Membrane,” (14) “New Parking Meters for Downtown,” and (15) “Parking Garage Upgraded Security Cameras” (herein collectively referred to as the “Original Authorized Projects” and referred to as the “Projects” in Ordinance No. 2463) in the maximum principal amounts set forth opposite each such Original Authorized Project in such Section 3(b); and

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

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

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

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

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

; and

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

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

; and

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

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	MDT Upgrades/Replacements	\$150,000
2.	Station 16 Rear Driveway Paving	77,230
3.	Radio System & Dispatch Equipment/Improvements	842,853
4.	Riverside Circle	1,326,000
5.	Service Center Facility – Phase 1	550,000
6.	Service Center Facility – Phase 2	200,000
7.	Urban Greenway – Phase 1 – Riverwalk Section	307,200
8.	Urban Greenway – Phase 2 – Carroll Street Section	100,000
9.	Bicycle Master Plan Paths Including 1 st Half of Rail Trail	758,534
10.	Maintenance Dump Trucks	154,500
11.	Recycle Trucks	121,236
12.	Street Scaping: Division, Circle, and Camden	750,000
13.	Parking Garage Roof Waterproof Membrane	97,500
14.	New Parking Meters for Downtown	179,400
15.	Parking Garage Upgraded Security Cameras	55,000
16.	GOB Roof and Air Handler Replacement	55,400(1)
17.	2 One Ton Dump Trucks (Sanitation & Parks)	_____0(2)
	TOTAL	<u>\$5,724,853</u>

118

119 (1) In addition to the principal amount of the Authorized Bonds allocated to the indicated 2021
120 Additional Project, as provided in Ordinance No. 2649, the City allocated \$6,100.00 of investment
121 earnings on the Authorized Bonds to Costs of the Projects (as redefined in Ordinance No. 2649 and
122 Resolution No. 3087) of this 2021 Additional Project.

123

124 (2) As provided in Ordinance No. 2649, the City allocated \$140,000.00 of investment earnings on
125 the Authorized Bonds to pay Costs of the Projects of this 2021 Additional Project; and
126

127

128 **WHEREAS**, pursuant to Ordinance No. 2653, passed by the Council on February 8, 2021,
129 approved on behalf of the Mayor on February 10, 2021 and effective on February 10, 2021 (“Ordinance
130 No. 2653”), the City reallocated the following investment earnings on the Authorized Bonds to the
131 Original Authorized Project identified as “Radio System & Dispatch Equipment/Improvements:” (i)
132 \$10,674.12 from investment earnings allocated to the 2021 Additional Project identified as “2 One
133 Ton Dump Trucks (Sanitation & Parks)” pursuant to Ordinance No. 2649, and (ii) \$28,102.88 from
134 other investment earnings on the Authorized Bonds; and

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135 **WHEREAS**, pursuant to Ordinance No. 2767, passed by the Council on December 12, 2022,
136 approved by the Mayor on January 12, 2023 and effective on January 12, 2023 (“Ordinance No.
137 2767”), the City reversed the reallocations/allocations made pursuant to Ordinance No. 2653; and
138

139 **WHEREAS**, the City wishes to allocate \$83,071.00 of investment earnings on the 2017 Bond
140 to a project not included in Ordinance No. 2463, Ordinance No. 2649, Ordinance No. 2653 or
141 Ordinance No. 2767 that is generally referred to as “Zoo Facility Improvements” or by similar names
142 (the “2026 Additional Project”); and
143

144 **WHEREAS**, accordingly, the City desires to expand the list of the Original Authorized
145 Projects and the 2021 Additional Projects provided for in Ordinance No. 2463 and Ordinance No.
146 2649, in order to allow certain investment earnings on the Authorized Bonds (meaning the 2017
147 Bond) to be applied to the 2026 Additional Project and to identify such 2026 Additional Project as
148 part of the “Projects” for all purposes of Ordinance No. 2463, as amended and supplemented to date;
149 and
150

151 **WHEREAS**, in addition, the City has not applied (i) the \$55,400.00 principal amount of the
152 2017 Bond reallocated from the Original Authorized Project identified as “Radio System & Dispatch
153 Equipment/Improvements” to the 2021 Additional Project identified as “GOB Roof and Air Handler
154 Replacement” provided for in Ordinance No. 2649, or (ii) the \$6,100.00 of investment earnings on
155 the 2017 Bond allocated to such 2021 Additional Project by Ordinance No. 2649, and wishes to
156 reallocate such \$55,400.00 principal amount back to the Original Authorized Project identified as
157 “Radio System & Dispatch Equipment/Improvements” and such \$6,100.00 amount back to
158 investment earnings on the 2017 Bond.
159

160 **SECTION 1. NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE**
161 **CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND** that:
162

163 (a) The Recitals to this Ordinance are incorporated by reference herein and deemed a
164 substantive part of this Ordinance. Capitalized terms used in the Sections of this Ordinance that
165 are not defined therein shall have the meanings given to such terms in the Recitals.

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

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Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights or duties referred to herein.

(c) References in this Ordinance to the “principal amount” of any obligations shall be construed to mean the par amount of such obligations.

(d) References in this Ordinance to “investment earnings” shall be construed to include interest income.

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

SECTION 2. BE IT FURTHER ENACTED AND ORDAINED that:

(a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter and Ordinance No. 2463, from and after the effective date of this Ordinance, and subject to Sections 2(d) and 7 hereof, Section 3(b) of Ordinance No. 2463, as amended and supplemented to date, is hereby deleted in its entirety and inserted in place thereof shall be the following:

“(b) With respect to the projects listed below, the word “costs” as used in Section 2 hereof shall include, as applicable, land and right-of-way acquisition and development; acquisition of other property rights; site and utility improvements, including, without limitation, grading, landscaping, paving, sidewalk, curb, gutter, storm drain, water and sewer improvements, and related or similar activities and expenses; demolition, razing and removal; acquisition, construction, expansion, reconstruction, renovation, rehabilitation, improvement, installation, furnishing and equipping activities and expenses, and related or similar activities and expenses; planning, design, engineering, architectural, feasibility, surveying, bidding, permitting, inspection, construction management, financial, administrative and legal expenses, and related or similar activities and expenses; costs of issuance (which may include costs of bond insurance or other credit or liquidity enhancement); interest during construction and for a reasonable period thereafter (whether or not expressly so stated); and any such costs that may represent the City’s share or contribution to the financing, reimbursement or refinancing of any such project (collectively, “Costs of the Projects”). The total Bond (or BANs, as identified in Section 6 hereof) funds to be appropriated or applied to the costs of such projects (exclusive of any investment earnings that may be applied for such purposes) shall be allocated among the following public purpose projects in the maximum principal amount set forth opposite each, except as otherwise herein provided:

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	MDT Upgrades/Replacements	\$150,000
2.	Station 16 Rear Driveway Paving	77,230
3.	Radio System & Dispatch Equipment/Improvements	898,253
4.	Riverside Circle	1,326,000
5.	Service Center Facility – Phase 1	550,000
6.	Service Center Facility – Phase 2	200,000
7.	Urban Greenway – Phase 1 – Riverwalk Section	307,200
8.	Urban Greenway – Phase 2 – Carroll Street Section	100,000
9.	Bicycle Master Plan Paths Including 1 st Half of Rail Trail	758,534
10.	Maintenance Dump Trucks	154,500
11.	Recycle Trucks	121,236
12.	Street Scaping: Division, Circle, and Camden	750,000
13.	Parking Garage Roof Waterproof Membrane	97,500
14.	New Parking Meters for Downtown	179,400
15.	Parking Garage Upgraded Security Cameras	55,000
16.	2 One Ton Dump Trucks (Sanitation & Parks)	<u>0(1)</u>
17.	Zoo Facility Improvements	<u>0(2)</u>
	TOTAL	<u>\$5,724,853</u>

(1) The City intends to allocate certain investment earnings on the Bonds to this project.

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

The projects identified in items 1-17 above are collectively referred to herein as the “Projects”. The Projects described in items 1-17 above are identified by approximately the same names as such Projects are identified in City budget materials. The City, without notice to or the consent of any registered owners of the Bonds (or the registered owners of any of the BANs, as applicable), may reallocate the maximum principal amount of the Bonds (and of any of the BANs, as applicable) to be spent among any of the Projects in compliance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution. Further, it is the intention of the Council that proceeds of the Bonds (or of any of the BANs, as applicable) may be spent on any applicable Costs of the Projects, notwithstanding the descriptive names used for such Projects in the table above, including, without limitation, changes in scopes of the

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Projects identified above effected through applicable budgetary procedures or applicable law.”

(b) By undertaking the amendments to Section 3(b) of Ordinance No. 2463 (as amended and supplemented to date) provided for in subsection (a) of this Section 2, the City is in effect (i) adding the 2026 Additional Project identified as item 17 “Zoo Facility Improvements” in the table set forth in subsection (a) above to the list of projects the costs of which may be financed or reimbursed from principal of or investment earnings on the 2017 Bond, once the provisions of subsection (d) below and Section 7 below have been complied with, and (ii) removing the 2021 Additional Project identified as “GOB Roof and Air Handler Replacement” from such list of projects. The Council hereby (i) appropriates and allocates \$83,071.00 of investment earnings on the 2017 Bond not previously allocated to the 2026 Additional Project identified in subsection (a) of this Section 2 as item 17 “Zoo Facility Improvements,” (ii) appropriates and reallocates the \$15,000.00 of investment earnings on the 2017 Bond previously allocated to the 2021 Additional Project identified in Ordinance No. 2649 as “GOB Roof and Air Handler Replacement” back to the Original Authorized Project identified as item 3 “Radio System & Dispatch Equipment/Improvements,” and (iii) appropriates and reallocates the \$6,100.00 of investment earnings on the 2017 Bond previously allocated to the 2021 Additional Project identified in Ordinance No. 2649 as “GOB Roof and Air Handler Replacement” back to unallocated investment earnings on the 2017 Bond.

(c) The projects identified in the table set forth in subsection (a) above (which amends Section 3(b) of Ordinance No. 2463, as amended and supplemented to date) are collectively referred to herein as the “2026 Revised Projects.” Subject to the provisions of subsection (d) below and Section 7 of this Ordinance, from and after the effective date of this Ordinance, all references to the Projects in Ordinance No. 2463, as amended and supplemented to date, shall be deemed to be references to the 2026 Revised Projects, as identified in this Ordinance. Subject to the provisions of subsection (d) below and Section 7 of this Ordinance, from and after the effective date of this Ordinance, the provisions of this Section 2 shall supersede the provisions of Section 3(b) of Ordinance No. 2463, as amended and supplemented, including by this Ordinance, with respect to the application of the principal amount of the Authorized Bonds (which is the 2017 Bond because the maximum principal amount of the “Bonds” authorized by Ordinance No. 2463 was issued as the 2017 Bond).

(d) Notwithstanding the foregoing provisions of this Section 2, the principal amount of the 2017 Bond and investment earnings thereon may not be applied to costs of the 2026 Additional Project unless and until the City adopts a resolution making corresponding amendments to the provisions of Section 2(a) of Resolution No. 2794, as amended and supplemented to date, to include the 2026 Additional Project in the list of Projects identified in Resolution No. 2794, as amended and supplemented to date, thereby allowing \$83,071.00 of the investment earnings on the 2017 Bond to be applied to costs of the 2026 Additional Project.

(e) Subject to the provisions of subsection (d) above and Section 7 of this Ordinance, it is the intention of the Council that any investment earnings earned on the principal amount of the 2017 Bond (i) prior to the effective date of this Ordinance, to the extent not already spent in accordance

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with the provisions of the Ordinance No. 2463 (as amended and supplemented to date), Resolution No. 2794 (as amended and supplemented to date) or applicable budgetary procedures or applicable law and (ii) on and after the effective date of this Ordinance, shall be applied to costs of any of the 2026 Revised Projects; provided that, any such investment earnings may be allocated otherwise in accordance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution.

SECTION 3. BE IT FURTHER ENACTED AND ORDAINED that, subject to the provisions of Sections 2(d) and 7 of this Ordinance, the Mayor, the City Administrator, the Director of Finance and all other appropriate officials and employees of the City, to the extent acting within the scope of their respective authority, are hereby authorized and empowered to take any and all action necessary or appropriate to provide for the application of investment earnings on the 2017 Bond to finance or reimburse costs of the 2026 Additional Project and to approve, execute and deliver all documents, certificates or instruments necessary or appropriate in connection therewith or in connection with the transactions contemplated by this Ordinance, including, without limitation, any amendments, modifications or supplements to any documents, certificates or instruments delivered in connection with the 2017 Bond or the 2016 Bonds.

SECTION 4. BE IT FURTHER ENACTED AND ORDAINED that from and after the effective date of this Ordinance, Ordinance No. 2463, as amended and supplemented to date, shall be deemed further amended and supplemented as provided herein and all other terms and provisions of Ordinance No. 2463, as amended and supplemented to date, shall remain in full force and effect.

SECTION 5. BE IT FURTHER ENACTED AND ORDAINED that the title of this Ordinance shall be deemed to be, and is, a fair statement of the substance of this Ordinance for posting and all other purposes.

SECTION 6. BE IT FURTHER ENACTED AND ORDAINED that the provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated by this Ordinance.

SECTION 7. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall become effective following approval by the Mayor or subsequent passage by the Council following the Mayor's veto in accordance with the provision of Section SC2-12 of the Charter; provided, however, that unless and until the City adopts a resolution making corresponding amendments to the provisions of Section 2(a) of Resolution No. 2794, the City may not apply any proceeds of the 2017 Bond (including investment earnings) to costs of the 2026 Additional Project, notwithstanding the effective date of this Ordinance. Pursuant to Charter Section SC2-16, this Ordinance shall not be subject to petition to referendum.

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THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 24 day of August, 2026, and thereafter, a statement of the substance of this Ordinance having been posted or published as required by law, was finally passed by the Council X [as introduced] _____ [as amended] [CHECK APPLICABLE LINE] on the 14 day of September, 2026.

ATTEST:

Julie A. English, City Clerk

April R. Jackson, City Council President

APPROVED BY ME THIS _____ **DAY OF** _____, 2026:

Randolph J. Taylor, Mayor

#245324;58111.001

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Memo

To: Mayor and City Council
From: Nick Rice, City Administrator
Date: August 12, 2026
Subject: Reallocating 2019 Bond to Zoo Facility Improvements - 2nd Reading

The City has identified approximately \$500,000 of available funding associated with prior bond issuances that may be utilized for the Zoo Facility Improvements project. These funds consist of remaining bond proceeds, accumulated investment earnings, and other available bond-related funds from completed or substantially completed projects.

The proposed ordinances amend eight prior bond ordinances to authorize the reallocation and use of these available funds for the Zoo Facility Improvements project, an eligible capital improvement project.

These amendments do not authorize any additional borrowing or increase the outstanding debt of the City. Rather, the ordinances provide authorization to utilize existing available bond-related funds that remain from prior issuances and apply those funds toward the Zoo Facility Improvements project.

The funding proposed to be allocated to Zoo Facility Improvements is derived from the following prior bond issues and original project allocations:

Bond Issue	Original Project(s) Providing Available Funds	Amount Allocated to Zoo Facility Improvements
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2012 Bond	Investment Earnings	\$14,748.00
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2013 Bond	Investment Earnings	\$8,724.00
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2014A Bond	Investment Earnings	\$9,661.00
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2015 Bond	Investment Earnings; GOB Roof and Air Handler Replacement	\$3,036.00; \$15,000.00
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2016 Bond	Investment Earnings	\$14,027.00
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2017 Bond	Investment Earnings	\$83,071.00
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2019 Bond	Investment Earnings; Building Lighting and Controls; Unallocated Proceeds	\$118,746.00; \$192,848.00; \$8,959.00
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2021 Bond	Investment Earnings; Unallocated Issuance Costs; Aerial Ladder; GOB Air Handler Replacement	\$4,854.00; \$2,696.00; \$2,380.00; \$21,250.00
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Total		\$500,000.00
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Each ordinance amends the applicable prior bond ordinance to add Zoo Facility Improvements as an authorized project and identifies the amount of available bond-related funds that may be allocated to the project. The corresponding bond resolutions will also be amended, as necessary, to implement the reallocations.

Finance will coordinate with bond counsel and the City's arbitrage advisor to ensure the

reallocations are properly documented and remain compliant with applicable bond covenants, arbitrage requirements, and Internal Revenue Code provisions.

Fiscal Impact:

The proposed action provides approximately \$500,000 in available funding for Zoo Facility Improvements through the reallocation of existing bond proceeds, investment earnings, and other available bond-related funds from prior bond issuances. No additional debt issuance or new tax-supported funding is required.

Recommendation:

Approval of the proposed bond ordinance amendments and related resolutions authorizing the allocation of available bond-related funds for Zoo Facility Improvements.

Attachment(s):

[Ord3022](#)

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AN ORDINANCE OF THE COUNCIL (THE “COUNCIL”) OF THE CITY OF SALISBURY AMENDING AND SUPPLEMENTING ORDINANCE NO. 2554, PASSED BY THE COUNCIL ON AUGUST 26, 2019, APPROVED BY THE MAYOR OF CITY OF SALISBURY (THE “CITY”) ON AUGUST 27, 2019 AND EFFECTIVE ON AUGUST 27, 2019 (“ORDINANCE NO. 2554”), AS AMENDED AND SUPPLEMENTED TO DATE, IN ORDER TO (1) AUTHORIZE AND EMPOWER THE CITY TO USE AND APPLY A PORTION OF THE PRINCIPAL AMOUNT OF AND CERTAIN INVESTMENT EARNINGS ON THE \$11,225,000 CITY OF SALISBURY PUBLIC IMPROVEMENT BONDS OF 2019 ISSUED ON OCTOBER 8, 2019 (THE “2019 BONDS”) TO THE PROJECT IDENTIFIED HEREIN AS “ZOO FACILITY IMPROVEMENTS,” AND (2) IDENTIFY SUCH ADDITIONAL PROJECT AS A “PROJECT” FOR ALL PURPOSES OF ORDINANCE NO. 2554 (AS AMENDED AND SUPPLEMENTED); PROVIDING THAT THIS TITLE IS A FAIR STATEMENT OF THE SUBSTANCE OF THIS ORDINANCE; AUTHORIZING CERTAIN CITY OFFICIALS TO TAKE CERTAIN ACTIONS IN CONNECTION WITH THE TRANSACTIONS CONTEMPLATED BY THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2019 BONDS.

5

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

3 **WHEREAS**, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of
4 the Charter, and Ordinance No. 2554, passed by the Council of the City (the “Council”) on August
5 26, 2019, approved by the Mayor of the City (the “Mayor”) on August 27, 2019 and effective on
6 August 27, 2019 (“Ordinance No. 2554”), the City authorized general obligation bonds to be issued
7 from time to time in one or more series in an original aggregate principal amount not to exceed Twelve
8 Million Four Hundred Eighty-Two Thousand Nine Hundred Seventy-Seven Dollars (\$12,482,977)
9 (the “Authorized Bonds”) in order to finance, reimburse or refinance “costs” and “Costs of the
0 Projects” (each as defined in Section 3(b) of Ordinance No. 2554) of the projects identified in the
1 table below (herein collectively referred to as the “Original Authorized Projects” or individually as
2 an “Original Authorized Project,” and referred to as the “Projects” in Ordinance No. 2554) in the
3 maximum principal amounts set forth opposite each such Original Authorized Project in such Section

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3(b) as follows:

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Roof Replacement Fire Station 1 ¹	\$ 50,000
2.	Water Chiller & Heating and Air Conditioning ¹	300,000
3.	Main Street Master Plan ¹	6,740,000
4.	Bicycle Master Plan Implementation ¹	550,000
5.	Urban Greenway Implementation ¹	775,000
6.	Wayfinding and Signage ¹	50,000
7.	Bridge Maintenance and Replacement ¹	162,000
8.	Street Scaping ¹	206,000
9.	Zoo Admin Office Space ²	100,000
10.	Field Operations Facility Plan – Phase 2 ²	200,000
11.	Field Operations Facility Plan – Phase 3 ²	125,000
12.	Mill Street Bridge Rehabilitation ²	45,000
13.	Naylor Mill Road Bridge Replacement ²	70,000
14.	Bicycle Master Plan Improvements ²	300,000
15.	Urban Greenway Improvements ²	200,000
16.	Street Scaping ²	200,000
17.	Building Lighting and Controls (ECM 1) ³	711,426
18.	Mechanical (ECM 2) ³	387,403
19.	Building Management Systems (ECM 3) ³	183,237
20.	Building Envelope Improvement (ECM 4) ³	105,911
21.	Garage (Bearing Pad Replacement) ¹	400,000
22.	Parking Garage Structural Repairs ²	592,000
23.	Phone System Fire Department	<u>30,000</u>
TOTAL		<u>\$12,482,977</u>

¹ Project was approved for bond funding in the fiscal year 2019 budget ordinance (Ordinance No. 2482).

² Project was approved for bond funding in the fiscal year 2020 budget ordinance (Ordinance No. 2539).

³ Projects were approved for bond funding by Ordinance No. 2521. Projects are further broken down by project components on Schedule B to Ordinance No. 2521; and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2554 and Resolution No. 2972, adopted by the Council on September 9, 2019, approved by the Mayor on September 9, 2019 and effective on September 9, 2019 (“Resolution No. 2972”), the City determined to borrow money for the public purpose of financing or reimbursing “costs” and “Costs of the Projects” (each as defined in Section 2(b) of Resolution No.

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2972, which definitions mirror the definitions of “costs” and “Costs of the Projects” set forth in Section 3(b) of Ordinance No. 2554) of the projects specified in Section 2(a) of Resolution No. 2972 (which included all of the Original Authorized Projects), and evidenced this borrowing by the issuance on October 8, 2019 of a single series of the Authorized Bonds in the original aggregate principal amount of Eleven Million Two Hundred Twenty-Five Thousand Dollars (\$11,225,000) and designated as the “City of Salisbury Public Improvement Bonds of 2019” (the “2019 Bonds”); and

WHEREAS, due to net original issue premium received by the City in connection with the sale of the 2019 Bonds, the City was able to reduce the original aggregate principal amount of the 2019 Bonds actually issued from the maximum original aggregate principal amount of the Authorized Bonds provided for in Ordinance No. 2554, and thereby to allocate a portion of such net original issue premium, together with the par amount of the 2019 Bonds, to fund the Original Authorized Projects in the maximum aggregate principal amount of \$12,482,977 contemplated by Ordinance No. 2554; and

WHEREAS, a portion of the principal amount of the 2019 Bonds, together with a portion of net original issue premium, was originally appropriated and allocated to the Original Authorized Projects identified in the table in the third preceding WHEREAS clause above, in the amounts specified in such table (for a total of \$12,482,977); and

WHEREAS, pursuant to Ordinance No. 2571, passed by the Council on January 13, 2020, approved by the Mayor on January 21, 2020 and effective on January 21, 2020 (“Ordinance No. 2571”), the City reallocated \$1,431.00 of the principal amount of the 2019 Bonds originally allocated to the Original Authorized Project identified as “Phone System Fire Department” to the Original Authorized Project identified as “Roof Replacement Fire Station 1”; and

WHEREAS, pursuant to Ordinance No. 2593, passed by the Council on June 8, 2020, approved on behalf of the Mayor on June 10, 2020 and effective on June 10, 2020 (“Ordinance No. 2593”), the City contemplated the reallocation of \$750,000.00 of the principal amount of the 2019 Bonds originally allocated to the Original Authorized Project identified as “Main Street Master Plan” to the Original Authorized Project identified as “Street Scaping,” and provided for such reallocation by subsequent appropriate action; and

WHEREAS, pursuant to Ordinance No. 2593, the City also contemplated the reallocation of \$250,000.00 of the principal amount of the 2019 Bonds originally allocated to the Original Authorized Project identified as “Main Street Master Plan” to a project not included in Ordinance No. 2554 that is identified in Ordinance No. 2593 as “Rail Trail Master Plan Implementation;” but prior to calendar year 2022, no proceeds of the 2019 Bonds were spent on such additional project; and

WHEREAS, pursuant to (i) Ordinance No. 2596, passed by the Council on June 8, 2020, approved on behalf of the Mayor on June 10, 2020 and effective on June 10, 2020, the Council allocated \$40,000.00 of interest earnings on proceeds of the 2019 Bonds to the Original Authorized

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Project identified as “Zoo Admin Office Space,” and (ii) Ordinance No. 2682, passed by the Council on September 27, 2021 and approved by the Mayor on October 6, 2021, the Council allocated \$64,000.00 of interest earnings on proceeds of the 2019 Bonds to the Original Authorized Project identified as “Zoo Admin Office Space;” and

WHEREAS, pursuant to Ordinance No. 2660, passed by the Council on June 14, 2021, approved by the Mayor on June 22, 2021 and effective on June 22, 2021 (“Ordinance No. 2660”), the City contemplated the reallocation of an aggregate of \$1,143,674.00 of the principal amount of the 2019 Bonds originally allocated to the Original Authorized Project identified as “Main Street Master Plan” to the following Original Authorized Projects in the following amounts: (i) \$475,000.00 to the Original Authorized Project identified as “Bicycle Master Plan Improvements,” (ii) \$450,000.00 to the Original Authorized Project identified as “Urban Greenway Improvements,” and (iii) \$218,674.00 to the Original Authorized Project identified as “Street Scaping,” and provided for such reallocation by subsequent appropriate action; and

WHEREAS, pursuant to Ordinance No. 2660, the City also contemplated the reallocation of an aggregate of \$700,000 of the principal amount of the 2019 Bonds originally allocated to the Original Authorized Project identified as “Main Street Master Plan” to two projects not included in Ordinance No. 2554 that are identified in Ordinance No. 2660 as (i) “Rail Trail Master Plan Implementation,” in the amount of \$300,000.00, and (ii) “City Park Master Plan Improvements,” in the amount of \$400,000.00; prior to calendar year 2022, no proceeds of the 2019 Bonds were spent on either such additional project; and

WHEREAS, pursuant to (i) Ordinance No. 2708, passed by the Council on January 24, 2022, approved by the Mayor on January 25, 2022 and effective on January 25, 2022 (“Ordinance No. 2708”) and (ii) Resolution No. 3149, passed by the Council on February 14, 2022, approved by the Mayor on February 15, 2022 and effective on February 15, 2022 (“Resolution No. 3149”), the Council respectively amended and supplemented Ordinance No. 2554 and Resolution No. 3972, in order to allow a portion of the principal amount of the 2019 Bonds as well as (by subsequent action) net original issue premium on the 2019 Bonds and investment earnings on the 2019 Bonds to be applied to costs of two projects respectively identified as “Rail Trail Master Plan Implementation” and “City Park Master Plan Improvements” (collectively, the “2022 Additional Projects” and, individually, a “2022 Additional Project”); and

WHEREAS, Ordinance No. 2708 amended Section 3(b) of Ordinance No. 2554 to provide that a maximum of \$550,000.00 of the principal amount of the 2019 Bonds was reallocated to the 2022 Additional Project identified as “Rail Trail Master Plan Implementation” and a maximum of \$400,000.00 of the principal amount of the 2019 Bonds was reallocated to the 2022 Additional Project identified as “City Park Master Plan Improvements;” and

WHEREAS, pursuant to Ordinance No. 2740, passed by the Council on September 26, 2022, approved by the Mayor on September 30, 2022 and effective on September 30, 2022, the City reallocated (i) \$135,000.00 of the principal amount of the 2019 Bonds originally allocated to the

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Original Authorized Project identified as “Main Street Master Plan” to the Original Authorized Project identified as “Street Scaping” and (ii) \$398,859.64 of the principal amount of the 2019 Bonds originally allocated to the Original Authorized Project identified as “Urban Greenway Improvements” to the Original Authorized Project identified as “Street Scaping;” and

WHEREAS, pursuant to Ordinance No. 2855, passed by the Council on February 26, 2024, approved by the Mayor on March 25, 2024 and effective on March 25, 2024, the City reallocated \$149,000.00 of the principal amount of the 2019 Bonds originally allocated to the Original Authorized Project identified as “Main Street Master Plan” to the Original Authorized Project identified as “Bicycle Master Plan Improvements;” and

WHEREAS, following the reallocations described above, the principal amount of the 2019 Bonds was reallocated and authorized to be applied to the Original Authorized Projects and the 2022 Additional Projects as follows:

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	<u>Project Name</u>	<u>Maximum Amount</u>
1.	Roof Replacement Fire Station 1 ¹	\$ 51,431
2.	Water Chiller & Heating and Air Conditioning ¹	300,000
3.	Main Street Master Plan ¹	3,612,326
4.	Bicycle Master Plan Implementation ¹	550,000
5.	Urban Greenway Implementation ¹	775,000
6.	Wayfinding and Signage ¹	50,000
7.	Bridge Maintenance and Replacement ¹	162,000
8.	Street Scaping ¹	206,000
9.	Zoo Admin Office Space ²	100,000
10.	Field Operations Facility Plan – Phase 2 ²	200,000
11.	Field Operations Facility Plan – Phase 3 ²	125,000
12.	Mill Street Bridge Rehabilitation ²	45,000
13.	Naylor Mill Road Bridge Replacement ²	70,000
14.	Bicycle Master Plan Improvements ²	924,000
15.	Urban Greenway Improvements ²	251,140.36
16.	Street Scaping ²	1,702,533.64
17.	Building Lighting and Controls (ECM 1) ³	711,426
18.	Mechanical (ECM 2) ³	387,403
19.	Building Management Systems (ECM 3) ³	183,237
20.	Building Envelope Improvement (ECM 4) ³	105,911
21.	Garage (Bearing Pad Replacement) ¹	400,000
22.	Parking Garage Structural Repairs ²	592,000
23.	Phone System Fire Department	28,569
24.	Rail Trail Master Plan Implementation ⁴	550,000
25.	City Park Master Plan Improvements ⁵	400,000
TOTAL		<u>\$12,482,977</u>

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¹ Project was approved for bond funding in the fiscal year 2019 budget ordinance (Ordinance No. 2482).

² Project was approved for bond funding in the fiscal year 2020 budget ordinance (Ordinance No. 2539).

³ Projects were approved for bond funding by Ordinance No. 2521. Projects are further broken down by project components on Schedule B to Ordinance No. 2521.

⁴ Project was approved for funding from reallocation of par amount of the Bonds in the fiscal year 2021 budget ordinance (Ordinance No. 2593).

⁵ Project was approved for funding from reallocation of par amount of the Bonds in the fiscal year 2021 budget ordinance (Ordinance No. 2660); and

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173 **WHEREAS**, pursuant to (i) Ordinance No. 2978, passed by the Council on March 2, 2026,
174 approved by the Mayor on March 2, 2026 and effective on March 2, 2026 (“Ordinance No. 2978”),
175 the City amended and supplemented Ordinance No. 2554, as previously amended and supplemented,
176 and (ii) Resolution No. 3641, adopted by the Council on March 2, 2026, approved by the Mayor on
177 March 2, 2026 and effective on March 2, 2026 (“Resolution No. 3641”), the City amended and
178 supplemented Resolution No. 2972, as previously amended and supplemented, in order to reallocate
179 a total of \$482,718.00 of the principal amount of the 2019 Bonds to the 2026 Additional Project as
180 follows: (i) \$21.00 from the Original Authorized Project identified as “Field Operations Facility Plan
181 – Phase 2” (which Original Authorized Project is now referred to by the City sometimes as the
182 “Service Center” or by similar names), (ii) \$18,864.00 from the Original Authorized Project identified
183 as “Water Chiller & Heating and Air Conditioning,” (iii) \$328,325.00 from the Original Authorized
184 Project identified as “Building Lighting and Controls (ECM 1),” (iv) \$29,597.00 from the Original
185 Authorized Project identified as “Building Management System (ECM 3),” and (v) \$105,911.00 from
186 the Original Authorized Project identified as “Building Envelope Improvements (ECM 4),” resulting
187 in the following reallocations:
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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Roof Replacement Fire Station 1 ¹	\$ 51,431
2.	Water Chiller & Heating and Air Conditioning ¹	281,136
3.	Main Street Master Plan ¹	3,612,326
4.	Bicycle Master Plan Implementation ¹	550,000
5.	Urban Greenway Implementation ¹	775,000
6.	Wayfinding and Signage ¹	50,000
7.	Bridge Maintenance and Replacement ¹	162,000
8.	Street Scaping ¹	206,000
9.	Zoo Admin Office Space ²	100,000
10.	Field Operations Facility Plan – Phase 2 ²	199,979
11.	Field Operations Facility Plan – Phase 3 ²	125,000
12.	Mill Street Bridge Rehabilitation ²	45,000
13.	Naylor Mill Road Bridge Replacement ²	70,000
14.	Bicycle Master Plan Improvements ²	924,000
15.	Urban Greenway Improvements ²	251,140.36
16.	Street Scaping ²	1,702,533.64
17.	Building Lighting and Controls (ECM 1) ³	383,101
18.	Mechanical (ECM 2) ³	387,403
19.	Building Management Systems (ECM 3) ³	153,640
20.	Building Envelope Improvement (ECM 4) ³	0
21.	Garage (Bearing Pad Replacement) ¹	400,000
22.	Parking Garage Structural Repairs ²	592,000
23.	Phone System Fire Department	28,569
24.	Rail Trail Master Plan Implementation ⁴	550,000
25.	City Park Master Plan Improvements ⁵	\$400,000
26.	112 W. Church Street – City Hall ⁶	\$482,718
TOTAL		<u>\$12,482,977</u>

¹ Project was approved for bond funding in the fiscal year 2019 budget ordinance (Ordinance No. 2482).

² Project was approved for bond funding in the fiscal year 2020 budget ordinance (Ordinance No. 2539). This project is now also sometimes referred to as the “Service Center” or by similar names.

³ Projects were approved for bond funding by Ordinance No. 2521. Projects are further broken down by project components on Schedule B to Ordinance No. 2521.

⁴ Project was approved for funding from reallocation of par amount of issued bonds in the fiscal year 2021 budget ordinance (Ordinance No. 2593).

⁵ Project was approved for funding from reallocation of par amount of issued bonds in the fiscal year

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203 2021 budget ordinance (Ordinance No. 2660).

204 ⁶ This project may be referred to by other names in City materials, including budget materials; and

205
206 **WHEREAS**, the City now desires to (i) allocate \$118,746.00 of investment earnings on the
207 2019 Bonds to a project not included in Ordinance No. 2554, as amended and supplemented to date,
208 that is generally identified in City materials as “Zoo Facility Improvements” or by similar names (the
209 “2026 Additional Project”), (ii) reallocate \$192,848.00 of the principal amount of the 2019 Bonds
210 previously allocated to the Original Authorized Project identified as “Building Lighting and Controls
211 (ECM 1)” to the 2026 Additional Project, and (iii) allocate \$8,959.00 of unallocated proceeds of the
212 2019 Bonds to the 2026 Additional Project; and

213
214 **WHEREAS**, accordingly, the City desires to expand the list of the Original Authorized
215 Projects as set forth in Ordinance No. 2554, as amended and supplemented to date, in order to allow
216 a portion of the sale proceeds of and certain investment earnings on the Authorized Bonds (meaning
217 the 2019 Bonds) to be applied to the 2026 Additional Project and to identify such 2026 Additional
218 Project as part of the “Projects” for all purposes of Ordinance No. 2554, as amended and
219 supplemented.

220
221 **Section 1. NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE**
222 **COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, as follows:

223
224 (a) The Recitals to this Ordinance are incorporated by reference herein and deemed a
225 substantive part of this Ordinance. Capitalized terms used in the Sections of this Ordinance that
226 are not defined therein shall have the meanings given to such terms in the Recitals.

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

239 (c) References in this Ordinance to “investment earnings” shall be construed to include
240 interest income.

241 (d) References in this Ordinance to “principal amount” shall be construed to refer to the
242 original aggregate principal amount of the 2019 Bonds.

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Section 2. BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

(a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter and Ordinance No. 2554, from and after the effective date of this Ordinance, and subject to Sections 2(d) and 7 hereof, Section 3(b) of Ordinance No. 2554 (as amended and supplemented to date) is hereby deleted in its entirety and inserted in place thereof shall be the following:

“(b) With respect to the projects 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; acquisition of other property rights; 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; acquisition, construction, expansion, reconstruction, replacement, renovation, rehabilitation, improvement, installation, furnishing and equipping activities and expenses, and related or similar activities and expenses; planning, design, engineering, architectural, feasibility, surveying, document development, bidding, permitting, inspection, construction management, financial, administrative and legal expenses, and related or similar activities and expenses; contingencies; costs of issuance (which may include costs of bond insurance or other credit or liquidity enhancement); interest during construction and for a reasonable period thereafter (whether or not expressly so stated); and any such costs that may represent the City’s share or contribution to the financing, reimbursement or refinancing of any such project (collectively, “Costs of the Projects”). The maximum original aggregate principal amount of the Bonds (or the BANs, as identified in Section 6 hereof) to be appropriated or applied to the Costs of the Projects (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 projects in the maximum principal amount set forth opposite each, except as otherwise herein provided:

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Roof Replacement Fire Station 1 ¹	\$ 51,431
2.	Water Chiller & Heating and Air Conditioning ¹	281,136
3.	Main Street Master Plan ¹	3,612,326
4.	Bicycle Master Plan Implementation ¹	550,000
5.	Urban Greenway Implementation ¹	775,000
6.	Wayfinding and Signage ¹	50,000
7.	Bridge Maintenance and Replacement ¹	162,000
8.	Street Scaping ¹	206,000
9.	Zoo Admin Office Space ²	100,000
10.	Field Operations Facility Plan – Phase 2 ²	199,979
11.	Field Operations Facility Plan – Phase 3 ²	125,000
12.	Mill Street Bridge Rehabilitation ²	45,000
13.	Naylor Mill Road Bridge Replacement ²	70,000
14.	Bicycle Master Plan Improvements ²	924,000
15.	Urban Greenway Improvements ²	251,140.36
16.	Street Scaping ²	1,702,533.64
17.	Building Lighting and Controls (ECM 1) ³	190,253
18.	Mechanical (ECM 2) ³	387,403
19.	Building Management Systems (ECM 3) ³	153,640
20.	Building Envelope Improvement (ECM 4) ³	0
21.	Garage (Bearing Pad Replacement) ¹	400,000
22.	Parking Garage Structural Repairs ²	592,000
23.	Phone System Fire Department	28,569
24.	Rail Trail Master Plan Implementation ⁴	550,000
25.	City Park Master Plan Improvements ⁵	400,000
26.	112 W. Church Street – City Hall ⁶	482,718
27.	Zoo Facility Improvements ⁷	192,848
TOTAL		<u>\$12,482,977</u>

¹ Project was approved for bond funding in the fiscal year 2019 budget ordinance (Ordinance No. 2482).

² Project was approved for bond funding in the fiscal year 2020 budget ordinance (Ordinance No. 2539). This project is now also sometimes referred to as the “Service Center” or by similar names.

³ Projects were approved for bond funding by Ordinance No. 2521. Projects are further broken down by project components on Schedule B to Ordinance No. 2521.

⁴ Project was approved for funding from reallocation of par amount of issued bonds in the fiscal year 2021 budget ordinance (Ordinance No. 2593).

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⁵ Project was approved for funding from reallocation of par amount of issued bonds in the fiscal year 2021 budget ordinance (Ordinance No. 2660).

⁶ This project may be referred to by other names in City materials, including budget materials.

⁷ This project may be referred to by other names in City materials, including budget materials.

The projects identified in items 1-27 above are collectively referred to herein as the “Projects”. The Projects described in items 1-27 above are identified by approximately the same names as such Projects are identified in City budget or other materials. The City, without notice to or the consent of any registered owners of the Bonds (or the registered owners of any of the BANs, as applicable), may reallocate the maximum principal amount of the Bonds (and of any of the BANs, as applicable) (exclusive of any premium realized upon sale or investment earnings that may be applied for such purposes) to be spent on Costs of the Projects among any of the Projects (including, without limitation, the components of the Projects approved by Ordinance No. 2521) in compliance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution. Further, it is the intention of the Council that proceeds of the Bonds (or of any of the BANs, as applicable) may be spent on any applicable Costs of the Projects, notwithstanding the descriptive names used for the Projects in the table above, including, without limitation, costs related to changes in the scopes of and/or names of the Projects effected through applicable budgetary procedures or applicable law.”

(b) By undertaking the amendments to Section 3(b) of Ordinance No. 2554, as amended supplemented to date, provided for in subsection (a) of this Section 2, the City is in effect adding the 2026 Additional Project identified as item 27 “Zoo Facility Improvements” in the table set forth in subsection (a) above to the list of projects the costs of which may be financed or reimbursed from the principal amount of the 2019 Bonds and investment earnings thereon, without taking into account the fact that a portion of net original issue premium allocated to the sale proceeds of the 2019 Bonds is or was being applied to pay costs of the Original Authorized Projects, as amended and supplemented to date. By adding the 2026 Additional Project identified in item 27 in the table set forth in subsection (a) to the list of Projects set forth in Section 3(b) of Ordinance No. 2554, the City is also providing authorization for net original issue premium of the 2019 Bonds and investment earnings on proceeds of the 2019 Bonds to be applied to the costs of the 2026 Additional Project once the provisions of subsection (d) below and Section 7 hereof have been complied with. The principal amounts of the 2019 Bonds are hereby appropriated/re-appropriated in the maximum principal amounts set forth in the table in Section 2(a) above.

(c) The projects identified in the table set forth in subsection (a) above (which amends and supplements Section 3(b) of Ordinance No. 2554, as amended and supplemented to date) are collectively referred to herein as the “2026 Revised Projects.” Subject to the provisions of subsection (d) below and Section 7 of this Ordinance, from and after the effective date of this Ordinance, all

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references to the Projects in Ordinance No. 2554, as amended and supplemented to date, shall be deemed to be references to the 2026 Revised Projects, as identified in this Ordinance. Subject to the provisions of subsection (d) below and Section 7 of this Ordinance, from and after the effective date of this Ordinance, the provisions of this Section 2 shall supersede the provisions of Section 3(b) of Ordinance No. 2554, as amended and supplemented to date, with respect to the application of the principal amount of the Authorized Bonds as authorized by Ordinance No. 2554.

(d) Notwithstanding the foregoing provisions of this Section 2, the principal amount of the 2019 Bonds (including investment earnings thereon) may not be applied to costs of the 2026 Additional Project unless and until the City adopts a resolution making corresponding amendments to the provisions of Section 2(a) of Resolution No. 2972 (as amended and supplemented to date) to include the 2026 Additional Project in the list of Projects identified in Resolution No. 2972, thereby allowing a portion of the principal amount of the 2019 Bonds to be applied to costs of the 2026 Additional Project.

(e) Subject to the provisions of the subsections above and Section 7 of this Ordinance, it is the intention of the Council that any investment earnings earned on the proceeds of the 2019 Bonds (i) prior to the effective date of this Ordinance, to the extent not already spent in accordance with the provisions of the Ordinance No. 2554 (as amended and supplemented to date), Resolution No. 2972 (as amended and supplemented to date) or applicable budgetary procedures or applicable law, and (ii) on and after the effective date of this Ordinance, shall be applied to costs of any of the 2026 Revised Projects; provided that, any such investment earnings may be allocated otherwise in accordance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution.

Section 3. **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND,** that, subject to the provisions of Sections 2(d) and 7 of this Ordinance, any of the Mayor, the City Administrator, the Director of Finance and all other appropriate officials and employees of the City, to the extent acting within the scope of their respective authority, are hereby authorized and empowered to take any and all action necessary or appropriate to provide for the application of the proceeds of the 2019 Bonds to finance or reimburse costs of the 2026 Revised Projects and to approve, execute and deliver all documents, certificates or instruments necessary or appropriate in connection therewith or in connection with the transactions contemplated by this Ordinance, including, without limitation, any amendments, modifications or supplements to any documents, certificates or instruments delivered in connection with the 2019 Bonds.

Section 4. **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND,** that from and after the effective date of this Ordinance, Ordinance No. 2554 (as amended and supplemented to date) shall be deemed amended and supplemented as provided herein and all other terms and provisions of Ordinance No. 2554 (as amended and supplemented to date) shall remain in full force and effect.

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Section 5. BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the title of this Ordinance shall be deemed to be, and is, a fair statement of the substance of this Ordinance for posting and all other purposes.

Section 6. BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that the provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated by this Ordinance.

Section 7. BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall become effective following approval by the Mayor or subsequent passage by the Council following the Mayor's veto in accordance with the provision of Section SC2-12 of the Charter; provided, however, that, notwithstanding the effective date of this Ordinance, no portion of the principal amount of the 2019 Bonds or investment earnings thereon may be applied to costs of the 2026 Additional Project unless Resolution No. 2972 (as amended and supplemented to date) is amended and supplemented as described herein. Pursuant to Charter Section SC2-16, this Ordinance shall not be subject to petition to referendum.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 24 day of August, 2026, and thereafter, a statement of the substance of this Ordinance having been posted or published as required by law, was finally passed by the Council _____ X [as introduced] _____ [as amended] [CHECK APPLICABLE LINE] on the 14 day of September, 2026.

ATTEST:

Julie A. English, City Clerk

April R. Jackson, City Council President

Approved by me, this _____ day of _____, 2026:

Randolph J. Taylor, Mayor

#245330;58111.001

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Memo

To: Mayor and City Council
From: Nick Rice, City Administrator
Date: August 12, 2026
Subject: Reallocating 2021 Bonds to zoo Facility Improvements - 2nd Reading

The City has identified approximately \$500,000 of available funding associated with prior bond issuances that may be utilized for the Zoo Facility Improvements project. These funds consist of remaining bond proceeds, accumulated investment earnings, and other available bond-related funds from completed or substantially completed projects.

The proposed ordinances amend eight prior bond ordinances to authorize the reallocation and use of these available funds for the Zoo Facility Improvements project, an eligible capital improvement project.

These amendments do not authorize any additional borrowing or increase the outstanding debt of the City. Rather, the ordinances provide authorization to utilize existing available bond-related funds that remain from prior issuances and apply those funds toward the Zoo Facility Improvements project.

The funding proposed to be allocated to Zoo Facility Improvements is derived from the following prior bond issues and original project allocations:

Bond Issue	Original Project(s) Providing Available Funds	Amount Allocated to Zoo Facility Improvements
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2012 Bond	Investment Earnings	\$14,748.00
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2013 Bond	Investment Earnings	\$8,724.00
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2014A Bond	Investment Earnings	\$9,661.00
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2015 Bond	Investment Earnings; GOB Roof and Air Handler Replacement	\$3,036.00; \$15,000.00
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2016 Bond	Investment Earnings	\$14,027.00
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2017 Bond	Investment Earnings	\$83,071.00
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2019 Bond	Investment Earnings; Building Lighting and Controls; Unallocated Proceeds	\$118,746.00; \$192,848.00; \$8,959.00
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2021 Bond	Investment Earnings; Unallocated Issuance Costs; Aerial Ladder; GOB Air Handler Replacement	\$4,854.00; \$2,696.00; \$2,380.00; \$21,250.00
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Total		\$500,000.00
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Each ordinance amends the applicable prior bond ordinance to add Zoo Facility Improvements as an authorized project and identifies the amount of available bond-related funds that may be allocated to the project. The corresponding bond resolutions will also be amended, as necessary, to implement the reallocations.

Finance will coordinate with bond counsel and the City's arbitrage advisor to ensure the

reallocations are properly documented and remain compliant with applicable bond covenants, arbitrage requirements, and Internal Revenue Code provisions.

Fiscal Impact:

The proposed action provides approximately \$500,000 in available funding for Zoo Facility Improvements through the reallocation of existing bond proceeds, investment earnings, and other available bond-related funds from prior bond issuances. No additional debt issuance or new tax-supported funding is required.

Recommendation:

Approval of the proposed bond ordinance amendments and related resolutions authorizing the allocation of available bond-related funds for Zoo Facility Improvements.

Attachment(s):

[Ord3023](#)

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ORDINANCE NO. 3023

AN ORDINANCE OF THE COUNCIL (THE “COUNCIL”) OF THE CITY OF SALISBURY AMENDING AND SUPPLEMENTING ORDINANCE NO. 2675, PASSED BY THE COUNCIL ON JULY 26, 2021, APPROVED BY THE MAYOR OF CITY OF SALISBURY (THE “CITY”) ON JULY 26, 2021 AND EFFECTIVE ON JULY 26, 2021 (“ORDINANCE NO. 2675”), AS AMENDED AND SUPPLEMENTED TO DATE, IN ORDER TO (1) AUTHORIZE AND EMPOWER THE CITY TO USE AND APPLY A PORTION OF THE PRINCIPAL AMOUNT OF AND CERTAIN OTHER AMOUNTS RELATING TO THE \$8,965,000 CITY OF SALISBURY TAX-EXEMPT PUBLIC IMPROVEMENT AND REFUNDING BONDS OF 2021 ISSUED ON SEPTEMBER 1, 2021 (THE “2021 TAX-EXEMPT BONDS”) TO THE PROJECT IDENTIFIED HEREIN AS “ZOO FACILITY IMPROVEMENTS,” AND (2) IDENTIFY SUCH ADDITIONAL PROJECT AS A “PROJECT” FOR ALL PURPOSES OF ORDINANCE NO. 2675 (AS AMENDED AND SUPPLEMENTED); PROVIDING THAT THIS TITLE IS A FAIR STATEMENT OF THE SUBSTANCE OF THIS ORDINANCE; AUTHORIZING CERTAIN CITY OFFICIALS TO TAKE CERTAIN ACTIONS IN CONNECTION WITH THE TRANSACTIONS CONTEMPLATED BY THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2021 TAX-EXEMPT BONDS.

RECITALS

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

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WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, and Ordinance No. 2675, passed by the Council of the City (the “Council”) on July 26, 2021, approved by the Mayor of the City (the “Mayor”) on July 26, 2021 and effective on July 26, 2021 (“Ordinance No. 2675”), the City authorized general obligation bonds to be issued from time to time in one or more series in an original aggregate principal amount not to exceed Six Million One Hundred Twenty-Four Thousand Seventy-Six Dollars (\$6,124,076) (the “Authorized Bonds”) in order to finance, reimburse or refinance “costs” and “Costs of the Projects” (each as defined in Section 3(b) of Ordinance No. 2675) of the projects identified in the table below (herein collectively referred to as the “Original Authorized New Money Projects” or individually as an “Original Authorized New Money Project,” and referred to as the “Projects” in Ordinance No. 2675) in the maximum principal

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amounts set forth opposite each such Original Authorized New Money Project in such Section 3(b):

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	GOB Air Handler Replacement ⁽¹⁾	\$ 178,750
2.	Apparatus Replacement - Aerial Ladder ⁽¹⁾	1,400,000
3.	Field Operations Facility Plan – Phase 3 Garage ⁽¹⁾⁽²⁾	1,890,000
4.	Downtown Street Scaping ⁽¹⁾	381,326
5.	Market Street Shoreline Improvements ⁽¹⁾	330,000
6.	Northwood and Brewington Branch Culvert ⁽¹⁾	290,000
7.	ADA: Ramp and Bathroom Conversion ⁽³⁾	40,000
8.	Field Operations Facility Plan - Phase 2 ⁽³⁾⁽⁴⁾	1,500,000
9.	Port Exchange Riverwalk Replacement ⁽³⁾	<u>114,000</u>
TOTAL		<u>\$6,124,076</u>

¹ Project was approved for bond funding in the fiscal year 2022 budget ordinance (Ordinance No. 2660).

² Project is also referred to in certain City budgetary materials as “Field Operations Master Plan – Phase III New Vehicle Maintenance Facility.”

³ Project was approved for bond funding in fiscal year 2022 through the fiscal year 2021 budget ordinance (Ordinance No. 2593).

⁴ Project is also referred to in certain City budgetary materials as “Field Operations Master Plan – Phase II New Administrative Building;” and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2675, certain other Ordinances of the City identified in Resolution No. 3117 (defined below) and Resolution No. 3117, adopted by the Council on August 9, 2021, approved by the Mayor on August 10, 2021 and effective on August 10, 2021 (“Resolution No. 3117”), the City determined to borrow money for the public purpose (in part) of financing or reimbursing “costs” and “Costs of the 2021 New Money Projects” (each as defined in Section 2(b) of Resolution No. 3117, which definitions mirror the definitions of “costs” and “Costs of the Projects” set forth in Section 3(b) of Ordinance No. 2675) of the projects specified in Section 2(b) of Resolution No. 3117 (which included all of the Original Authorized Projects), and evidenced this borrowing by the issuance on September 1, 2021 of a single series of general obligation bonds of the City in the original aggregate principal amount of Eight Million Nine Hundred Sixty-Five Thousand Dollars (\$8,965,000) and designated as the “City of Salisbury Tax-Exempt Public Improvement and Refunding Bonds of 2021” (the “2021 Tax-Exempt Bonds”); and

WHEREAS, a portion of the original aggregate principal amount of the 2021 Tax-Exempt Bonds was issued for the purpose of currently refunding all or a portion of certain outstanding

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72 general obligation bonds of the City, which portion of the 2021 Tax-Exempt Bonds was not issued
73 pursuant to the authority of Ordinance No. 2675; and
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75 **WHEREAS**, due to net original issue premium received by the City in connection with
76 the sale of the 2021 Tax-Exempt Bonds, the City was able to reduce the portion of the original
77 aggregate principal amount of the 2021 Tax-Exempt Bonds actually issued to finance or reimburse
78 costs of the Original Authorized New Money Projects from the maximum original aggregate
79 principal amount of the Authorized Bonds provided for in Ordinance No. 2675, and thereby to
80 allocate a portion of such net original issue premium, together with a portion of the principal
81 amount of the 2021 Tax-Exempt Bonds, to fund the Original New Money Authorized Projects in
82 the maximum aggregate principal amount of \$6,124,076 contemplated by Ordinance No. 2675;
83 and
84

85 **WHEREAS**, a portion of the principal amount of the 2021 Tax-Exempt Bonds, together
86 with a portion of net original issue premium, was originally appropriated and allocated to (i) the
87 Original New Money Authorized Projects identified in the table in the fourth preceding WHEREAS
88 clause above, in the amounts specified in such table (for a total of \$6,124,076); and
89

90 **WHEREAS**, pursuant to (i) Ordinance No. 2977, passed by the Council on March 2, 2026,
91 approved by the Mayor on March 2, 2026 and effective on March 2, 2026 (“Ordinance No. 2977”),
92 the City amended and supplemented Ordinance No. 2675, and (ii) Resolution No. 3462, adopted by
93 the Council on March 2, 2026, approved by the Mayor on March 2, 2026 and effective on March 2,
94 2026 (“Resolution No. 3462”), the City amended and supplemented Resolution No. 3117, in order to
95 reallocate a total of \$217,282.00 of the principal amount of the new money portion of the 2021 Tax-
96 Exempt Bonds from the Original Authorized New Money Project identified in Ordinance No. 2675
97 as “Northwood and Brewington Branch Culvert” to a project generally identified in City materials as
98 “112 W. Church Street – City Hall” (the “2026 Additional Project”), resulting in a reallocation of the
99 principal amount of the Authorized Bonds (meaning the new money portion of the 2021 Tax-Exempt
100 Bonds) as follows:
101
102

103 [CONTINUED ON FOLLOWING PAGE]
104

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	GOB Air Handler Replacement ⁽¹⁾	\$ 178,750
2.	Apparatus Replacement - Aerial Ladder ⁽¹⁾	1,400,000
3.	Field Operations Facility Plan – Phase 3 Garage ⁽¹⁾⁽²⁾	1,890,000
4.	Downtown Street Scaping ⁽¹⁾	381,326
5.	Market Street Shoreline Improvements ⁽¹⁾	330,000
6.	Northwood and Brewington Branch Culvert ⁽¹⁾	72,718
7.	ADA: Ramp and Bathroom Conversion ⁽³⁾	40,000
8.	Field Operations Facility Plan - Phase 2 ⁽³⁾⁽⁴⁾	1,500,000
9.	Port Exchange Riverwalk Replacement ⁽³⁾	114,000
10.	112 W. Church Street – City Hall ⁽⁵⁾	<u>217,282</u>
TOTAL		<u>\$6,124,076</u>

¹ Project was approved for bond funding in the fiscal year 2022 budget ordinance (Ordinance No. 2660).

² Project is also referred to in certain City budgetary materials as “Field Operations Master Plan – Phase III New Vehicle Maintenance Facility.”

³ Project was approved for bond funding in fiscal year 2022 through the fiscal year 2021 budget ordinance (Ordinance No. 2593).

⁴ Project is also referred to in certain City budgetary materials as “Field Operations Master Plan – Phase II New Administrative Building.”

⁵ This project may be referred to by other names in City materials, including budget materials; and

WHEREAS, the City now desires to (i) allocate \$4,854.00 of investment earnings on the 2021 Tax-Exempt Bonds to a project not included in Ordinance No. 2675, as amended and supplemented to date, that is generally identified in City materials as “Zoo Facility Improvements” or by similar names (the “2026 Additional Project”), (ii) reallocate \$21,250.00 of the principal amount of the new money portion of the 2021 Tax-Exempt Bonds previously allocated to the Original Authorized New Money Project identified as “GOB Air Handler Replacement” to the 2026 Additional Project, (iii) reallocate \$2,380.00 of the principal amount of the new money portion of the 2021 Tax-Exempt Bonds previously allocated to the Original Authorized New Money Project identified as “Apparatus Replacement – Aerial Ladder,” and (iv) allocate \$2,696.00 of the portion of the net original issue premium allocated to costs of issuance of the new money portion of the 2021 Tax-Exempt Bonds to the 2026 Additional Project; and

WHEREAS, accordingly, the City desires to expand the list of the Original Authorized New Money Projects as set forth in Ordinance No. 2675, as amended and supplemented to date, in order to allow a portion of the principal amount of the Authorized Bonds (meaning a portion of the new

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money portion of the 2021 Tax-Exempt Bonds) and certain other amounts relating to the new money portion of the 2021 Tax-Exempt Bonds to be applied to the 2026 Additional Project and to identify such 2026 Additional Project as part of the “Projects” for all purposes of Ordinance No. 2675, as amended and supplemented.

Section 1. NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

(a) The Recitals to this Ordinance are incorporated by reference herein and deemed a substantive part of this Ordinance. Capitalized terms used in the Sections of this Ordinance that are not defined therein shall have the meanings given to such terms in the Recitals.

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

(c) References in this Ordinance to “investment earnings” shall be construed to include interest income.

(d) References in this Ordinance to “principal amount” shall be construed to refer to the original aggregate principal amount of the 2021 Bonds issued for new money purposes.

Section 2. BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

(a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter and Ordinance No. 2675, from and after the effective date of this Ordinance, and subject to Sections 2(d) and 7 hereof, Section 3(b) of Ordinance No. 2675 (as amended and supplemented to date) is hereby deleted in its entirety and inserted in place thereof shall be the following:

“(b) With respect to the projects 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; acquisition of other property rights; site and utility improvements, including, without limitation, grading, landscaping, paving and repaving, sidewalk, curb, gutter, storm water, water and sewer

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improvements, street lights, amenities, and related or similar activities and expenses; demolition, razing and removal; acquisition, construction, expansion, reconstruction, replacement, renovation, rehabilitation, upgrading, improvement, installation, furnishing and equipping activities and expenses, and related or similar activities and expenses; planning, design, engineering, testing, study, architectural, feasibility, surveying, document development, bidding, permitting, inspection, construction management, financial, administrative and legal expenses, and related or similar activities and expenses; contingencies; costs of issuance (which may include costs of bond insurance or other credit or liquidity enhancement); interest during construction and for a reasonable period thereafter (whether or not expressly so stated); and any such costs that may represent the City's share or contribution to the financing, reimbursement or refinancing of any such project (collectively, "Costs of the Projects"). The maximum original aggregate principal amount of the Bonds (or the BANs, as identified in Section 6 hereof) to be appropriated or applied to the Costs of the Projects (exclusive of any net original issue premium realized upon sale or investment earnings that may be applied for such purposes) shall be allocated among the following public purpose projects in the maximum principal amount set forth opposite each, except as otherwise herein provided:

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	GOB Air Handler Replacement ⁽¹⁾	\$ 157,500
2.	Apparatus Replacement - Aerial Ladder ⁽¹⁾	1,397,620
3.	Field Operations Facility Plan – Phase 3 Garage ⁽¹⁾⁽²⁾	1,890,000
4.	Downtown Street Scaping ⁽¹⁾	381,326
5.	Market Street Shoreline Improvements ⁽¹⁾	330,000
6.	Northwood and Brewington Branch Culvert ⁽¹⁾	72,718
7.	ADA: Ramp and Bathroom Conversion ⁽³⁾	40,000
8.	Field Operations Facility Plan - Phase 2 ⁽³⁾⁽⁴⁾	1,500,000
9.	Port Exchange Riverwalk Replacement ⁽³⁾	114,000
10.	112 W. Church Street – City Hall ⁽⁵⁾	217,282
11.	Zoo Facility Improvements ⁽⁶⁾	23,630
TOTAL		<u>\$6,124,076</u>

¹ Project was approved for bond funding in the fiscal year 2022 budget ordinance (Ordinance No. 2660).

² Project is also referred to in certain City budgetary materials as "Field Operations Master Plan – Phase III New Vehicle Maintenance Facility."

³ Project was approved for bond funding in fiscal year 2022 through the fiscal year 2021 budget ordinance (Ordinance No. 2593).

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⁴ Project is also referred to in certain City budgetary materials as “Field Operations Master Plan – Phase II New Administrative Building.”

⁵ This project may be referred to by other names in City materials, including budget materials.

⁶ This project may be referred to by other names in City materials, including budget materials. In addition, the City intends to allocate certain investment earnings and other amounts relating to the Bonds to this project.

The projects identified in items 1-11 above are collectively referred to herein as the “Projects.” The Projects described in items 1-11 above are identified by approximately the same names as such Projects are identified in the City budget and related materials. The City, without notice to or the consent of any registered owners of any issued Bonds (or the registered owners of any issued BANs, as applicable), may allocate and reallocate the maximum principal amount of any issued Bonds (and of any issued BANs, as applicable) (exclusive of any net original issue premium realized upon sale or investment earnings that may be applied for such purposes) to be spent on Costs of the Projects among any of the Projects in compliance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution. Further, it is the intention of the Council that the principal amount of any issued Bonds (or of any issued BANs, as applicable) may be spent on any applicable Costs of the Projects, notwithstanding the descriptive names used for the Projects in the table above, including, without limitation, costs related to changes in the scopes of and/or names of the Projects effected through applicable budgetary procedures or applicable law.”

(b) By undertaking the amendments to Section 3(b) of Ordinance No. 2675, as amended and supplemented to date, provided for in subsection (a) of this Section 2, the City is in effect adding the 2026 Additional Project identified as item 11 “Zoo Facility Improvements” in the table set forth in subsection (a) above to the list of the Original Authorized New Money Projects the costs of which may be financed or reimbursed from the original principal amount of the new money portion of the 2021 Tax-Exempt Bonds and investment earnings thereon, without taking into account the fact that a portion of net original issue premium allocated to the sale proceeds of the new money portion of the 2021 Tax-Exempt Bonds is or was being applied to pay costs of the Original Authorized New Money Projects. By adding the 2026 Additional Project identified in item 11 in the table set forth in subsection (a) to the list of Projects set forth in Section 3(b) of Ordinance No. 2675, the City is also providing authorization for net original issue premium and investment earnings allocated to the new money portion of the 2021 Tax-Exempt Bonds to be applied to the costs of the 2026 Additional Project once the provisions of subsection (d) below and Section 7 hereof have been complied with. The principal amounts of the new money portion of the 2021 Tax-Exempt Bonds are hereby appropriated/re-appropriated in the maximum principal amounts set forth in the table in Section 2(a) above. In addition, the City hereby appropriates the following amounts to payment of costs of the 2026 Additional Project: (i) \$4,854.00 from investment earnings on the new money portion of the 2021 Tax-Exempt Bonds and (ii) \$2,696.00 from the portion of the net original issue premium

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240 allocated to the new money portion of the 2021 Tax-Exempt Bonds for the payment of costs of
241 issuance.

242
243 (c) The projects identified in the table set forth in subsection (a) above (which amends
244 and supplements Section 3(b) of Ordinance No. 2675, as amended and supplemented to date) are
245 collectively referred to herein as the “2026 Revised Projects.” Subject to the provisions of subsection
246 (d) below and Section 7 of this Ordinance, from and after the effective date of this Ordinance, all
247 references to the Projects in Ordinance No. 2675, as amended and supplemented to date, shall be
248 deemed to be references to the 2026 Revised Projects, as identified in this Ordinance. Subject to the
249 provisions of subsection (d) below and Section 7 of this Ordinance, from and after the effective date
250 of this Ordinance, the provisions of this Section 2 shall supersede the provisions of Section 3(b) of
251 Ordinance No. 2675, as amended and supplemented, including by this Ordinance, with respect to the
252 application of the principal amount of the Authorized Bonds as authorized by Ordinance No. 2675.

253
254 (d) Notwithstanding the foregoing provisions of this Section 2, the principal amount of
255 the new money portion of the 2021 Tax-Exempt Bonds (including allocable net original issue
256 premium and allocable investment earnings thereon) may not be applied to costs of the 2026
257 Additional Project unless and until the City adopts a resolution making corresponding amendments
258 to the provisions of Section 2(b) of Resolution No. 3117, as amended and supplemented to date, to
259 include the 2026 Additional Project in the list of the 2021 New Money Projects identified in
260 Resolution No. 3117, thereby allowing a portion of the principal amount of the new money portion
261 of the 2021 Tax-Exempt Bonds to be applied to costs of the 2026 Additional Project.

262
263 (e) Subject to the provisions of the subsections above and Section 7 of this Ordinance, it
264 is the intention of the Council that any investment earnings earned on the new money portion of the
265 proceeds of the 2021 Tax-Exempt Bonds (i) prior to the effective date of this Ordinance, to the extent
266 not already spent in accordance with the provisions of the Ordinance No. 2675 (as amended and
267 supplemented), Resolution No. 3117 (as amended and supplemented) or applicable budgetary
268 procedures or applicable law, and (ii) on and after the effective date of this Ordinance, shall be applied
269 to costs of any of the 2026 Revised Projects; provided that, any such investment earnings may be
270 allocated otherwise in accordance with applicable budgetary procedures or applicable law, including,
271 to the extent applicable, by resolution.

272
273 (f) References in this Ordinance to applying principal or net original issue premium of
274 the 2021 Tax-Exempt Bonds and any investment earnings on the proceeds of the 2021 Tax-Exempt
275 Bonds to costs of the 2026 Additional Project shall be construed to refer solely to proceeds
276 constituting the new money portion of the 2021 Tax-Exempt Bonds and not to any proceeds of the
277 2021 Tax-Exempt Bonds issued for current refunding purposes.

278
279 **Section 3.** **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL**
280 **OF THE CITY OF SALISBURY, MARYLAND,** that, subject to the provisions of Sections 2(d)
281 and 7 of this Ordinance, any of the Mayor, the City Administrator, the Director of Finance and all
282 other appropriate officials and employees of the City, to the extent acting within the scope of their

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283 respective authority, are hereby authorized and empowered to take any and all action necessary or
284 appropriate to provide for the application of the proceeds of the new money portion of the 2021 Tax-
285 Exempt Bonds to finance or reimburse costs of the 2026 Revised Projects and to approve, execute
286 and deliver all documents, certificates or instruments necessary or appropriate in connection therewith
287 or in connection with the transactions contemplated by this Ordinance, including, without limitation,
288 any amendments, modifications or supplements to any documents, certificates or instruments
289 delivered in connection with the 2021 Tax-Exempt Bonds.
290

291 **Section 4.** **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL**
292 **OF THE CITY OF SALISBURY, MARYLAND,** that from and after the effective date of this
293 Ordinance, Ordinance No. 2675 (as amended and supplemented to date) shall be deemed amended
294 and supplemented as provided herein and all other terms and provisions of Ordinance No. 2675 (as
295 amended and supplemented to date) shall remain in full force and effect.
296

297 **Section 5.** **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL**
298 **OF THE CITY OF SALISBURY, MARYLAND,** that the title of this Ordinance shall be deemed
299 to be, and is, a fair statement of the substance of this Ordinance for posting and all other purposes.
300

301 **Section 6.** **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL**
302 **OF THE CITY OF SALISBURY, MARYLAND,** that the provisions of this Ordinance shall be
303 liberally construed in order to effectuate the transactions contemplated by this Ordinance.
304

305 **Section 7.** **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF**
306 **THE CITY OF SALISBURY, MARYLAND,** that this Ordinance shall become effective
307 following approval by the Mayor or subsequent passage by the Council following the Mayor's veto
308 in accordance with the provision of Section SC2-12 of the Charter; provided, however, that,
309 notwithstanding the effective date of this Ordinance, no portion of the sale proceeds of the new money
310 portion of the 2021 Tax-Exempt Bonds or investment earnings thereon may be applied to costs of the
311 2026 Additional Project unless Resolution No. 3117 (as amended and supplemented to date) is
312 amended and supplemented as described herein. Pursuant to Charter Section SC2-16, this Ordinance
313 shall not be subject to petition to referendum.
314

315
316 [CONTINUED ON FOLLOWING PAGE]
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318 **THIS ORDINANCE** was introduced and read at a meeting of the Council of the City of
319 Salisbury held on the 24 day of August, 2026, and thereafter, a statement of the substance of this
320 Ordinance having been posted or published as required by law, was finally passed by the Council
321 X [as introduced] _____ [as amended] [CHECK APPLICABLE LINE] on the 14
322 day of September, 2026.

323
324
325 **ATTEST:**

326
327
328 _____
329 **Julie A. English, City Clerk**

328 _____
329 **April R. Jackson, City Council President**

330
331
332 Approved by me, this _____ day of _____, 2026:
333

334
335 _____
336 **Randolph J. Taylor, Mayor**

337
338
339
340
341
342 #245331;58111.001
343

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City of Salisbury

Memo

To: Nick Rice, City Administrator
From: Scott Roberts, Director of Arts, Business and Culture
Date: August 19, 2026
Subject: Ordinance for Accepting Funds From Main Street Improvement Grant FY27- 2nd Reading

The Department of Arts Business and Culture Department has been made aware that the Maryland Department of Housing and Community Development (DHCD) has awarded the city in the amount of \$26,000 for the purpose of downtown revitalization. We request that the city accept this grant, which would allow for revitalization initiatives to continue. There is no match requirement for these funds.

Attachment(s):

[FY27MIPAwardLetter_Salisbury \(1\).pdf](#)
[MIP FY27 Budget Breakdown-UPDATED.docx](#)
[Revised-FY27 MIP LOA Agreement.pdf](#)
[Ord3024](#)
[Grant Agreement-MIP FY27.pdf](#)

July 1, 2026

Derek Jarmon
Economic Development Manager
City of Salisbury
125 North Division Street, Room 103
Salisbury, MD 21801

Dear Mr. Jarmon:

On behalf of Governor Wes Moore and Lieutenant Governor Aruna Miller, it is my pleasure to inform you that your FY2027 Operating Assistance Grant application for operating support through the Main Street Improvement Program has been awarded funds in the amount of \$26,000.

The Maryland Department of Housing and Community Development (DHCD) is committed to the success of our many cities and towns across Maryland. Operating Assistance Grants - consisting of the Main Street Improvement Program and the Technical Assistance Grant - are an effective way for local governments, development corporations and nonprofits to obtain or provide services to achieve their community revitalization and economic development goals.

The actual allocation of this award is conditioned upon your organization being in compliance with all current DHCD grant awards, meeting the requirements of the Operating Assistance Grant and the execution of an award agreement with the department. Program staff will be in contact with your office soon to discuss this matter in more detail.

Again, congratulations on your award and thank you for providing valuable services in your community. If you require further assistance regarding this matter, please contact Kristin Dawson by e-mail at kristin.dawson@mayland.gov.

Sincerely,



Jacob R. Day
Secretary

cc: Kari Snyder, Assistant Secretary, Neighborhood Revitalization
Christine McPherson, State Coordinator, Main Street Maryland



City of Salisbury

Please find the breakdown of our “Operating Requested amount” from the budget table below.

Use of Funds	Amount	Source	Description
Small Business Support	\$15,000	FY27 MIP Funding	Funding will be directed at strengthening our engagement and recruitment of business within our Main Street designated area. This includes supporting/collaborating with various events, interactive components to attract visitors, façade assistance, activating vacant storefronts specifically during events, etc.
Events/Promotion/ Marketing	\$7,000	FY27 MIP Funding	-Let’s Rallie Renewal: \$1,800 -Shop Small-Nov.: \$1,500 budgeted -Halloween Night Market: \$1,500 -Shop Small Valentine’s Day: \$1,500 -Over the Edge: Let’s Rallie inclusion
Beautification/ Placemaking	\$0,000	FY27 MIP Funding	Based off GSC’s beautification initiative.

Thank you,

Derek V. Jarmon Jr.

Derek V. Jarmon Jr.

Economic Development Manager

**Maryland Department of Housing and Community Development
Main Street Maryland Program
Agreement for Designated Communities**

This Agreement is entered into between and executed by the MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT ("DHCD") and CITY OF SALISBURY (referred to herein as the "Local Government" or the "MSM Community").

This Agreement is for the purpose of implementing the Main Street Approach™ in the designated program (the "Program") area in SALISBURY, Maryland. For this purpose, the parties below mutually agree to use their best efforts regarding the following:

I. RESPONSIBILITIES OF THE LOCAL GOVERNMENT

- **Commit:** The Local Government is responsible for maintaining the Main Street designation in accordance with the responsibilities of this agreement.
- **Identify a Partner, if Desired:** The Local Government may choose to identify a nonprofit partner to administer the local Main Street Maryland program (the "Local Program"). An executed agreement documenting the partnership must be provided to DHCD.
- **Provide Ongoing Support:** In addition to providing operating funding to support the Local Program, the Local Government will endeavor to demonstrate leadership and support through committee participation, in-kind donations, and policy support for the Local Program. The Local Government should also provide infrastructure improvements and business incentives that enhance the designated Program area.
- **Sign an Agreement:** Local commitment and support are critical to Program success. The Local Government and DHCD must sign an agreement that clearly specifies the responsibilities of each party.
- **Report Challenges:** If the MSM Community experiences challenges meeting participation requirements in one or more areas, the Local Government should contact DHCD in a timely manner to discuss challenges and develop strategies and a timeline to address these challenges.

II. RESPONSIBILITIES OF THE MSM COMMUNITY

- **Use The Main Street Approach™, Including Maryland's "Fifth Point":** The MSM Community must use the national Main Street Approach™. This approach is a revitalization strategy that uses a four-point framework: Economic Vitality, Quality Design, Effective Promotion, and Sustainable Organization. It is rooted in a commitment to broad-based community engagement, a holistic understanding of the factors that impact the quality of life in a community, and a strategic focus on core principles of

downtown and neighborhood revitalization that are rooted in historic preservation. Likewise, the MSM Community must use Maryland's "Fifth Point": Clean, Safe and Green.

- **Work in the Approved Main Street District:** The Main Street Approach™ is part of a transformation strategy to be implemented within certain geographic boundaries as approved by DHCD during the application process. The district must be a physical setting conducive to applying the Main Street Approach™, including a pedestrian scale and orientation; a critical mass of buildings with first floor businesses or a critical mass of buildings zoned for first floor commercial; and a substantial number of structures eligible for rehabilitation incentives. Districts also must demonstrate a historic preservation ethic that protects the local community identity ("**Main Street District**"). Changes to the Main Street District boundaries must be approved by DHCD.
- **Have an Advisory Board or Board of Directors:** The MSM Community must have an Advisory Board, for government-led programs, or a Board of Directors (Collectively, and individually hereinafter referred to as the "**Board**") for non-profit programs. The Board must be composed of a representative base of the district stakeholders and community members, dedicated to leading the Local Program. The historic downtown constituency is unique and has not been adequately served by traditional economic and business development groups, a separate, independent Board with a mission to act as the advocate for historic downtown is essential to stem economic decline and foster progress.
- **Have Sustainable Program Funding:** The financial stability of the MSM Community is crucial to achieving the Program's mission. In addition to paying salaries, the MSM Community's operating budget must demonstrate diverse funding sources that cover all program and administrative expenses, including activities outlined in the comprehensive work plan, overhead and program administration, travel and professional development. Budgets will vary by community and example budgets are available from DHCD. DHCD strongly encourages the MSM Community to implement the following funding model: one-third from the Local Government, one-third from grants, and one-third from corporate and individual donors.
- **Employ A Program Director:** Paid professional staff to manage the Main Street program is critical and required to meet accreditation with Main Street America. At a minimum, DHCD requires a part-time manager (the "MSM Manager") at 25+ hours a week for cities under 5,000 in population and a full-time manager at 35+ hours a week for cities over 5,000 in population. The manager's job description should state 25+ for part-time or 35+ for full-time be dedicated to the Main Street program, if other duties are required. However, DHCD strongly encourages a full-time manager, no matter the population size, to be most effective. Salaries should be commensurate with public-oriented professionals in the area. If this position becomes vacant, DHCD shall be involved in the process for selection of a new MSM Manager.
- **Have Organizational Systems and Structures:** Administrative systems and tools help effectively manage Local Program activities throughout the MSM Community while

benchmarking progress. Each year DHCD requires that the MSM Community submit to DHCD a work plan that is aligned with the MSM Community's transformation strategy and outlines programming across the Main Street Approach™ and Maryland's "Fifth Point". Work plans (template provided by Main Street America) will include one or more projects or events, expected (measurable) outcomes, specific tasks needed to accomplish the project or event, assignments of those tasks showing volunteer and staff responsibilities, timelines, and budgets. The MSM Community should operate in compliance with its bylaws, operating agreement, and other organizational documents as applicable. In executing this Agreement, the MSM Community confirms that its organizational documents do not conflict with the requirements identified herein.

- **Program Logo:** DHCD's Program Designated tier logo must appear on the MSM Community's website/webpage. The MSM Community must use the DHCD provided DHCD's Program logo on social media, email, and marketing materials when appropriate. Electronic artwork and style guides are provided.
- **Maintain Accreditation Standards:** The MSM Community must be recognized as a Main Street America™ nationally accredited program at least once every two years to demonstrate the performance standards of the Local Program. Main Street America's annual national assessment is used to make the accredited determination. Failure to remain in compliance with this standard may result in DHCD moving the Community to another tier that best supports the Program's needs.
- **Maintain Membership with the National Main Street Center:** The MSM Community must maintain compliance with Main Street America™ through the National Main Street Center, Inc. ("National Main Street"). The MSM Community must sign the National Main Street Trademark Sublicense Agreement ("Sublicense Agreement") and must be and remain in good standing as a member at the accredited and/or affiliated membership level. National Main Street will send logos and website language following receipt of the signed Sublicense Agreement.
- **Professional Development and Training:** The MSM Managers are required to attend certain DHCD meetings, including but not limited to regional site visits, training sessions, Power Hours, the annual Main Street Maryland Conference, and the National Main Street Now Conference. Though MSM Managers are required to attend the Main Street Now conference at least every other year, DHCD recommends annual attendance as it is the best opportunity to receive professional development and training in the field.
- **Submit Information to DHCD:** The MSM Community must submit the following to DHCD:
 - Ongoing, as changes occur:
 - Contact information for any MSM Community staff
 - Annually:
 - Most recent end-of-year financial statement with detailed income sources. Audited financial statements are required for organizations with \$750,000 or more in charitable contribution in one fiscal year. Reviewed financial statements are required for organizations with

charitable contributions between \$300,000 and \$749,999 per fiscal year. Organizations with charitable contributions less than \$300,000 per fiscal year are typically exempt from review requirements.

- A current list of the members of the Board, identifying any affiliations each Board member has with the district, including but not limited to any potential conflicts of interest;
 - Adopted conflict of interest policy for the organization;
 - Annual comprehensive work plan for the upcoming year with measurements of success and defined transformation or economic strategy(s);
 - Annual impact data including job creation, private and public investment, business opened/closed, and more.
 - Local design guidelines (if applicable);
 - All local grant applications, as applicable, such as Façade Improvement, Small Business Support, etc; and
 - If the MSM Community is a nonprofit organization, most recent IRS Form 990, Bylaws/Operating Agreement, and Articles of Incorporation/Organization, proof of good standing and current charitable registration status in the State of Maryland.
 - Maintain current property data as required in Main Street America's BOOMS Tracker system.
- **Report Challenges:** If the MSM Community is experiencing challenges meeting the requirements in one or more areas, the MSM Community should contact DHCD as soon as possible to discuss the situation, arrange assistance, and develop a schedule to address the challenges in a timely manner.

III. RESPONSIBILITIES OF DHCD

DHCD will provide the services listed below to the MSM Community using a performance-based approach that will require discussions between the MSM Community and DHCD to set appropriate targets and outcomes. DHCD is committed to maintaining long-term relationships with the MSM Community.

- **Specialist Services and Technical Assistance:**
 - Design Assistance: As resources allow, DHCD will provide architectural and/or design services to support requests for façade designs, consultations, and training.
 - Specialist On-site Visits: DHCD staff is available on request. Specialists are available based on need and as resources allow.
 - Program Assessment: DHCD will perform a constructive assessment annually to determine Main Street America accreditation according to the performance standards that provide national recognition.
- **Program Support and Professional Development:**

- Program Trainings and Workshops: A variety of training and peer gatherings are offered for Local Program professionals and Local Government officials. These events are provided by DHCD and outside specialists to include virtual, in-person, and field training sessions as well as presentations on downtown revitalization topics. Certain training/workshops are required for MSM Managers; and DHCD will endeavor to hold such events at least quarterly.
- Board Training: Board members are required to attend training offered by DHCD during the first year of their first term of service.
- Organizational Assistance: DHCD can assist with organizational issues, including the role and responsibilities of staff and the Board. Assistance includes annual work plan development, fund development, volunteer management plans, and non-profit organizational management. Additional topics available. Assistance may be provided on-site or virtually.
- Main Street Improvement Grants and other DHCD Grants: The MSM Community receives funding by applying to the Main Street Improvement Grant program as well as priority consideration for funding from other DHCD programs and other State agencies.
- Resource & Information Sharing: Timely electronic communications from the National Main Street Center to assist local programs with accessing programs, services, and information from the global network. Networking with other communities, whether in person or virtually, is strongly encouraged. DHCD maintains a contact list for local program use.
- DHCD matches the MSM Community to the appropriate MSM tier to best support the program's needs.
- **Provide Marketing:**
 - Public Relations: Press coverage and exposure are provided through media releases and marketing materials and maintenance of the Program website.
 - Use of DHCD's Program Logo: Electronic artwork and style guide are provided.
- **Sign an Agreement:** Local commitment and support are critical to Program success. The Local Government; the MSM Community, if separate from the Local Government; the downtown organization (if applicable); and DHCD must sign an agreement that clearly specifies the responsibilities of each party.

IV. MISCELLANEOUS & SIGNATURES

- The term of this Agreement shall begin July 1, 2026 and will expire on June 30, 2027.
- This Agreement may be revised only by a written agreement signed by all parties.
- This Agreement may be terminated by any party by giving written notice to all other parties at least thirty (30) days before the effective date of termination. Reasons for termination may include, but are not limited to, non-compliance with this Agreement or non-appropriation of funding. Upon termination, Main Street™ status and permission to use the Main Street™ trademarked name will be revoked.

- This Agreement supersedes any and all other agreements, either oral or written, between the parties below regarding the subject matter herein.
- This Agreement may be signed in counterparts, all of which collectively shall be deemed one agreement.
- The parties agree that this Agreement may be executed by electronic signature, which shall be considered as an original signature for all purposes, and shall have the same force and effect as an original handwritten signature. Without limitation, "electronic signature" shall include: faxed versions of an original handwritten signature; electronically scanned and transmitted versions (e.g., via pdf) of an original handwritten signature; and any typed signature (including any electronic symbol or process attached to, or associated with, the Agreement) adopted by the parties with the intent to sign the Agreement.

BY: Allen Swiger DATE: 6/11/25
 (Board of Directors or Advisory President/Chair/Executive Lead: The Main Street Community)

PRINTED FIRST AND LAST NAME: Allen Swiger TITLE: Acting Advisory Chair

BY: [Signature] DATE: 6-11-26
 (Local Government – Mayor or if not a municipality, County Executive)

PRINTED FIRST AND LAST NAME: Ramona J. May TITLE: Mayor

BY: _____ DATE: _____
 (MD Department of Housing and Community Development)

PRINTED FIRST AND LAST NAME: Kari Snyder POSITION: Assistant Secretary

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WHEREAS, the Maryland Department of Housing and Community Development has a Main Street
ement Program; and

WHEREAS, The City of Salisbury submitted a grant application to The Maryland Department of Housing and Community Development for funding of downtown revitalization initiatives; and

WHEREAS, the City of Salisbury must enter into a grant agreement with the Maryland Department of Housing and Community Development to define, *inter alia*, how these funds will be used; and

WHEREAS, § 7-29 of the Salisbury City Charter prohibits the City from entering into a contract that requires an expenditure not appropriated or authorized by the Council of the City of Salisbury.

WHEREAS, appropriations necessary to execute the purpose of this grant must be made upon the recommendation of the mayor and the approval of four-fifths of the Council of the City of Salisbury.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. Mayor Randolph J. Taylor is hereby authorized to enter into a grant agreement with the Maryland Department of Housing and Community Development on behalf of the City of Salisbury, which is attached as **Exhibit A**, for the city's acceptance of grant funds in the amount of \$26,000.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. The City of Salisbury's Grant Fund Budget be and hereby is amended as follows:

(a) Increase Dept. of Housing Comm Dev Revenue Account No. 10500-423601-XXXXX by \$26,000; and

(b) Increase Operating Expense Account No. 10500-546006-XXXXX by \$26,000.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 3. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 4. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 5. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 5.

Section 6. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 24 day of August, 2026 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the 14 day of September, 2026.

ATTEST:

Julie A. English, City Clerk

April R. Jackson, City Council President

Approved by me, this _____ day of _____, 2026.

Randolph J. Taylor, Mayor

OPERATING ASSISTANCE GRANT PROGRAM GRANT AGREEMENT

This Grant Agreement (this "**Agreement**"), by and between the DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, a principal department of the State of Maryland ("**DHCD**"), and CITY OF SALISBURY (the "**Grantee**"), is effective as of July 1, 2026 (the "**Effective Date**").

RECITALS

WHEREAS, Grantee has applied to DHCD for a grant under the Operating Assistance Grant Program (the "**Program**"). The Program includes: Main Street Improvement Program Grants ("**MIP Grants**"), pursuant to §6-102 of the Housing and Community Development Article of the Annotated Code of Maryland, COMAR 5.13.02, and DHCD's general authority to administer and implement programs, pursuant to §2-102 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended. The provisions of the Annotated Code of Maryland and the related regulations are referred to herein collectively as the "**Act**."

WHEREAS, the purpose of the MIP Grants is to promote the development and revitalization of business districts in local jurisdictions through a grant to a local government designated as a Main Street Maryland community, a Baltimore Main Street, or a nonprofit Main Street organization, with the support of the local government.

WHEREAS, in reliance upon the representations and certifications contained in the Grantee's application for grant assistance dated March 20, 2026 (the "**Application**"), DHCD has approved an award of **MIP Grant** funds to the Grantee, to be expended by the Grantee in accordance with the requirements and provisions of this Agreement, the Program, DHCD's Program Policy Guide, as amended from time to time (the "**Guide**"), and the Act.

IN CONSIDERATION of the mutual promises and covenants contained in this Agreement, DHCD and Grantee agree as follows:

1. Specific Purpose.

The purpose of this Agreement is to provide the Grantee with financial assistance to pay for the activities (the "**Project Activities**") set forth in Exhibit A attached hereto (the "**Project**"). Upon request by the Grantee, DHCD, in its sole discretion, may modify the Project Activities and/or the Project by providing prior written notice to Grantee of such modification.

2. Grant Amount.

(a) DHCD agrees to provide Grantee with a grant from the Program in a total amount not to exceed Twenty-Six Thousand and 00/100 Dollars (\$26,000) (the "**Grant**").

(b) The Grant shall be disbursed in accordance with Section 6 of this Agreement and as set forth in the budget (the "**Budget**") set forth and attached as Exhibit B of this Agreement.

3. Grantee Contribution.

The Secretary of DHCD has made a determination to waive the Grantee contribution pursuant to COMAR 5.11.01.11(D) and COMAR 5.13.02.12.

4. Grant Period.

The Grant shall be disbursed over a one year term (the “**Grant Period**”). The Grant Period is deemed to commence on the Effective Date. DHCD, in its sole discretion, may extend the Grant Period by providing prior written notice to the Grantee of such extension. Grantee shall be reimbursed for eligible costs incurred during the Grant Period; provided, however, that DHCD may, in its sole discretion, determine if Grantee shall be reimbursed for costs incurred before the Effective Date. Any costs incurred by Grantee before the Effective Date and before approval by DHCD of the release of Grant funds are incurred voluntarily, at Grantee's risk and upon its own credit and expense, and Grantee's authority to be reimbursed from the Grant funds shall be governed by the provisions of this Agreement. DHCD, in its sole discretion, may extend the Termination Date by written notice to Grantee.

5. Expenditure of the Grant.

Grantee agrees to use the Grant funds only for the approved Project and in accordance with the Budget. All expenses to be paid with the Grant shall be paid in a manner satisfactory to DHCD, prior to the expiration of the Grant Period. The Grantee shall expend the Grant only for the categories of activities set forth in the Budget. Grantee shall use the Grant in accordance with the provisions of the Act, the Guide, and this Agreement.

Grantee may transfer up to ten percent (10%) of the Grant funds between Project Budget Activities without prior written approval of DHCD, so long as the line item to which Grant funds are transferred has already included some amount of the Grant allocated to it prior to such transfer by Grantee. DHCD, in its sole discretion, may allow additional transfers between Project Budget Activities by providing prior written approval to Grantee of such transfers.

6. Disbursement of the Grant.

(a) Requests for disbursement of the Grant shall be made in writing upon forms provided by DHCD. During the term of this Agreement, each request for disbursement from the Grantee shall be accompanied by a progress or final report and contain the information required by DHCD, including but not limited to the status of the Project, goals achieved, expenditures made against the Budget and expected Project activity to be completed prior to submitting the next disbursement request.

(b) Requests for disbursement of Grant funds must be accompanied by a statement that the representations, certifications, and other matters contained in the Application and this Agreement are, and remain, true and complete in all material respects. Disbursement requests may seek funds to pay for certain projected costs anticipated to be incurred, as well as reimbursement for costs incurred, on or after the date of the Application. DHCD shall have the right at any time to request that the Grantee provide additional supporting documentation with any request for disbursement.

(c) All disbursements of the Grant must total \$3,000 minimally and are subject to the availability of funds from the Program during the Grant Period.

(d) Disbursements of the Grant may be made at any time after the Effective Date, subject however, to the satisfaction of any special conditions set forth in Exhibit C.

(e) DHCD reserves the right to make disbursements contingent upon completion by Grantee of the Project Activities, in a manner acceptable to DHCD. Grantee shall indicate on each disbursement request all costs for which payment is requested.

(f) DHCD reserves the right not to disburse all or any portion of the Grant if, in the sole determination of DHCD: (i) Grantee has failed to supply any material fact in a disbursement request; (ii) Grantee's disbursement request, when combined with all prior disbursement requests, exceeds the total amount of the Grant; (iii) Grantee is in default of the terms of this Agreement; or (iv) the Project is not proceeding to the satisfaction of DHCD.

(g) If Grantee is not a local government or jurisdiction, Grantee may use a portion of the Grant funds for reimbursement of indirect costs. The indirect cost reimbursement rate is: (i) equal to the indirect cost reimbursement rate Grantee receives from a federal agency or another State of Maryland ("State") agency, if applicable; or (ii) up to 15% of the costs that would be considered modified total direct costs under the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards adopted by the Office of Management and Budget in 2 C.F.R. 200 and any related guidance published by the Office of Management and Budget. The indirect cost reimbursement rate applies to the portion of the Grant, if any, that is for the provision of services.

7. Default and Remedies.

(a) A default shall consist of a breach of any covenant, agreement, term or certification in this Agreement, including a determination by DHCD that (i) the Grantee has expended all or any portion of the Grant for purposes other than as set forth herein; (ii) the Grantee has expended all or any portion of the Grant other than in accordance with the permitted categories of activities set forth in the Budget or as otherwise authorized by this Agreement; or (iii) the Grantee is not completing the Project Activities to the satisfaction of DHCD.

(b) Upon the occurrence of default, DHCD, in its sole discretion may:

- (i) Reduce or withhold subsequent disbursements of the Grant;
- (ii) Demand repayment from Grantee of the portion of the Grant previously disbursed to Grantee; and
- (iii) Terminate this Agreement.

(c) In addition to the rights and remedies contained in this Agreement, DHCD may at any time proceed to protect and enforce all rights available to DHCD by suit in equity, action at law, or by any other appropriate proceedings, all of which rights and remedies shall survive termination of this Agreement. Furthermore, no failure or delay of DHCD to exercise any right, power, or remedy consequent upon a default shall constitute a waiver of any such term, condition, covenant, certification, or agreement, or preclude DHCD from exercising any such right, power, or remedy at any later time or times.

8. General Requirements of Records and Reports: Inspection.

(a) Records and Inspection. Grantee shall maintain accurate financial records in a form acceptable to DHCD of all transactions relating to the receipt and expenditure of the Grant. Grantee shall maintain and shall make the financial records, books, accounts, other relevant records, administrative offices and personnel, whether full-time, part-time, consultants or volunteers, available to DHCD during

reasonable work hours upon request during the term of this Agreement and for a period of not less than 3 years following termination of this Agreement.

(b) Progress Report. Grantee shall submit a written progress report within six months of the effective date containing the information required by DHCD, including but not limited to the current status of the Project, problems encountered or barriers to implementing Project activities as identified in the Budget, and plans for moving Project activity forward.

(c) Final Report. Grantee shall submit to DHCD a final report (the "**Final Report**") which describes the progress made in fulfilling the purposes of the Grant, any problems encountered in fulfilling these purposes, as well as any other relevant factors related to the Grant as determined by DHCD. The Final Report shall also list all expenditures relating to the Grant. In addition, any completed studies, surveys, reports or other work products, if applicable, shall be attached to the Final Report. The Final Report shall be submitted to DHCD within 30 days of the expiration of the Grant Period; provided, however, that in the event Grantee submits its final request for disbursement for all remaining undisbursed Grant funds prior to the expiration of the Grant Period, the Final Report shall be submitted with such final request for disbursement.

9. Modifications.

(a) Except as provided in Section 9 (b), no modification to this Agreement may be made unless by written instrument executed by both Parties.

(b) Modifications not requiring a written instrument.

(i) Modifications to the Project.

- a. DHCD will consider reasonable modifications to the Project.
- b. All requests to modify the Project must be submitted to DHCD in writing.
- c. Prior to a request being made to DHCD, the board of directors or other governing body of the Grantee must have approved the proposed modification.
- d. DHCD shall determine, in its sole discretion, whether to allow the requested modification.
- e. Upon approval of the modification, DHCD will notify the Grantee in writing. This approval shall formalize the modification and constitute a valid modification to this Agreement. A separate written instrument executed by both Parties is not required.

(i) Modifications of the Grant Period or the reallocation DHCD funding in Exhibit B.

- a. Requests to change the grant period or reallocate the use of DHCD funds as described in Exhibit B may be amended from time to time by the Grantee.
- b. To request such change, Grantee may submit a written change order.
- c. If the change order is approved by the DHCD, it shall be countersigned and attached to the Agreement. This shall formalize the modification and constitute a valid modification to this Agreement. A separate written instrument executed by both Parties is not required.

10. Assistance from DHCD. In carrying out the Project Activities, Grantee agrees to accept assistance from DHCD, or DHCD's designee, if DHCD determines such assistance is necessary.

11. Grantee's Certifications. Grantee certifies to DHCD that:

(a) The Grantee shall complete, execute and deliver the Debarment Affidavit included with this Agreement (Exhibit D) to the DHCD. If the Grantee is unable to make all the affirmations in the Debarment Affidavit without qualification, the DHCD shall determine in its sole discretion whether to withdraw its offer under this Agreement.

(b) Grantee is a nonprofit 501(c)(3) organization or a government entity validly existing under the laws of the State, is qualified to do business in the State, and has all requisite power and authority to enter into and carry out the transactions contemplated by this Agreement.

(c) This Agreement has been duly authorized, executed, and delivered by Grantee in such manner and form as to comply with all applicable laws to make this Agreement the valid and legally binding act and agreement of Grantee.

(d) Grantee is a local jurisdiction or local government, a local development agency, a local development corporation or a nonprofit organization duly organized and validly existing under the laws of the State, is qualified to do business in the State, and has all requisite power and authority to enter into and carry out the transactions contemplated by this Agreement;

(e) This Agreement has been duly authorized, executed and delivered by the Grantee in such manner and form as to comply with all applicable laws to make this Agreement the valid and legally binding act and agreement of Grantee;

(f) (i) A conflict of interest occurs when an employee, director, officer, board member, volunteer, or elected official (each, an **"Interested Person"**), who has a direct or indirect interest in the Grant or receives any benefit from the Grant, is involved in the selection, award or administration of the Grant;

(ii) If the use of any of the Grant funds could lead to a conflict of interest, any Interested Person must disclose his or her interest to the Grantee and, in connection with the proposed use giving rise to the conflict of interest, not participate in any aspect of the decision-making process regarding how the Grant funds will be allocated or expended, including discussion and debate as well as actual voting;

(iii) Grantee shall establish and follow a written conflict of interest policy (the **"Conflict of Interest Policy"**) that, at a minimum, must include the requirement set forth in Section 11(e)(ii). Grantee shall obtain signatures from each Interested Person on an annual basis that confirms that such Interested Person has read, understands, and will follow Grantee's Conflict of Interest Policy;

(g) The representations, statements and other matters contained in the Application are and remain true and complete in all material respects;

(h) If applicable, Grantee has obtained, or has reasonable assurances, that it will obtain, all federal, State and local government approvals, permits and reviews which may be required to accomplish the Project Activities and its goals under the Project;

(i) Grantee is not affiliated with or controlled by a for-profit organization;

(j) Grantee will comply with all applicable federal, State, and local laws, and all regulations, ordinances, and all terms and conditions established by DHCD or the State with respect to the operation of the Project;

(k) Grantee shall not use, and shall not permit others to use, the Grant funds to engage in political or legislative activities in violation of I.R.C. §501(c)(3);

(l) Grantee has complied or shall comply with all special conditions which may be imposed by DHCD; and

(m) Grantee is not subject to any current or pending bankruptcy proceeding, criminal investigation, or civil investigation by any federal, State, or local government agency for alleged violation of laws or regulations enforced by such agencies.

12. Nondiscrimination and Drug and Alcohol Free Workplace.

(a) Intentionally Omitted

(b) Grantee shall comply with applicable federal, State, and local laws regarding discrimination and equal opportunity in employment, housing, and credit practices, including:

(i) Titles VI and VII of the Civil Rights Act of 1964, as amended, to the end that no person shall experience employment discrimination or be excluded from participation in, or be denied the benefits of, any program or activity for which Grantee receives financial or technical assistance from DHCD, on the grounds of race, color, or national origin;

(ii) Title VIII of the Civil Rights Act of 1968, as amended, to the end that no person shall be denied fair housing;

(iii) Title 20 of the State Government Article, Annotated Code of Maryland, as amended, which establishes the Maryland Commission on Civil Rights and prohibits discrimination in employment and residential housing practices;

(iv) The Governor's Executive Order 01.01.1989.18 relating to Drug and Alcohol Free Workplaces, and any DHCD or State regulations adopted or to be adopted to carry out the requirements of that Order;

(v) The Fair Housing Amendments Act of 1988, as amended to the end that it shall be unlawful to discriminate based on race, color, religion, sex, handicap, familial status, or national origin in connection with rental, sales or financing of residential real property (as those terms are defined in the Fair Housing Amendments Act);

- (vi) The Americans with Disabilities Act of 1990, as amended;
- (vii) State of Maryland Governor's Code of Fair Employment Practices (as set forth in Executive Order 01.01.2007.16);
- (vii) The Secretary's Policy Statement on Equal Opportunity, to the end that DHCD shall not knowingly approve grants of financial or technical assistance to recipients who are engaged in discriminatory employment practices; and
- (ix) All other related applicable federal and State laws, regulations, and rules.

13. Fair Practices Certification.

- (a) The Grantee certifies that it prohibits discrimination on the basis of:
 - (i) Political or religious opinion or affiliation, marital status, color, race, sex, age, creed or national origin; or
 - (ii) The physical or mental disability of a qualified individual with a disability.
- (b) Grantee agrees that it will not engage in the forms of discrimination set forth in this Agreement or prohibited by law.
- (c) Upon the request of DHCD, Grantee shall submit to DHCD information relating to its operations, with regard to political or religious opinion or affiliation, marital status, physical or mental disability, race, color, creed, sex, age, or national origin on a form to be prescribed by DHCD.

14. Indemnification.

- (a) Except in the event of DHCD's negligence or willful misconduct or the negligence or willful misconduct of DHCD's officers, agents, employees, successors and assigns, Grantee (i) releases DHCD, its agents, employees, and the Program from, (ii) agrees that DHCD, its agents, employees and the Program shall not have any liability for, and (iii) agrees to protect, indemnify and save harmless DHCD, its agents, employees and the Program from and against any and all liabilities, suits, actions, claims, demands, losses, expenses and costs of every kind and nature, including reasonable attorneys' fees, incurred by, or asserted or imposed against, DHCD, its agents, employees, or the Program, as a result of or in connection with the Project. All money expended by DHCD, its agents, employees, or the Program as a result of such liabilities, suits, actions, claims, demands, losses, expenses or costs, together with interest rate not to exceed the maximum interest rate permitted by law, shall constitute an indebtedness of Grantee and shall be immediately and without notice due and payable by Grantee to DHCD.
- (b) If Grantee is a local government or jurisdiction, the indemnification and release set forth herein applies only to the extent permitted by the laws of the State and is subject to appropriations as well as the notice requirements and damages limitations stated in the Local Government Tort Claims Act, Md. Code Ann., Cts. & Jud. Proc. § 5-301, et seq., Md. Code Ann..Local Gov't §9-201, 9-202, and Md. Code Ann., Cts. & Jud. Proc. §§5-509 and 5-5A-02 , all as amended from time to time, and is not to be deemed as a waiver of any immunity that may exist in any action against a local government for its officers, agents, volunteers and employees.

15. Notice Regarding Disclosure of Information Relating to the Project. DHCD intends to make available to the public certain information regarding the Project and the Grantee. In addition, DHCD may be required to disclose information about the Project to the Board of Public Works and the Maryland General Assembly and may desire to disclose such information to other State officials or their staff, local government officials or their staff, and other lenders and funding sources. DHCD is also required to disclose information in response to a request for information made pursuant to §4-101 *et seq.* of the Public Information Act of the General Provisions Article, Annotated Code of Maryland (the "PIA"). Information that may be disclosed to any of the foregoing, including the public, may include, among other things, the name of the Grantee; the name, location, and description of the Project; the date and amount of financial assistance awarded by DHCD; the terms of the financial assistance; use of funds; information contained in the Application; a copy of the Application; and the sources, amounts and terms of other funding used to complete the Project, including capital contributions from the Grantee. Certain information may be exempt from disclosure under the PIA. Requests for disclosure of information made pursuant to the PIA are evaluated on an individual basis by DHCD. If Grantee believes that any of the information it has provided to DHCD is exempt from disclosure, Grantee should attach a statement to this Agreement describing the information it believes to be exempt from disclosure, the location of such information (for example, document name) and provide an explanation therefor. DHCD cannot guarantee non-disclosure of such information but may consider Grantee's statement when responding to a request made pursuant to the PIA.

16. Notices. All notices, requests, approvals and consents of any kind made pursuant to this Agreement shall be in writing. Any such communication, unless otherwise specified, shall be deemed effective as of the date it is mailed, postage prepaid, addressed as follows:

- (a) Communications to DHCD shall be mailed to:

Department of Housing and Community Development
2 North Charles Street, Suite 450
Baltimore, Maryland 21201
Attn: Kristin Dawson, Project Manager

- (b) Communication to Grantee shall be mailed to:

City of Salisbury
125 North Division Street, Room 103
Salisbury, MD 21801
Attn: Derek Von Jarmon, Economic Development Manager

17. Amendment. Other than modifications that are explicitly identified in this Agreement as modifications, DHCD may make unilaterally by providing written notice to the Grantee, this Agreement, or any part hereof, may be amended from time to time only by a written instrument executed by both of the parties.

18. Assignment. No right, benefit or advantage inuring to the Grantee and no burden imposed on Grantee under this Agreement may be assigned without the prior written approval of DHCD.

19. Governing Law. This Agreement shall be construed, interpreted and enforced in accordance with the laws of the State without regard to its conflict of laws provisions.

20. **Effective Date.** This Agreement is effective as of the Effective Date.

21. **Execution.** The parties agree that this Agreement may be executed by electronic signature, which shall be considered an original signature for all purposes, and shall have the same force and effect as an original handwritten signature. Without limitation, "electronic signature" shall include: faxed versions of an original handwritten signature; electronically scanned and transmitted versions (e.g., via pdf) of an original handwritten signature; and any typed signature (including any electronic symbol or process attached to, or associated with, the Agreement) adopted by the parties with the intent to sign the Agreement. This Agreement and any amendments thereto may be executed in one or more counterparts, each of which will be deemed to be an original copy of this Agreement or amendment and all of which, when taken together, will be deemed to constitute one and the same agreement. The exchange of copies of this Agreement or amendment and of signature pages by facsimile or by electronic transmission shall constitute effective delivery of this Agreement or amendment as to the parties and may be used in lieu of the original Agreement or amendment for all purposes. Each person signing this Agreement on behalf of a Party represents and warrants that the signer is duly authorized to execute this Agreement and to bind the Party authorizing such signature.

22. **CONFESSION OF JUDGMENT. IF THE PRINCIPAL AMOUNT OF THIS AGREEMENT, ANY INSTALLMENT OF INTEREST OR PRINCIPAL, OR ANY OTHER PAYMENT DUE UNDER THIS AGREEMENT IS NOT PAID WHEN DUE, WHETHER BY MATURITY, ACCELERATION OR OTHERWISE, EACH OBLIGOR WHO SIGNS THIS INSTRUMENT HEREBY AUTHORIZES AND EMPOWERS ANY ATTORNEY OR CLERK OF ANY COURT OF RECORD IN THE UNITED STATES OR ELSEWHERE TO APPEAR FOR AND, WITH OR WITHOUT DECLARATION FILED, CONFESS JUDGMENT AGAINST IT AND IN FAVOR OF THE HOLDER OF THIS AGREEMENT, AT ANY TIME, WITHOUT A PRIOR HEARING, AND IN THE AMOUNT OF THE OUTSTANDING PRINCIPAL BALANCE OF THIS AGREEMENT, ALL ACCRUED AND UNPAID INTEREST, OUTSTANDING FEES AND LATE CHARGES, AND ALL OTHER AMOUNTS PAYABLE TO THE HOLDER UNDER THE TERMS OF THIS AGREEMENT, INCLUDING COSTS OF SUIT AND REASONABLE ATTORNEYS' FEES INCURRED AS A RESULT OF, RELATED TO, OR IN CONNECTION WITH ANY DEFAULT UNDER THE AGREEMENT AND ANY EFFORTS TO COLLECT ANY AMOUNT DUE UNDER THE AGREEMENT OR ANY JUDGMENTS ENTERED THEREON. THE AUTHORITY AND POWER TO APPEAR FOR AND ENTER JUDGMENT AGAINST ANY OBLIGOR ON THIS AGREEMENT SHALL NOT BE EXHAUSTED BY ONE OR MORE EXERCISES THEREOF OR BY ANY IMPERFECT EXERCISE THEREOF; SUCH AUTHORITY MAY BE EXERCISED ON ONE OR MORE OCCASIONS OR FROM TIME TO TIME IN THE SAME OR DIFFERENT JURISDICTION AS OFTEN AS HOLDER SHALL DEEM NECESSARY AND DESIRABLE, FOR ALL OF WHICH THIS AGREEMENT SHALL BE SUFFICIENT WARRANT; IF ENFORCEMENT OF THIS AGREEMENT RESULTS IN HOLDER OBTAINING A MONEY JUDGMENT AGAINST ANY OBLIGOR ON THIS AGREEMENT, HOLDER'S RIGHT TO APPEAR AND CONFESS JUDGMENT FOR AMOUNTS DUE, INCLUDING THE PAYMENT AND REIMBURSEMENT OF REASONABLE ATTORNEYS' FEES AND COSTS ARISING AFTER THE ENTRY OF JUDGMENT (INCLUDING WITHOUT LIMITATION REASONABLE ATTORNEYS' FEES AND COSTS INCURRED TO COLLECT THE JUDGMENT OR LIQUIDATE AND COLLECT ANY COLLATERAL PLEDGED IN CONNECTION WITH THIS AGREEMENT OR ANY OF THE OTHER GRANT DOCUMENTS) SHALL NOT BE EXTINGUISHED BY OR MERGED INTO ANY SUCH JUDGMENT BUT SHALL SURVIVE THE JUDGMENT AS A CLAIM AGAINST ANY SUCH OBLIGOR AND ANY SUCH COLLATERAL.**

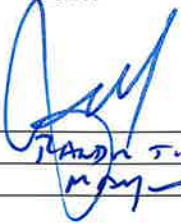
EACH OBLIGOR ON THIS AGREEMENT HEREBY WAIVES AND RELEASES, TO THE EXTENT PERMITTED BY APPLICABLE LAW, ALL PROCEDURAL ERRORS AND ALL RIGHTS OF EXEMPTION, APPEAL, STAY OF EXECUTION, INQUISITION, AND EXTENSION UPON ANY LEVY ON REAL ESTATE OR PERSONAL PROPERTY TO WHICH SUCH OBLIGOR MAY OTHERWISE BE ENTITLED UNDER THE LAWS OF THE UNITED STATES OF AMERICA OR OF ANY STATE OR POSSESSION OF THE UNITED STATES OF AMERICA NOW IN FORCE AND WHICH MAY HEREINAFTER BE ENACTED.

THIS SECTION 22 SHALL NOT APPLY TO LOCAL GOVERNMENTS OR JURISDICTIONS.

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IN WITNESS WHEREOF, the parties hereto have executed this document with the specific intention of creating a document under seal.

CITY OF SALISBURY

By:  (SEAL)
Name: Kari Snyder
Title: Assistant Secretary, Division of Neighborhood Revitalization

DEPARTMENT OF HOUSING AND
COMMUNITY DEVELOPMENT

By: _____
Name: Kari Snyder
Title: Assistant Secretary, Division of Neighborhood
Revitalization

Approved for form
and legal sufficiency

Assistant Attorney General

Exhibit A - Description of the Project Activities
Exhibit B - Project Budget
Exhibit C - Special Conditions
Exhibit D- (N/A)

EXHIBIT A**OPERATING ASSISTANCE GRANT PROGRAM****PROJECT ACTIVITIES**

As more fully described in Grantee's application for funds
dated March 20, 2026

GRANTEE: CITY OF SALISBURY

PROJECT ADDRESS: 125 North Division Street, Room 103, Salisbury, MD 21801

GRANT AMOUNT: \$26,000

USE OF FUNDS: Funds will be used for small business support, events / promotion / marketing, beautification / placemaking, and Destination Main Street printing.

OTHER CONTRIBUTION(S)**Source of Funds**

N/A

Amount

\$N/A

Value Derivation

N/A

EXHIBIT B
OPERATING ASSISTANCE GRANT PROGRAM
PROJECT BUDGET

USES OF FUNDS	DHCD	Grantee	Other	Name of Other Sources	TOTALS
Small Business Support	\$12,000	\$0	\$0	N/A	\$12,000
Events / Promotion / Marketing	\$8,000	\$0	\$0	N/A	\$8,000
Beautification / Placemaking	\$5,000	\$0	\$0	N/A	\$5,000
Destination Main Street Printing	\$1,000	\$0	\$0	N/A	\$1,000
TOTALS	\$26,000	\$0	\$0	N/A	\$26,000

EXHIBIT C

OPERATING ASSISTANCE GRANT PROGRAM

SPECIAL CONDITIONS

N/A



City of Salisbury

Memo

To: Nick Rice, City Administrator
From: Scott Roberts, Director of Arts, Business and Culture Department
Date: August 19, 2026
Subject: Ordinance for Accepting Funds From Maryland State Arts Council-Arts and Entertainment Grant FY27-2nd Reading

The Department of Arts Business and Culture Department has been made aware that the Maryland State Arts Council has awarded the city in the amount of \$16,500 for the purpose of a public art program. We request that the city accept this grant, which would allow for public art initiatives to continue. There is no match requirement for these funds.

Attachment(s):

[Ord3025](#)

[Grant_Agreement 7.28.26.pdf](#)

ORDINANCE NO. 3025

AN ORDINANCE OF THE CITY OF SALISBURY AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH THE MARYLAND STATE ARTS COUNCIL FOR THE PURPOSE OF ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$16,500 AND TO APPROVE A BUDGET AMMENDMENT TO THE GRANT FUND TO APPROPRIATE THESE FUNDS FOR THE ARTS, BUSINESS AND CULTURE DEPARTMENT.

WHEREAS, the Maryland State Arts Council, a unit of the Maryland Department of Commerce, provides an operating grant opportunity to be awarded to organizations; and

WHEREAS, the purpose of the grant program is to create a nurturing climate for the arts in the State of Maryland; and

WHEREAS, The City of Salisbury submitted a grant application to the Maryland State Arts Council for the purpose of funding public art opportunities; and

WHEREAS, the Maryland State Arts Council has awarded the City funds in the amount of \$16,500; and

WHEREAS, the City of Salisbury must enter into a grant agreement with the Maryland State Arts Council to define, *inter alia*, how these funds will be used; and

WHEREAS, all funds shall be used to fund public art initiatives; and

WHEREAS, § 7-29 of the Salisbury City Charter prohibits the City from entering into a contract that requires an expenditure not appropriated or authorized by the Council of the City of Salisbury.

WHEREAS, appropriations necessary to execute the purpose of this grant must be made upon the recommendation of the mayor and the approval of four-fifths of the Council of the City of Salisbury.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 1. Mayor Randolph J. Taylor is hereby authorized to enter into a grant agreement with the Maryland State Arts Council on behalf of the City of Salisbury, which is attached as **Exhibit A**, for the City's acceptance of grant funds in the amount of \$16,500.

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 2. The City of Salisbury's Grant Fund Budget be and hereby is amended as follows:

(a) Increase MS State Arts Council Revenue Account No. 10500-424105-XXXXXX by \$16,500;

(b) Increase Operating Expense Account No. 10500-546006-XXXXX by \$16,500

BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, as follows:

Section 3. It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Ordinance shall be deemed independent of all other provisions herein.

Section 4. It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

Section 5. The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 5.

Section 6. This Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a Meeting of the Mayor and Council of the City of Salisbury held on the 24 day of August, 2026 and thereafter, a statement of the substance of the Ordinance having been published as required by law, in the meantime, was finally passed by the Council of the City of Salisbury on the 14 day of September, 2026.

ATTEST:

Julie A. English, City Clerk

April R. Jackson, City Council President

Approved by me, this _____ day of _____, 2026.

Randolph J. Taylor, Mayor

July 28, 2026
Arts and Entertainment Operating Grant - Off-Year
2027-44444

MARYLAND STATE ARTS COUNCIL GRANT AGREEMENT

THIS GRANT AGREEMENT (this "Agreement") is made by and between the Maryland State Arts Council ("MSAC"), a unit of the Department of Commerce (the "Department"), a principal department of the State of Maryland ("State") (the "Grantor") and [City of Salisbury Maryland] ("Grantee") whose Federal Identification Number (FID) or Social Security Number (SSN) is 52-6000806.

RECITALS

Grantee has requested grant assistance from MSAC in order to undertake activities consistent with Title 4, Subtitle 5 of the Economic Development Article of the Annotated Code of Maryland, which authorizes MSAC to make grants to organizations and individual artists in order to create a nurturing climate for the arts in the State and to ensure that the role of the arts in the lives of citizens of the State shall continue to grow and play a significant part in their welfare and educational experience.

The General Assembly of Maryland has authorized the grant assistance through an appropriation in the annual state budget.

MSAC is also authorized to use certain funds received by various federal entities to help fund its grant assistance programs. All, some, or none of the funds disbursed through this Agreement may be from such federal funding. In the event that some of the funds disbursed through this Agreement contain federal funding, MSAC will make the Grantee aware and Grantee acknowledges and agrees that it may be required to adhere to certain rules, regulations, and/or guidelines imposed by the federal entity providing the federal funding.

MSAC has approved the award of grant funds to the Grantee, to be expended by Grantee in accordance with the terms and conditions of this Agreement.

IN CONSIDERATION of the foregoing and the mutual promises and covenants contained in this Agreement, MSAC and the Grantee agree as follows:

1. **Grant.** Subject to the continuing availability of funds, as determined by MSAC in its sole discretion, MSAC agrees to provide Grantee with funds in an amount not to exceed [\$16,500.00] (the "Grant Funds").

2. **Application.** Grantee's application for grant assistance (the "Application") is available to grantee in Smart Simple where Grantee submitted the application. Grantee can view the application by logging into Smart Simple (marylandarts.smartsimple.com) with their login and password. Grantee warrants and certifies that all of the information and representations contained in the Application are and remain true and complete in all material respects. **The Application is incorporated herein as Exhibit A.**

3. **Grant Guidelines.** Grantee acknowledges receipt of the FY 2027 Grant Guidelines and Information available on the MSAC website <http://www.msac.org> under the appropriate grant type, incorporated herein by reference, and agrees to abide by its terms and conditions.

4. **Use of Grant Funds:** Grantee will use Grant Funds in accordance with the activities described in Exhibit A (Grantee's Application) and in accordance with all applicable guidelines set forth in Provision 3 above. Grantee agrees that if activities described in Exhibit A need to be modified, Grantee will receive prior approval and written notification as set forth in Provision 22.

5. **Grantee shall not use any Grant Funds to make contributions:**

- (a) to any persons who hold, or are candidates for, elected office;
- (b) to any political party, organization, or action committee;
- (c) in connection with any political campaign or referendum; or
- (d) for lobbying activities.

6. **Term of Agreement.**

(a) This Agreement is effective upon execution by MSAC. Unless sooner terminated pursuant to Section 18 or 19 of this Agreement or by the mutual consent of Grantee and MSAC, this Agreement shall remain in effect until the final amounts of the Grant have been disbursed, all reports and records due by the Grantee have been received by MSAC, and there has been a final settlement and conclusion between MSAC and Grantee of all issues arising out of the Grant.

(b) Grantee agrees to deliver all reports and records to MSAC no later than the final report due date as communicated to the grantee in grant guidelines, if not sooner as provided otherwise herein or in any exhibit attached and incorporated herein, and that the final settlement and conclusion between MSAC and Grantee shall be no later than the final report due date. Failure by the Grantee to deliver all reports and records by the final report due date and failure by Grantee to provide MSAC with all necessary documents and information to reach final settlement and conclusion by the final report due date shall constitute a material breach by the Grantee of this Agreement.

(c) Grantee agrees that performance of activities under the grant will take place within the time period specified in the Grant Guidelines.

7. **Disbursement.**

(a) Except for Grantees notified pursuant to paragraph (b) below, up to 100% of the Grant shall be disbursed to Grantee in one payment upon full execution of the Agreement, provided that Grantee has submitted all applicable reports and documentation for prior years' grant(s) awarded as required by MSAC.

(b) MSAC reserves the right, at its sole and absolute discretion, to require additional reporting from Grantees experiencing significant organizational change and/or transition. For Grantees notified of additional reporting requirements, the Grant shall be disbursed in two payments. Up to seventy five

percent (75%) of the Grant shall be disbursed to Grantee upon full execution of the Agreement and submission and approval of all applicable report(s) and documentation from prior grants awarded as required by MSAC. The remaining Grant funds shall be disbursed to Grantee after submission and approval of satisfactory interim report(s), as specified and communicated to Grantee by MSAC.

(c) MSAC reserves the right, at its sole and absolute discretion, to withhold any disbursement of Grant Funds if MSAC reasonably believes that the Grantee is incapable of using the Grant Funds as provided for under this Agreement or that the Grantee is reasonably likely to become incapable of using the Grant Funds as provided for under this Agreement. In the event MSAC elects to withhold Grant Funds, Grantee shall not be entitled to receive the withheld Grant Funds until Grantee provides MSAC, at MSAC's sole and absolute discretion, all necessary and required assurances and affirmations, including any documentation required by MSAC, that Grantee will be able to use the Grant Funds in accordance with the terms and conditions of this Agreement. If Grantee does not provide or is otherwise incapable of providing the necessary and required assurances and affirmations, MSAC may elect to terminate this Agreement as provided for under Provision 19 below. Nothing in this provision shall act in any way to relieve the Grantee from any damages or losses caused by Grantee's incapability to use the Grant Funds as provided for under this Agreement, and Grantee shall remain fully liable for any such damages and losses caused by its incapability to use the Grant Funds as provided for in this Agreement.

(d) Grantee agrees to maintain adequate financial management and reporting systems, and internal controls.

(e) Grantee agrees to maintain backup documentation to support actual costs incurred during the term of this Agreement. Backup documentation consists of photocopies of payroll ledgers, travel vouchers, expense accounts, purchase orders, receipts, cancelled checks, and other like business paper and records.

(f) Grantee agrees to notify MSAC of delays in receipt of the grant disbursement prior to June 30, 2027. Availability of funds after the end of the State's fiscal year (June of each respective year) in which the Agreement is executed are not guaranteed.

8. Indirect Costs.

(a) If Grantee is a nonprofit entity under Section 501(c)(3), (4) or (6) of the Internal Revenue Code, Grant Funds may be applied to indirect costs in accordance with § 2-208 of the State Finance and Procurement Article, Annotated Code of Maryland.

(b) If Grantee opts to apply Grant Funds to indirect costs:

(i) the total amount of Grant Funds provided under this Grant Agreement will not be increased;

(ii) the costs to be paid with Grant Funds under this Agreement as described in Exhibit A of this Agreement will be reduced on a pro rata basis to reflect that certain indirect costs have been paid with Grant Funds; and

(iii) Grantee shall report any Grant Funds applied to indirect costs in funding requests and financial reports submitted to Commerce and shall provide the basis and documentation for the calculation of indirect costs in compliance with subsection (a) of this section.

9. Retention and Inspection of Records.

(a) Grantee agrees to retain records for a period of at least three (3) years which records shall be retained by Grantee for at least three (3) years after the termination of this Agreement. Grantee agrees that recipients of federal funds are subject to additional requirements.

(b) Grantee shall allow any duly authorized representative of MSAC, the Department, or the State to inspect and audit, at reasonable times, all records and documents of Grantee relating to this Grant.

10. Acknowledgement. Grantee shall acknowledge MSAC funding in all programs and promotional materials relating to the funded activities in the manner set forth in the Grant Recognition Guidelines, which can be viewed on the MSAC website, <https://msac.org/resources/recognizing-msac-grants>, incorporated herein by reference.

11. Reports. Grantee shall provide MSAC with reports or information in a form acceptable to the MSAC, as MSAC may from time to time require.

12. Unused Funds. Grantee shall repay to MSAC any disbursed Grant Funds not spent or obligated by Grantee on or before the date indicated in the appropriate grant program Guidelines set forth in Provision 3 above.

13. Fair Practices Certification. Grantee certifies that it prohibits, and covenants that it will continue to prohibit, discrimination on the basis of: (a) political or religious opinion or affiliation, marital status, race, color, creed, ancestry genetic information, or national origin; or (b) age, sex, sexual orientation, gender identification, or any otherwise unlawful use of characteristics, except when such characteristic constitutes a bona fide occupational qualification; or (c) the physical or mental handicap of a qualified handicapped individual. Upon the request of MSAC, Grantee will submit to MSAC information relating to its operations, with regard to political or religious opinion or affiliation, marital status, physical or mental handicap, race, color, creed, sex, age, gender identification, sexual orientation, genetic information, or national origin. Grantee agrees that if receiving federal funds, Grantee may be subject to additional certification requirements as mentioned in the grant guidelines.

14. Anti-Discrimination.

(a) Grantee shall operate under this Agreement so that no person, otherwise qualified, is denied employment, subcontract, or other benefits on the basis of race, color, religion, creed, age, sex, sexual orientation, gender identification, marital status, national origin, ancestry genetic information or any otherwise unlawful use of characteristics, or disability of a qualified individual with a disability unrelated in nature and extent so as to reasonably preclude the performance of the employment or contract, or the individual's refusal to submit to a genetic test or make available the results of a genetic test. Except in subcontracts for standard commercial supplies or raw materials, Grantee shall include a clause similar to this clause in all subcontracts. Grantee and each subcontractor shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause. Grantee shall not retaliate against any person for reporting instances of such discrimination.

(b) Grantee further covenants that it shall prohibit its contractors from engaging in such discrimination in the hiring of subcontractors to carry out any portion of the project funded by proceeds of the Grant.

15. Legal Compliance.

(a) Grantee covenants that it shall comply with all applicable federal, State, and local laws and regulations. Grantee acknowledges and agrees that it is responsible for knowing and understanding all

applicable federal, State, and local laws and regulations.

(b) When applicable, Grantee will have written conflict of interest policies and procedures, and policies and procedures related to disclosure of fraud or bribery violations and other compliance policies required by applicable federal, State, and local laws and regulations.

16. Grantee's Warranties & Certifications. Grantee certifies to MSAC that:

(a) Grantee, if a corporation or other form of limited liability entity, is duly organized and validly existing under Maryland law, and has all requisite power and authority to enter into this Agreement. The person whose signature is affixed to this Agreement has been duly granted authority to sign this Agreement.

(b) This Agreement has been duly authorized, executed and delivered by Grantee in such manner and form as to comply with all applicable laws to make this Agreement the valid and legally binding act and Agreement of Grantee.

(c) Grantee represents that Grantee is not in arrears with response to the payment of any funds due and owing the State of Maryland, or any department or unit thereof, including, but not limited to, the payment of taxes and employee benefits, and that it shall not become so arrears during the term of this Agreement.

(d) Grantee, if a corporation or other form of limited liability entity, is in Good Standing as a business with the Maryland State Department of Assessment and Taxation and that Grantee shall remain in Good Standing with the Maryland State Department of Assessment and Taxation throughout the term of this Agreement.

(e) Grantee, if a corporation or other form of limited liability entity, represents and warrants that it currently possesses and maintains an established, effective financial management system and internal controls.

(f) Grantee, if a corporation or other form of limited liability entity, carries the necessary liability insurance to cover losses and damages resulting from the activities in Exhibit A.

(g) Neither Grantee, nor any of its officers or directors, nor any employee of Grantee involved in obtaining contracts with or grants from the State or any subdivision of the State, has engaged in collusion with respect to Grantee's application for the Grant or this Agreement or has been convicted of bribery, attempted bribery, or conspiracy to bribe under the laws of any state or the United States.

(h) Grantee has not employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee or agent working for Grantee, to solicit or secure the Grant or the Agreement, and Grantee has not paid or agreed to pay any such entity any fee or other consideration contingent on the making of the Grant or the Agreement.

(i) Neither Grantee, nor any of its officers or directors, nor any person substantially involved in the contracting or fund-raising activities of the Grantee, is currently suspended or debarred from contracting with the State or any other public entity or subject to debarment under federal and state law and regulations.

If any of the above representations, certifications or warranties prove to be false or misleading, or if

Grantee fails to abide by the above certifications and warranties at any time during the term of this Agreement, Grantee shall be considered in default of this Agreement pursuant to Provision 18 of this Agreement and Grantor shall be entitled to exercise any remedy or right available to it pursuant to Provision 18 of this Agreement.

17. Drug and Alcohol-Free Workplace. Grantee warrants that Grantee shall comply with the State's policy concerning drug and alcohol-free workplaces as set forth in COMAR 01.01.1989.18.

18. Default, Repayment and Remedies.

(a) A default shall consist of (i) any use of Grant Funds for any purposes other than authorized by this Agreement; or (ii) any breach of any covenant, agreement, provision, representation or warranty of Grantee which was made in this Agreement.

(b) Upon the occurrence of any default, MSAC immediately may suspend Grantee's authority to receive any undisbursed Grant funds by written notice at any time to Grantee.

(c) Upon the occurrence of any default, Grantee shall have 30 days from the date MSAC's notice is postmarked to cure the default. After the conclusion of this 30-day period, if Grantee has not cured the default to the satisfaction of MSAC, MSAC may terminate this Agreement. In the event of termination:

(i) Grantee's authority to request a disbursement shall cease and Grantee shall have no right, title or interest in or to any of the Grant funds not disbursed;

(ii) MSAC may immediately demand repayment of all or any portion of the Grant Funds which have been disbursed; and

(iii) MSAC's remedies of withholding disbursement and of obtaining repayment as described in Section 18(c) (i) and (ii) above may be exercised contemporaneously with remedies pursuant to Section 18(d) below, and all of such rights shall survive any termination of this Agreement.

(d) If a default occurs, MSAC may at any time proceed to protect and enforce all rights available to MSAC, by suit in equity, action at law, or by any other appropriate proceedings.

19. Termination Prior to Expiration of Term Period MSAC, the Department, and/or the State reserves the right to terminate this Agreement by written notice to Grantee if (a) the purpose of the Agreement can no longer be fulfilled or met and/or (b) it's in the best interest of the Grantor and/or the State to terminate. If so terminated, the Grantor shall disburse Grant Funds to cover the eligible expenses, as determined in its sole discretion by MSAC, incurred by Grantee prior to termination. Grantee shall return to Grantor any Grant Funds, in excess of permitted eligible expenses, received prior to such termination.

20. Indemnification. Grantee releases MSAC, the Department, the State, and its employees or agents from, agrees that MSAC, the Department, the State, and its employees or agents shall not have any liability for, and agrees to protect, indemnify and save harmless MSAC, the Department, the State, and its employees or agents from and against any and all liabilities, suits, actions, claims, demands, losses, expenses and costs of every kind and nature incurred by, or asserted or imposed against, all or any of them, as a result of or in connection with the Grant. All money expended as a result of such liabilities, suits, actions, claims, demands, losses, expenses or costs, together with interest at a rate not to exceed the maximum interest rate permitted by law, shall constitute an indebtedness of Grantee and shall be immediately and without notice due and payable by Grantee to MSAC, the Department, the State, and/or

its employees or agents, as their interests may appear. If Grantee is a government agency of the State of Maryland, any and all such indemnification obligations of Grantee are conditioned upon the availability of appropriations for use by Grantee at the time such indemnification obligations arise; further, if Grantee is a government agency of the State of Maryland, any and all such indemnification obligations of Grantee are limited to the extent of the State of Maryland's statutory waiver of its sovereign immunity.

21. Notices. All notices, requests, approvals and consents of any kind made pursuant to this Agreement shall be in writing. Any such communication, unless otherwise specified, shall be deemed effective as of the date it is postmarked, postage prepaid, addressed as follows:

(a) Communications to MSAC shall be mailed to: Maryland State Arts Council, 401 E. Pratt Street, Suite 1400 Baltimore, MD 21202 or emailed.

(b) Communications to Grantee shall be mailed to Grantee or emailed as noted in Grant Guidelines.

22. Amendment. This Agreement, or any part hereof, may be amended from time to time only by a written instrument executed by both parties, or in the case of a modification of Section 4, by action of MSAC.

23. Assignment. Grantee may neither assign all or any of the benefits of, nor delegate all or any of the duties imposed upon Grantee by this Agreement, without the prior written approval of MSAC.

24. Governing Law. The law of Maryland, excluding Maryland choice of forum rules, shall govern the interpretation and enforcement of this Agreement. The parties covenant and agree that venue of any dispute or controversy arising out of this Agreement or the performance or nonperformance of the parties' obligations under this Agreement shall lie exclusively in the courts of the State of Maryland.

25. Setoff. The State has the right to set off and apply Grant Funds against amounts that Grantee may owe the State as an unpaid liability, without notice and without resort to any judicial proceeding. Should this occur, it will affect the amount of Grant Funds received by Grantee.

26. Disclosures and Public Information Act. All information submitted to MSAC is subject to the Maryland Public Information Act, Md. Code Ann., General Provisions §§ 4-101 to 4-601, ("PIA"). Personal Identifiable Information (PII) is exempt from disclosure under the PIA and will be redacted. If a Grantee believes information other than PII is confidential and therefore should be exempt from disclosure under the PIA, the Grantee should contact MSAC staff. Upon request for information from a third party, MSAC is required to make an independent determination whether the information must be disclosed under the PIA. Designating information as confidential does not guarantee that it will be exempt from disclosure. The Grantee understands and agrees that MSAC may use information about the Grantee and the activities in Exhibit A for reporting and marketing purposes.

27. Non-waiver of Rights. No failure on the part of the State or MSAC to exercise, and no delay in exercising, any right under this Agreement shall operate as a waiver thereof; nor shall any single or partial exercise of any such right preclude the State or MSAC from further exercising that or any other right. The remedies provided under the Agreement are cumulative and not exclusive of any remedies provided by law.

28. Entire Agreement; Counterparts; Signatures. This Agreement, together with any exhibits, documents, and/or electronic or internet-based documents, incorporated by reference, represents the complete and final understanding of the parties. No other understanding, oral or written, regarding the subject matter of

this Agreement, may be deemed to exist or to bind the parties at the time of execution. This Agreement may be executed in any number of duplicate originals or counterparts, each of which such duplicate originals or counterparts shall be deemed to be an original and all taken together shall constitute one and the same instrument. Signatures provided by facsimile or other electronic means, for example, and not by way of limitation, in Adobe .PDF sent by electronic mail, shall be deemed to be original signatures.

THIS AGREEMENT, together with the documents incorporated herein by reference, represents the complete, total and final understanding of the parties and no other understanding or representations, oral or written, regarding the subject matter of this Agreement, shall be deemed to exist or to bind the parties hereto at the time of execution.

THIS FORM WAS APPROVED FOR FORM AND LEGAL SUFFICIENCY BY AN ASSISTANT ATTORNEY GENERAL IN JULY 2026.

GRANTEE

Signature of Grantee:

Derek Jarmon, Economic Development Manager

AJ Romblad, Witness

Date: July 28 2026

MARYLAND STATE ARTS COUNCIL

Signature of MSAC Grants Director:

Catherine Teixeira, Grants Director
2026-07-27

Signature of MSAC Staff:

Steven Skerritt-Davis, Executive Director
2026-07-28



Memo

To: Nick Rice, City Administrator
From: Scarlett Liberto
Date: August 19, 2026
Subject: Text amendment to allow Accessory Dwelling Units as required by HB 1466 - 1st Reading

The Council is asked to consider a text amendment to the City of Salisbury Zoning Code in order to allow "Accessory Dwelling Units (ADUs)" as an allowable use in any zoning district that currently allows detached single-family residences.

During its 2025 Session, the MD Legislature adopted HB 1466 that establishes a State-wide policy to encourage the development of Accessory Dwelling Units (ADUs) in order to expand housing opportunities throughout the State. This State Law, which goes into effect Oct. 1, 2026, requires that ADUs must be permitted in any zoning district that allows detached single-family residences. The Law also contains certain requirements, summarized below:

- An ADU is defined as a self-contained residential unit located on the same lot as a principal single-family detached dwelling, and contains permanent facilities for living, sleeping, eating, cooking and sanitation;
- Local governments are required to allow one (1) ADU on lots where single-family detached dwelling exist, subject to reasonable local regulations protecting public health, safety and welfare;
- ADUs cannot exceed 75% of the size of the primary residence;
- ADUs can be attached to the principal residence or can be detached as a separate structure; and
- Prohibits local governments from adopting regulations that unreasonably restrict or prohibit ADUs.

The Planning Commission held a Public Hearing on August 13, 2026, and have forwarded a favorable recommendation to the City Council to allow ADUs in accordance with State Law. The Planning Commission recommended that at least one of the residences (either the primary residence or the ADU) must be owner-occupied; the Commission agreed with the maximum 75% size limitation; and the Commission recommended that setbacks for ADUs should be the same as all accessory structures (5' from side or rear property lines).

In order to comply with the Law, a new definition of ADU will be added to our zoning code and ADUs will be added as an allowable use in all of the City's zoning districts where single-family

detached dwellings are now allowed. These include the following districts:

- Light Business & Institutional (LBI);
- Office & Service Residential (OSR);
- RR-5A Residential Redevelopment District;
- R-5, R-8 & R-10 Residential;
- R-5A, R-8A & R-10A Residential; and
- R-5S, R-8S & R-10S Residential.

Attachment(s):

[Ord3027](#)

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WHEREAS, the ongoing application, administration and enforcement of the City of Salisbury Municipal Code (the “**Salisbury City Code**”) demonstrates a need for its periodic review, evaluation and amendment, in order to comply with present community standards and values, and promote the public health and welfare of the citizens of the City of Salisbury (the “**City**”); and

WHEREAS, the City Council may amend the Salisbury City Code pursuant to the authority in § SC 2-15 of the Salisbury City Charter; and

WHEREAS, on April 22, 2025, Governor Moore signed the bill into law; and

WHEREAS, the Mayor and Council desire to establish clear and uniform standards for accessory dwelling units in order to promote housing flexibility, support responsible property use, preserve neighborhood character, and reduce potential adverse impacts on surrounding properties and the community; and

WHEREAS, at the conclusion of its August 13, 2026 meeting, the Planning Commission recommended that the amendments and additions to Sections 17.04.120, 17.28.050, 17.84.040, 17.152.040, 17.152.050, 17.160.050, 17.164.030, 17.164.050 and 17.170 of the Salisbury City Code set forth herein be adopted by the Mayor and Council; and

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY COUNCIL OF THE CITY
LISBURY, MARYLAND,** as follows:

Section 1. Title 17 of the Salisbury City Code is hereby amended by adding the bolded and underlined language and removing the stricken language as follows:

17.04.120 – Definitions.

The following definitions have been used or considered in the construction of this title and shall be used in its interpretation:

~~"Accessory apartment"~~ **Accessory dwelling unit** means a dwelling unit, limited to no more than one bedroom, incorporated within a single family dwelling or its accessory building. ~~The accessory apartment or the principal dwelling shall be occupied by the owner(s) of the property on which the accessory apartment is located~~ **a secondary dwelling unit that is on the same lot, parcel or tract as a primary single family detached dwelling unit and not greater than 75% of the size of and subordinate in use to the primary single-family detached dwelling unit. Accessory Dwelling Unit includes a structure that is separate from the primary single-family detached dwelling unit or attached as an addition to the primary single-family detached dwelling.**

...

17.28.050 Accessory uses and structures.

Accessory uses and structures shall be as follows:

- A. Communication towers for broadcasting and receiving, not exceeding seventy-five (75) feet in height;
- B. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use;
- C. Family day-care home;
- D. Day-care services for employees or patrons of a permitted use;
- E. Pharmacy, hairdresser shop, florist and printing and reproduction shop, only as accessory uses to and located within the same building as the following permitted uses:
 - 1. Apartment building and project in accordance with chapter 17.168,
 - 2. Business, governmental, financial or professional office,
 - 3. Business center in accordance with chapter 17.172,
 - 4. Medical-care facility,
 - 5. Medical and dental office and clinic

F. Accessory dwelling unit, in accordance with Chapter 17.170.

17.84.040 Accessory uses and structures.

Accessory uses and structures shall be as follows:

- A. Cloister or clerical housing on the same property with a church or other place of worship;
- B. Family day-care home;
- C. Home occupation;
- D. Private garages and other accessory uses normally associated with residential use, such as, but not limited to, detached home workshop, swimming pool, cabana,

greenhouse, private studio and boathouse, all of which shall be incidental to the use of the property as a residence;

E. Storage of recreational vehicles and boats on residential lots, limited to two in any combination, in back of the front building setback line where such recreational vehicles and boats are for the use and enjoyment by the residents thereon;

F. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use;

G. Day-care services for employees or patrons of an office or service use; **and**

H. Accessory dwelling unit, in accordance with Chapter 17.170.

17.152.040 Permitted uses.

Uses permitted inherently shall be as follows:

A. All inherent, special exception and accessory uses specified in the R-5A district, in accordance with the referenced standards for such uses, except when modified by the standards for this district or as approved by the city council at the time the district is established;

B. Redevelopment subdivisions;

C. Single-family attached dwellings, not exceeding nine in a row; **and**

D. Accessory dwelling unit, in accordance with Chapter 17.170.

17.156.050 Accessory uses and structures.

Accessory uses and structures shall be as follows:

A. Cloister or clerical housing on the same lot with a church or other place of worship, meeting lot area and/or standards required for each individual use;

B. Home occupation;

C. Home office;

D. Family day-care home;

E. Private garages and other accessory uses normally associated with a residential use, such as but not limited to detached home workshop, swimming pool, cabana, greenhouse, private studio and boathouse, all of which shall be incidental to the use of the property as a residence;

F. Storage of recreational vehicles and boats on residential lots, limited to two in any combination, in back of the front building setback line, where such recreation vehicles and boats are for the use and enjoyment of the resident thereon;

~~G. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use.~~

G. Accessory dwelling unit, in accordance with Chapter 17.170; and

H. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use.

17.160.050 Accessory uses and structures.

Accessory uses and structures shall be as follows:

- A. Cloister or clerical housing on the same lot with a church or other place of worship, meeting lot area and/or standards required for each individual use;
- B. Home occupation;
- C. Home office;
- D. Family day-care home;
- E. Office within an apartment or townhouse project solely for the purpose of ongoing management and rental or a temporary sales office in conjunction with model units until all units in the project have been sold;
- F. Private garages and other accessory uses normally associated with residential use, such as but not limited to detached home workshop, swimming pool, cabana, greenhouse, private studio and boathouse, all of which shall be incidental to the use of the property as a residence;
- G. Rental of guest rooms to not more than two roomers in a single-family detached dwelling on a minimum lot of five thousand (5,000) square feet which is occupied by a family related by blood, marriage or adoption, provided that one (1) additional parking space for each roomer shall be provided in the rear yard;
- H. Storage of recreational vehicles and boats on residential lots, limited to two in any combination, in back of the front building setback line, where such recreation vehicles and boats are for the use and enjoyment of the resident thereon;
- ~~I. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use.~~
- I. Accessory dwelling unit, in accordance with Chapter 17.170; and**
- J. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use.**

17.164.030 – Uses permitted by special exception.

Uses permitted by special exception shall be as follows:

- ~~A. An accessory apartment of not over five hundred (500) gross square feet in size within an owner-occupied single family detached dwelling or in an accessory building on a lot upon which an owner-occupied single family detached dwelling is located. The lot shall have a minimum sixty (60) feet width and contain at least nine thousand (9,000) square feet of land area. All parking required for an accessory apartment shall be in the rear yard no closer than three (3) feet to all adjoining property lines, provided that an accessory apartment shall not be allowed in any dwelling where guest rooms are provided;~~
- A.** ~~B.~~ Care home, in accordance with chapter 17.220;
- B.** ~~C.~~ Cemetery, on a minimum tract of ten acres;
- C.** ~~D.~~ Church and other place of worship on a lot size of less than five acres, in accordance with chapter 17.220, excluding bus storage, cemetery, day-care center, school of general instruction and gymnasium as accessory uses;
- D.** ~~E.~~ Church and other place of worship on a minimum lot of five acres, in accordance with chapter 17.220, including an activity building with offices and meeting

rooms, cemetery, day-care center, school of general instruction and gymnasium as accessory uses;

~~E. F.~~ Day-care facilities for the elderly and handicapped;

~~E. G.~~ Group domiciliary care facility;

~~G. H.~~ Rental of guest rooms to not more than two roomers in an owner-occupied single-family detached dwelling on a minimum lot of five thousand (5,000) square feet, provided that one additional parking space shall be provided in the rear yard for each roomer, and provided further that the rental of guest rooms shall not be allowed in any dwelling or on any lot that contains an accessory apartment.

17.164.050 Accessory uses and structures.

Accessory uses and structures shall be as follows:

A. Cloister or clerical housing in the same lot with a church or other place of worship, meeting lot area and/or standards required for each individual use;

B. Home occupation;

C. Home office;

D. Family day-care home;

E. Private garages and other accessory uses normally associated with a residential use, such as but not limited to detached home workshop, swimming pool, cabana, greenhouse, private studio and boathouse, all of which shall be incidental to the use of the property as a residence;

F. Storage of recreational vehicles and boats on residential lots, limited to two in any combination, in back of the front building setback line, where such recreation vehicles and boats are for the use and enjoyment of the resident thereon;

~~G. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use.~~

G. Accessory dwelling unit, in accordance with Chapter 17.170; and

H. Other accessory uses and structures clearly incidental to, customary to and associated with the permitted use.

Chapter 17.170 – Accessory Dwelling Unit Standards.

17.170.010 – General Provisions.

A. General. An Accessory Dwelling Unit is permitted on any lot with an existing single family detached dwelling unit, provided it meets all requirements of this Chapter. No more than one Accessory Dwelling Unit shall be permitted per lot, parcel or tract.

B. Density. The development of an Accessory Dwelling Unit shall be excluded from the calculation of density for the lot, parcel or tract on which it is located.

C. Development Standards.

1. Living facilities. Accessory Dwelling Units must provide complete living facilities for at least one person, including at minimum sanitation, cooking, eating, and sleeping.

208 2. Location of structure. An Accessory Dwelling Unit must be either separate
209 from or attached as an addition to an existing single family detached dwelling
210 unit.

211 3 Location of entrance. If the Accessory Dwelling Unit is attached to a single
212 family detached dwelling unit, the Accessory Dwelling Unit must have a
213 separate entrance.

214 4. Setback requirements. An Accessory Dwelling Unit must comply with the
215 setback requirements applicable to the zoning district in which it is located.

216 5.Occupancy. Either the single family detached dwelling unit or the Accessory
217 Dwelling Unit shall be owner occupied.

218 6. Maximum size. The size of an Accessory Dwelling Unit may be no more
219 than 75% of the square footage of the primary single family detached dwelling
220 unit. The primary single family detached dwelling unit size shall be measured
221 by total above grade living area.

222 7. Height. An Accessory Dwelling Unit shall not exceed the height of the
223 primary single family detached dwelling unit except as follows:

224 a. An Accessory Dwelling Unit constructed above a detached garage
225 on a lot with a one-story primary single family detached dwelling unit
226 may extend one additional story above the height of the primary single
227 family detached dwelling unit but shall not exceed the maximum
228 building height permitted in the applicable zone.

229 8. Subdivision prohibited. A lot with a detached Accessory Dwelling Unit shall
230 not be subdivided in a manner that causes the Accessory Dwelling Unit to
231 become the primary structure on the lot unless all applicable standards for
232 subdivisions and any other applicable standards are met.

233 9. Accessory Dwelling Units shall comply with all applicable building codes
234 and public health, safety and welfare requirements.

235 **BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF**
236 **SALISBURY, MARYLAND, as follows:**

237 **Section 2.** It is the intention of the Mayor and Council of the City of Salisbury that each provision
238 of this Ordinance shall be deemed independent of all other provisions herein.

239 **Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any
240 section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid,
241 unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication
242 shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other
243 provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

244 **Section 4.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as
245 if such recitals were specifically set forth at length in this Section 4.

246 **Section 5.** This Ordinance shall take effect from and after the date of its final passage.

247 **THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City
248 of Salisbury held on this 14 day of September, 2026 and thereafter, a statement of the substance of the
249 Ordinance having been published as required by law, in the meantime, was finally passed by the Council
250 of the City of Salisbury on the ____ day of _____, 2026.

ATTEST:

Julie A. English, City Clerk

April R. Jackson, City Council President

APPROVED BY ME THIS _____ day of _____, 2026.

Randolph J. Taylor, Mayor



City of Salisbury

Memo

To: City Council
From: Mayor Taylor
Date: August 19, 2026
Subject: Permit Fee Reduction - 1st Reading

An ordinance to propose an amendment to the Salisbury City Code, specifically Title 15 (Buildings and Construction), allowing for a discretionary reduction in permitting fees for nonprofit entities.

Attachment(s):
[Ord3028](#)

ORDINANCE NO. 3028

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND THE SALISBURY CITY CODE, TITLE 15, BUILDINGS AND CONSTRUCTION, TO PROVIDE FOR A DISCRETIONARY REDUCTION IN PERMITTING FEES FOR NONPROFIT ENTITIES.

WHEREAS, the City of Salisbury (the “City”) seeks to encourage development and redevelopment of properties within the City to increase the City’s housing stock and provide other public benefits; and

WHEREAS, development and redevelopment of critical properties will generate higher tax assets within the City; and

WHEREAS, the fees associated with building permits, fire plan reviews and building plan reviews can create financial impediments for nonprofit entities wishing to develop properties within the City; and

WHEREAS, reducing fees associated with building permits, fire plan reviews and building plan reviews for nonprofit entities in certain circumstances will encourage development and redevelopment of critical properties; and

WHEREAS, the Mayor and Council wish to create a mechanism in the Salisbury City Code to allow nonprofit entities to request a reduction of certain permitting fees and to give Mayor and Council discretion to reduce permitting fees, provided Mayor and Council determine it is in the best interest of the City; and

WHEREAS, the Mayor and Council have determined that the amendments to Title 15 of the Salisbury City Code shall be adopted as set forth herein.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that Chapter 15, Buildings and Construction, of the Salisbury City Code, is hereby amended by adding the bolded and underlined language as follows

Section 1. Section Chapter 15.04 of the Salisbury City Code, entitled “Building Code,” shall be amended as follows:

15.04.050 – Reduction of permitting fees for nonprofit entities.

- A. **Permitting fees, which shall include building permits, fire plan reviews and/or building plan reviews, may be reduced by the Mayor and the Council for development projects owned by a nonprofit entity, which, for the purpose of this Chapter, is defined as a legally formed entity that has operated for the public benefit for at least three years and who meets all current legal, filing, and financial obligations required by Federal, State, and local law and regulation.**
- B. **A nonprofit entity may submit a written request for a permitting fee reduction to the Director of Infrastructure and Development, or his/her designee, only if the permitting fees are greater than \$5,000 and setting forth:**
1. **Whether the development project increases the City’s housing stock or addresses other public housing needs including, but not limited to, encouragement of adaptive redevelopment of existing structures or fostering housing stability;**
 2. **Whether the development project will be located in an economically disadvantaged community, a blighted area, or an area targeted to benefit from community development block grant funds;**
 3. **Whether the project supports community needs including, but not limited to, behavioral health and wellness services; and/or**
 4. **Whether the development project will positively impact the community's health, wellbeing, quality of life, environment or overall sustainability.**

- 44 C. The Director of the Department of Infrastructure and Development or his/her designee shall
45 review the nonprofit entity's application and make a recommendation to the Mayor and to
46 the Council whether the application shall be granted or denied, in whole or in part.
- 47 D. Council shall then pass a resolution either granting or denying, in whole or in part, the
48 nonprofit entity's application for a fee reduction. In no event shall Council reduce permitting
49 fees by more than fifty percent (50%).
- 50 E. If Council grants the nonprofit entity's application, the resolution shall specify:
- 51 1. The permitting fee reduction is valid for two years. The two-year reduction begins to run
52 from the time of the signing of the resolution awarding the reduction.
- 53 2. The completion date for the development project. The reduction shall become null and
54 void and all permitting fees shall become immediately due and payable to the City, if the
55 project is not completed on or before the completion date as set forth in the Resolution.
- 56 3. The reduction shall become null and void and all permitting fees shall become
57 immediately due and payable, if the nonprofit entity changes the designated use of the
58 property within two years from the date of the resolution.
- 59 4. The reduction is assigned to a project and to the property on which the project is located,
60 and cannot be transferred.
- 61 F. This chapter shall take effect July 1, 2026.

62 BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF
63 SALISBURY, MARYLAND, as follows:

64 **Section 2.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this
65 Ordinance shall be deemed independent of all other provisions herein.

66 **Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section,
67 paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise
68 unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section,
69 paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and
70 shall be deemed valid and enforceable.

71 **Section 4.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such
72 recitals were specifically set forth at length in this Section 4.

73 **Section 5.** This Ordinance shall take effect July 1, 2026.

74 THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on
75 this 14 day of September, 2026, and thereafter, a statement of the substance of the Ordinance having been published
76 as required by law, was finally passed by the Council on the ____ day of _____ 2026.

77 ATTEST:

78
79
80 _____
81 Julie A. English, City Clerk

80 _____
81 April R. Jackson, President, Salisbury City Council

82
83 APPROVED BY ME THIS _____ day of _____, 2026.

84
85 _____
86 Randolph J. Taylor, Mayor
87



Memo

To: Mayor and City Council
From: Nick Rice, City Administrator
Date: September 3, 2026
Subject: Authorizing 2012 Bond Funds for Zoo Facility Improvements

The proposed resolutions amend several prior City of Salisbury bond resolutions to authorize the use of remaining investment earnings and/or portions of bond proceeds for a new eligible project identified as “Zoo Facility Improvements.”

The resolutions cover City bond issuances from 2012 through 2021 and would add Zoo Facility Improvements to the list of projects eligible to receive funds under each applicable bond authorization.

Specifically:

- 2012 Bond – Resolution No. 2160: Authorizes certain investment earnings from the \$7,693,000 2012 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2013 Bond – Resolution No. 2358: Authorizes certain investment earnings from the \$3,178,000 2013 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2014A Bond – Resolution No. 2448: Authorizes certain investment earnings from the \$4,009,000 2014A Public Improvements Bond to be used for Zoo Facility Improvements.
- 2015 Bond – Resolution No. 2659: Authorizes certain investment earnings from the \$4,726,200 2015 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2016 Bonds – Resolution No. 2645: Authorizes certain investment earnings associated with the \$20,030,000 2016 Public Improvement and Refunding Bonds to be used for Zoo Facility Improvements and designates the project as a “New Money Project.”
- 2017 Bond – Resolution No. 2794: Authorizes certain investment earnings from the \$5,724,853 2017 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2019 Bonds – Resolution No. 2972: Authorizes a portion of the principal amount and certain other amounts associated with the \$11,225,000 2019 Public Improvement Bonds to be used for Zoo Facility Improvements.
- 2021 Tax-Exempt Bonds – Resolution No. 3117: Authorizes a portion of the principal amount and certain other amounts associated with the \$8,965,000 2021 Tax-Exempt Public Improvement and Refunding Bonds to be used for Zoo Facility Improvements and designates the project as a “2021 New Money Project.”

Collectively, the resolutions do not authorize new borrowing. Rather, they amend existing bond authorizations so that specified remaining investment earnings and, specified portions of bond proceeds and related amounts, may be redirected or applied to Zoo Facility Improvements.

The amendments also formally recognize Zoo Facility Improvements as an eligible “Project” (or “New Money Project,” where applicable) under the respective original bond resolutions.

The resolutions further authorize City officials and employees to take the actions necessary to implement the amended use of the bond-related funds and provide that the resolutions should be liberally construed.

The principal policy change is the expansion of the authorized uses of existing bond-related funds to include Zoo Facility Improvements. The resolutions provide the legal authorization needed to apply eligible funds from multiple prior bond issuances toward the zoo project while maintaining the underlying terms and framework of the original bond resolutions.

Attachment(s):

[Res3481](#)

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RESOLUTION NO. 3481

A RESOLUTION OF THE COUNCIL (THE “COUNCIL”) OF THE CITY OF SALISBURY AMENDING AND SUPPLEMENTING RESOLUTION NO. 2160, ADOPTED BY THE COUNCIL ON APRIL 23, 2012, APPROVED BY THE MAYOR ON APRIL 24, 2012 AND EFFECTIVE ON APRIL 4, 2012 (“RESOLUTION NO. 2160”), AS AMENDED AND SUPPLEMENTED TO DATE, IN ORDER TO (1) AUTHORIZE AND EMPOWER CITY OF SALISBURY (THE “CITY”) TO USE AND APPLY CERTAIN INVESTMENT EARNINGS ON THE \$7,693,000 CITY OF SALISBURY PUBLIC IMPROVEMENTS BOND OF 2012 ISSUED ON MAY 3, 2012 (THE “2012 BOND”), TO A PROJECT IDENTIFIED HEREIN AS “ZOO FACILITY IMPROVEMENTS” IN ADDITION TO THE PRIOR AUTHORIZED PROJECTS IDENTIFIED HEREIN, AND (2) IDENTIFY SUCH ADDITIONAL PROJECT AS A “PROJECT” FOR ALL PURPOSES OF RESOLUTION NO. 2160, AS AMENDED AND SUPPLEMENTED; AUTHORIZING AND EMPOWERING CITY OFFICIALS AND EMPLOYEES TO TAKE CERTAIN ACTIONS WITH RESPECT TO THE 2012 BOND; PROVIDING THAT THE PROVISIONS OF THIS RESOLUTION SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2012 BOND.

RECITALS

25 **WHEREAS**, City of Salisbury, a municipal corporation of the State of Maryland (the “City”),
26 was authorized and empowered by Sections 31 to 37, inclusive, of Article 23A of the Annotated Code
27 of Maryland (now codified as Sections 19-301 to 19-309, inclusive, of the Local Government Article
28 of the Annotated Code of Maryland), as replaced, supplemented or amended (the “Enabling Act”),
29 and Sections SC7-45 and SC7-46 of the Charter of the City of Salisbury, as replaced, supplemented
30 or amended (the “Charter”), to borrow money for any proper public purpose and to evidence such
31 borrowing by the issuance and sale of its general obligation bonds; and
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33 **WHEREAS**, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of
34 the Charter, and Ordinance No. 2140, passed by the Council of the City (the “Council”) on March 14,
35 2011, approved by the Mayor of the City (the “Mayor”) on March 18, 2011 and effective on March
36 18, 2011 (“Ordinance No. 2140”), the City authorized general obligation bonds to be issued from time
37 to time in one or more series in an aggregate principal amount not to exceed Seven Million Seven
38 Hundred Thousand Dollars (\$7,700,000.00) (the “Authorized Bonds”) in order to finance, reimburse
39 or refinance “costs” (as defined in Section 3(b) of Ordinance No. 2140) of the projects and costs of
40 issuance identified in Section 3(b) of Ordinance No. 2140 as (i) “Riverwalk Repairs,” (ii) “East Main
41 Street Water Valve,” (iii) “Isabella Street Water,” (iv) “East Main Street Sewer,” (v) “Isabella Street
42 Sewer,” (vi) “Lift Station Pump Replacement,” (vii) “N. Division Street Sewer,” (viii) “Wastewater
43 Treatment Plant Upgrade,” and (ix) “Costs of Issuance” (herein referred to as the “Original
44 Authorized Projects” and referred to as the “Projects” in Ordinance No. 2140) in the maximum

Underlining : Indicates material added by amendment after introduction

~~Strike-through~~ : Indicates material deleted by amendment after introduction

principal amounts set forth opposite each such Original Authorized Project in such Section 3(b); and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2140 and Resolution No. 2160, adopted by the Council on April 23, 2012, approved by the Mayor on April 24, 2012 and effective on April 24, 2012 (“Resolution No. 2160”), the City determined to borrow money for the public purpose of financing or reimbursing “costs” (as defined in Section 2(b) of Resolution No. 2160, which definition mirrors the definition of “costs” set forth in Section 3(b) of Ordinance No. 2140) of the projects specified in Section 2(a) of Resolution No. 2160 (which included all of the Original Authorized Projects), and to evidence this borrowing by the issuance and sale of a single series of the Authorized Bonds in the form of a single general obligation bond in the maximum principal amount of Seven Million Seven Hundred Thousand Dollars (\$7,700,000.00): and

WHEREAS, pursuant to Resolution No. 2160, the Mayor, with the assistance of the financial advisor to the City, the City Administrator of the City (the “City Administrator”) and the Director of Internal Services of the City (the “Director of Internal Services”), was authorized to reduce the maximum principal amount of such Authorized Bond prior to issuance if it was determined that the entire authorized principal amount of \$7,700,000.00 was not needed due to any reduction in the amount needed for costs of issuance; and

WHEREAS, in accordance with the provisions of Resolution No. 2160, the Mayor, with the assistance of the City Administrator and the Director of Internal Services (which position is now titled as the Director of Finance), determined to reduce the final original principal amount of such Authorized Bond to Seven Million Six Hundred Ninety-Three Thousand Dollars (\$7,693,000.00) due to a reduction in the amount needed for costs of issuance, and such Authorized Bond as issued was designated as the “City of Salisbury Public Improvements Bond of 2012” (the “2012 Bond”); and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2140 and Resolution No. 2160, the City issued and delivered the 2012 Bond to SunTrust Bank on May 3, 2012; and

WHEREAS, Section 2 of Resolution No. 2160 provides that proceeds of the 2012 Bond (which is referred to as the “Bond” in Resolution No. 2160) shall be appropriated and allocated to the Original Authorized Projects listed therein in the maximum principal amounts specified therein (the “Original Projects”), subject to the further provisions of such Section 2 (which Original Projects are referred to as the “Projects” in Resolution No. 2160); and

WHEREAS, after giving effect to issuance of the 2012 Bond, only \$7,000.00 of bonding authority remained unused under Ordinance No. 2140; accordingly, for all practical purposes the 2012 Bond constitutes the only “Bonds” that will be issued pursuant to authority of Ordinance No. 2140 and the only “Authorized Bonds” as referred to in this Resolution, and no BANs (as defined in Ordinance No. 2140) will be issued pursuant to the authority set forth in Ordinance No. 2140; and

WHEREAS, pursuant to Ordinance No. 2381, passed by the Council on April 11, 2016, approved by the Mayor on April 12, 2016 and effective on April 12, 2016 (“Ordinance No. 2381”), the City reallocated \$1,996,355.00 of the principal amount of the Authorized Bonds originally allocated to the Original Authorized Project identified as “N. Division Street Sewer” to the Original Authorized Project identified as “Lift Station Pump Replacement,” such that the maximum principal amount of the Authorized Bonds was reallocated as follows:

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Riverwalk Repairs	\$ 500,000.00
2.	East Main Street Water Valve	100,000.00
3.	Isabella Street Water	435,000.00
4.	East Main Street Sewer	100,000.00
5.	Isabella Street Sewer	66,000.00
6.	Lift Station Pump Replacement	2,346,355.00
7.	N. Division Street Sewer	103,645.00
8.	Wastewater Treatment Plant Upgrade	4,000,000.00
9.	Costs of Issuance	<u>49,000.00</u>
TOTAL		<u>\$7,700,000.00</u>

; and

WHEREAS, pursuant to Ordinance No. 2391, passed by the Council on June 20, 2016, approved on behalf of the Mayor on June 22, 2016 and effective on June 22, 2016 (“Ordinance No. 2391”), the City reallocated \$118,906.00 of the principal amount of the Authorized Bonds originally allocated to the Original Authorized Project identified as “Wastewater Treatment Plant Upgrade” to the Original Authorized Project identified as “East Main Street Sewer,” such that the maximum principal amount of the Authorized Bonds was reallocated as follows:

[CONTINUED ON FOLLOWING PAGE]

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Riverwalk Repairs	\$ 500,000.00
2.	East Main Street Water Valve	100,000.00
3.	Isabella Street Water	435,000.00
4.	East Main Street Sewer (1)	218,906.00
5.	Isabella Street Sewer	66,000.00
6.	Lift Station Pump Replacement	2,346,355.00
7.	N. Division Street Sewer	103,645.00
8.	Wastewater Treatment Plant Upgrade	3,881,094.00
9.	Costs of Issuance	49,000.00
TOTAL		<u>\$7,700,000.00</u>

(1) In addition, Ordinance No. 2391 allocated \$14,914.55 of investment earnings on the Authorized Bonds to this project; and

WHEREAS, on July 28, 2016, the City issued its \$20,030,000 City of Salisbury Public Improvement and Refunding Bonds of 2016 (the “2016 Bonds”), a portion of the proceeds of which were applied to currently refund the then-outstanding principal amount of the 2012 Bond; and

WHEREAS, at the time of issuance of the 2016 Bonds, a portion of the proceeds of the 2012 Bond remained unexpended, and such unexpended proceeds of the 2012 Bond were considered “transferred proceeds” of the 2016 Bonds for purposes of the Internal Revenue Code of 1986, as amended, and the U.S. Treasury Regulations promulgated thereunder (collectively, the “Code”); and

WHEREAS, the outstanding 2012 Bond was prepaid in whole on July 28, 2016; and

WHEREAS, pursuant to Ordinance No. 2588, passed by the Council on April 27, 2020, approved by the Mayor on May 6, 2020 and effective on May 6, 2020 (“Ordinance No. 2588”), the City amended and supplemented Ordinance No. 2140 in order to reallocate a total of \$328,711.00 of the principal amount of the Authorized Bonds originally allocated among the Original Authorized Projects identified as “East Main Street Water Valve,” “Isabella Street Water,” and “Wastewater Treatment Plant Upgrade” in Ordinance No. 2140 and Resolution No. 2160, together with certain investment earnings on proceeds of the Authorized Bonds, to certain projects referred to in the City’s fiscal year 2020 budget as “Chemical Building HVAC,” “Paleo Fluoride Room Door and Tank Replacement,” “WWTP Outfall Inspection and Repairs,” “Park Aerator Building Improvements,” and “Park Water Treatment Plant Roof Improvements” (collectively, the “2020 Additional Projects”) such that the maximum principal amount of the Authorized Bonds was reallocated as follows:

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Riverwalk Repairs	\$ 500,000.00
2.	East Main Street Water Valve	75,294.00
3.	Isabella Street Water	144,169.00
4.	East Main Street Sewer	218,906.00
5.	Isabella Street Sewer	66,000.00
6.	Lift Station Pump Replacement	2,346,355.00
7.	N. Division Street Sewer	103,645.00
8.	Wastewater Treatment Plant Upgrade	3,867,920.00
9.	Chemical Building HVAC	48,000.00
10.	Paleo Fluoride Room Door and Tank Replacement	60,000.00
11.	WWTP Outfall Inspection and Repairs	78,030.00
12.	Park Aerator Building Improvements	81,600.00
13.	Park Water Treatment Plant Roof Improvements (1)	61,081.00
14.	Costs of Issuance	49,000.00
TOTAL		<u>\$7,700,000.00</u>

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(1) In addition, Ordinance No. 2588 allocated \$120,478.91 of investment earnings on the Authorized Bonds to this project; and

WHEREAS, pursuant to Resolution No. 3046, adopted by the Council on July 13, 2020, approved by the Mayor on July 17, 2020 and effective on July 20, 2020 (“Resolution No. 3046”), the City amended and supplemented Resolution No. 2160 in order to allow a portion of the principal amount of the 2012 Bond, together with certain investment earnings thereon, to be applied to costs of the 2020 Additional Project; and

WHEREAS, the City wishes to allocate \$14,748.00 of investment earnings on the 2012 Bond to a project not included in Ordinance No. 2140, as amended and supplemented to date, and Resolution No. 2160, as amended and supplemented to date, that is generally referred to as “Zoo Facility Improvements” or by similar names (the “2026 Additional Project”); and

WHEREAS, prior to the introduction of this Resolution, the Council passed Ordinance No. 3016 expanding the list of the Original Authorized Projects set forth in Ordinance No. 2140, as amended and supplemented to date, to include the 2026 Additional Project and amending Ordinance No. 2140, as amended and supplemented to date, to allow certain investment earnings on the Authorized Bonds (meaning the 2012 Bond) to be applied to costs of the 2026 Additional Project (the “Companion Ordinance”); and

WHEREAS, accordingly, the City desires to expand the list of the Original Projects as set forth in Resolution No. 2160, as amended and supplemented to date, in order to allow certain investment earnings on the 2012 Bond to be applied to costs of the 2026 Additional Project and to

161 identify such 2026 Additional Project as part of the “Projects” for all purposes of Resolution No.
162 2160, as amended and supplemented; and
163

164 **WHEREAS**, while the remaining unexpended proceeds of the 2012 Bond (including
165 investment earnings thereon) are treated as “transferred proceeds” of the 2016 Bonds for purposes of
166 the Code, they are referred to as proceeds of the 2012 Bond for purposes of this Resolution; and
167

168 **WHEREAS**, the Original Projects, together with the 2020 Additional Projects, are referred
169 to in this Resolution as the “Prior Authorized Projects.”
170

171 **SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL**
172 **OF THE CITY OF SALISBURY, MARYLAND** that:
173

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

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

189 (c) References in Resolution No. 2160 to the Director of Internal Services shall be
190 construed to refer to the official of the City now known as the Director of Finance (the “Director of
191 Finance”).

192 (d) References in this Resolution to “principal amount” shall be construed to mean par
193 amount. References in this Resolution to “investment earnings” shall be construed to include interest
194 income. References in this Resolution to “proceeds” of the 2012 Bond shall be construed to mean
195 principal amount plus investment earnings, unless the context requires otherwise.

196 (e) References in this Resolution to the application or use of proceeds of the 2012 Bond
197 to fund costs of the 2026 Revised Projects (as defined in Section 2(d) hereof) shall be construed to
198 mean (i) for purposes of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance
199 No. 2140 and Resolution No. 2160, as the same may be amended, modified or supplemented
200 (including as provided for herein), use of such proceeds to finance or reimburse costs of the 2026
201 Revised Projects, and (ii) to the extent applicable for purposes of the Code, expenditure or application

of such proceeds as “transferred proceeds” of the 2016 Bonds.

SECTION 2. AND BE IT FURTHER RESOLVED that:

(a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2140 and Resolution No. 2160, subsection (a) of Section 2 of Resolution No. 2160, as amended and supplemented to date, is hereby deleted in its entirety and inserted in place thereof shall be the following:

“SECTION 2. BE IT FURTHER RESOLVED that (a) pursuant to the authority of the Enabling Act, the Charter and the Ordinance, subject to the provisions of Section 3 hereof, the City hereby determines to borrow money and incur indebtedness for the public purpose of financing or reimbursing the costs of the following public purpose projects in the maximum principal amount set forth opposite each such project:

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Riverwalk Repairs	\$ 500,000.00
2.	East Main Street Water Valve	75,294.00
3.	Isabella Street Water	144,169.00
4.	East Main Street Sewer (1)	218,906.00
5.	Isabella Street Sewer	66,000.00
6.	Lift Station Pump Replacement	2,346,355.00
7.	N. Division Street Sewer	103,645.00
8.	Wastewater Treatment Plant Upgrade	3,867,920.00
9.	Chemical Building HVAC	48,000.00
10.	Paleo Fluoride Room Door and Tank Replacement	60,000.00
11.	WWTP Outfall Inspection and Repairs	78,030.00
12.	Park Aerator Building Improvements	81,600.00
13.	Park Water Treatment Plant Roof Improvements (1)	61,081.00
14.	Zoo Facility Improvements (2)	0.00
15.	Costs of Issuance	42,000.00
TOTAL		<u>\$7,693,000.00</u>

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

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

223 The projects and costs of issuance identified in items 1-15 above are collectively
224 referred to herein as the "Projects".

225
226 (b) As provided in the Companion Ordinance, the City has appropriated \$14,748.00 of
227 investment earnings on the 2012 Bond to pay costs of the 2026 Additional Project.
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229 (c) By undertaking the amendments to Resolution No. 2160 (as amended and
230 supplemented to date) provided for in this Section 2, the City is in effect (i) reflecting certain
231 reallocations of the application of the principal amount of the 2012 Bond and certain allocation of
232 investment earnings on the proceeds of the 2012 Bond to the costs of the Prior Authorized Projects
233 made prior to the introduction of this Resolution; (ii) renumbering "Costs of Issuance" in the table set
234 forth in subsection (a) above to be item 15 in such table; (iii) adding the 2026 Additional Project
235 identified as item 14 in the table set forth in subsection (a) above (which amends Section 2(a) of
236 Resolution No. 2160, as amended and supplemented to date) to the list of the Projects (as defined
237 therein) the costs of which may be financed or reimbursed from the principal amount of the 2012
238 Bond and investment earnings thereon; (iv) recognizing that the original principal amount of the 2012
239 Bond was reduced from \$7,700,000 to \$7,693,000 between the effective date of Resolution No. 2160
240 and the date of delivery of the 2012 Bond to reflect a reduction in the original principal amount of the
241 2012 Bond to be applied to the Original Project identified as "Costs of Issuance;" and (v) recognizing
242 the appropriation of \$14,748.00 of investment earnings on the 2012 Bond to pay costs of the 2026
243 Additional Project. By undertaking such amendments to Resolution No. 2160 (as amended and
244 supplemented to date), the City will also be able to allocate or reallocate principal of and any other
245 investment earnings on the proceeds of the 2012 Bond to costs of such 2026 Additional Project, in
246 addition to allocating or reallocating such principal of and investment earnings on costs of the 2026
247 Revised Projects, in accordance with applicable City budgetary procedures or applicable law.
248

249 (d) The Projects identified in items 1-15 in the table set forth in subsection (a) above
250 (which amends Section 2(a) of Resolution No. 2160, as amended and supplemented to date) are
251 collectively referred to herein as the "2026 Revised Projects." Subject to the provisions of subsection
252 (e) below and Section 6 of this Resolution, from and after the effective date of this Resolution, all
253 references to the Projects in Resolution No. 2160, as amended and supplemented to date, shall be
254 deemed to be references to the 2026 Revised Projects, as identified in this Resolution. From and after
255 the effective date of this Resolution, the provisions of this Section 2 shall supersede the provisions of
256 Resolution No. 2160, as amended and supplemented to date, with respect to the application of
257 proceeds of the 2012 Bond.
258

259 (e) Notwithstanding the foregoing provisions of this Section 2, proceeds of the 2012 Bond
260 may not be applied to costs of the 2026 Additional Project, nor will the amendments to Resolution
261 No. 2160 (as amended and supplemented to date) provided for in this Section 2 be applicable, until
262 (i) the Companion Ordinance becomes effective in accordance with applicable law and (ii) this
263 Resolution becomes effective in accordance with applicable law.
264

265 (f) As provided in the Companion Ordinance, subject to the provisions of subsection (e)
266 above and Section 6 of this Resolution, it is the intention of the Council that any investment earnings
267 earned on the principal amount of the 2012 Bond (i) prior to the effective date of this Resolution, to

the extent not already spent in accordance with the provisions of the Ordinance No. 2140 (as amended and supplemented to date), Resolution No. 2160 (as amended and supplemented to date) or applicable budgetary procedures or applicable law and (ii) on and after the effective date of this Resolution, shall be applied to costs of any of the 2026 Revised Projects; provided that, any such investment earnings may be allocated otherwise in accordance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution.

SECTION 3. AND BE IT FURTHER RESOLVED that, subject to the provisions of Section 2(e) and Section 6 of this Resolution, the following officials of the City: the Mayor, the City Administrator, the Director of Finance, the City Clerk and all other appropriate officials and employees of the City, as applicable, are hereby authorized and empowered to take any and all action necessary to provide for application of the proceeds of the 2012 Bond to finance or reimburse the costs of the 2026 Revised Projects and to approve, execute and deliver all documents, certificates and instruments necessary or appropriate in connection therewith or in connection with the transactions contemplated by this Resolution. In particular, any one or more of the Mayor, the City Administrator and the Director of Finance may approve, execute and deliver one or more certificates supplementing the Tax and Section 148 Certificate executed and delivered in connection with the issuance of the 2012 Bond and/or the Tax and Section 148 Certificate executed and delivered in connection with the issuance of the 2016 Bonds, each as amended and supplemented to date.

SECTION 4. AND BE IT FURTHER RESOLVED that from and after the effective date of this Resolution, Resolution No. 2160 (as amended and supplemented to date) shall be deemed amended and supplemented as provided herein and all other terms and provisions of Resolution No. 2160 (as amended and supplemented to date) shall remain in full force and effect.

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

SECTION 6. AND BE IT FURTHER RESOLVED that this Resolution shall become effective upon adoption by the Council and approval by the Mayor; provided, however, that in the event the Companion Ordinance does not become effective in accordance with applicable law, the City may not apply proceeds of the 2012 Bond to pay or reimburse costs of the 2026 Additional Project. Pursuant to Charter Section SC7-46A, this Resolution may not be petitioned to referendum.

[CONTINUED ON FOLLOWING PAGE]

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

ATTEST:

Julie A. English, City Clerk

April R. Jackson, City Council President

Approved by me, this _____ day of _____, 2026

Randolph J. Taylor, Mayor

#245471;581111.001



Memo

To: Mayor and City Council
From: Nick Rice, City Administrator
Date: September 3, 2026
Subject: Authorizing 2013 Bond Funds for Zoo Facility Improvements

The proposed resolutions amend several prior City of Salisbury bond resolutions to authorize the use of remaining investment earnings and/or portions of bond proceeds for a new eligible project identified as “Zoo Facility Improvements.”

The resolutions cover City bond issuances from 2012 through 2021 and would add Zoo Facility Improvements to the list of projects eligible to receive funds under each applicable bond authorization.

Specifically:

- 2012 Bond – Resolution No. 2160: Authorizes certain investment earnings from the \$7,693,000 2012 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2013 Bond – Resolution No. 2358: Authorizes certain investment earnings from the \$3,178,000 2013 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2014A Bond – Resolution No. 2448: Authorizes certain investment earnings from the \$4,009,000 2014A Public Improvements Bond to be used for Zoo Facility Improvements.
- 2015 Bond – Resolution No. 2659: Authorizes certain investment earnings from the \$4,726,200 2015 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2016 Bonds – Resolution No. 2645: Authorizes certain investment earnings associated with the \$20,030,000 2016 Public Improvement and Refunding Bonds to be used for Zoo Facility Improvements and designates the project as a “New Money Project.”
- 2017 Bond – Resolution No. 2794: Authorizes certain investment earnings from the \$5,724,853 2017 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2019 Bonds – Resolution No. 2972: Authorizes a portion of the principal amount and certain other amounts associated with the \$11,225,000 2019 Public Improvement Bonds to be used for Zoo Facility Improvements.
- 2021 Tax-Exempt Bonds – Resolution No. 3117: Authorizes a portion of the principal amount and certain other amounts associated with the \$8,965,000 2021 Tax-Exempt Public Improvement and Refunding Bonds to be used for Zoo Facility Improvements and designates the project as a “2021 New Money Project.”

Collectively, the resolutions do not authorize new borrowing. Rather, they amend existing bond authorizations so that specified remaining investment earnings and, specified portions of bond proceeds and related amounts, may be redirected or applied to Zoo Facility Improvements.

The amendments also formally recognize Zoo Facility Improvements as an eligible “Project” (or “New Money Project,” where applicable) under the respective original bond resolutions.

The resolutions further authorize City officials and employees to take the actions necessary to implement the amended use of the bond-related funds and provide that the resolutions should be liberally construed.

The principal policy change is the expansion of the authorized uses of existing bond-related funds to include Zoo Facility Improvements. The resolutions provide the legal authorization needed to apply eligible funds from multiple prior bond issuances toward the zoo project while maintaining the underlying terms and framework of the original bond resolutions.

Attachment(s):

[Res3482](#)

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RESOLUTION NO. 3482

A RESOLUTION OF THE COUNCIL (THE “COUNCIL”) OF THE CITY OF SALISBURY AMENDING AND SUPPLEMENTING RESOLUTION NO. 2358, ADOPTED BY THE COUNCIL ON DECEMBER 16, 2013, APPROVED BY THE MAYOR ON DECEMBER 16, 2013 AND EFFECTIVE ON DECEMBER 16, 2013 (“RESOLUTION NO. 2358”), IN ORDER TO (1) AUTHORIZE AND EMPOWER CITY OF SALISBURY (THE “CITY”) TO USE AND APPLY CERTAIN INVESTMENT EARNINGS ON THE \$3,178,000 CITY OF SALISBURY PUBLIC IMPROVEMENTS BOND OF 2013 ISSUED ON DECEMBER 23, 2013 (THE “2013 BOND”), TO A PROJECT IDENTIFIED HEREIN AS “ZOO FACILITY IMPROVEMENTS” IN ADDITION TO THE PRIOR AUTHORIZED PROJECTS IDENTIFIED HEREIN, AND (2) IDENTIFY SUCH ADDITIONAL PROJECT AS A “PROJECT” FOR ALL PURPOSES OF RESOLUTION NO. 2358, AS AMENDED AND SUPPLEMENTED; AUTHORIZING AND EMPOWERING CITY OFFICIALS AND EMPLOYEES TO TAKE CERTAIN ACTIONS WITH RESPECT TO THE 2013 BOND; PROVIDING THAT THE PROVISIONS OF THIS RESOLUTION SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2013 BOND.

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RECITALS

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

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, and Ordinance No. 2273, passed by the Council of the City (the “Council”) on December 16, 2013, approved by the Mayor of the City (the “Mayor”) on December 16, 2013 and effective on December 16, 2013 (“Ordinance No. 2273”), the City authorized general obligation bonds to be issued from time to time in one or more series in an aggregate principal amount not to exceed Three Million One Hundred Seventy-Eight Thousand Dollars (\$3,178,000.00) (the “Authorized Bonds”) in order to finance, reimburse or refinance “costs” (as defined in Section 3(b) of Ordinance No. 2273) of the following projects identified in the maximum principal amounts set forth opposite each such Original Authorized Project in the table below:

Underlining : Indicates material added by amendment after introduction
~~Strike-through~~ : Indicates material deleted by amendment after introduction

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Riverwalk	\$1,600,000.00
2.	Mainstreet Master Plan	268,000.00
3.	Coty Cox Drainage Improvements	1,200,000.00
4.	Germania Circle	110,000.00
TOTAL		<u>\$3,178,000.00</u>

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WHEREAS, the projects identified in the table in the preceding WHEREAS clause are referred to in this Resolution as the “Original Authorized Projects” and were referred to in Ordinance No. 2273 as the “Projects;” and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2273 and Resolution No. 2358, adopted by the Council on December 16, 2013, approved by the Mayor on December 16, 2013 and effective on December 16, 2013 (“Resolution No. 2358”), the City determined to borrow money for the public purpose of financing or reimbursing “costs” (as defined in Section 2(b) of Resolution No. 2358, which definition mirrors the definition of “costs” set forth in Section 3(b) of Ordinance No. 2273) of the projects specified in Section 2(a) of Resolution No. 2358 (which included all of the Original Authorized Projects), and to evidence this borrowing by the issuance and sale of a single series of the Authorized Bonds in the form of a single general obligation bond in the maximum principal amount of Three Million One Hundred Seventy-Eight Thousand Dollars (\$3,178,000.00) and designated as the “City of Salisbury Public Improvements Bond of 2013” (the “2013 Bond”); and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2273 and Resolution No. 2358, the City issued and delivered the 2013 Bond to Hebron Savings Bank on December 23, 2013; and

WHEREAS, Section 2 of Resolution No. 2358 provides that proceeds of the 2013 Bond (which is referred to as the “Bond” in Resolution No. 2358) shall be appropriated and allocated to the Original Authorized Projects listed therein in the maximum principal amounts specified therein (the “Original Projects”), subject to the further provisions of such Section 2 (which Original Projects are referred to as the “Projects” in Resolution No. 2358); and

WHEREAS, pursuant to Ordinance No. 2391, passed by the Council on June 20, 2016, approved on behalf of the Mayor on June 22, 2016 and effective on June 22, 2016 (“Ordinance No. 2391”), the City reallocated the principal amount of the Authorized Bonds among the Original Authorized Projects as follows:

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Riverwalk	\$1,409,892.00
2.	Mainstreet Master Plan (1)	539,894.00
3.	Coty Cox Drainage Improvements	1,200,000.00
4.	Germania Circle	28,213.00
TOTAL		<u>\$3,178,000.00</u>

(1) In addition, Ordinance No. 2391 transferred \$4,345.48 of unallocated investment earnings on the Authorized Bonds to this project; and

WHEREAS, on September 1, 2021, the City issued its \$8,965,000 Tax-Exempt Public Improvement and Refunding Bonds of 2021 (the “2021 Tax-Exempt Bonds”), a portion of the proceeds of which were applied to currently refund the then-outstanding principal amount of the 2013 Bond; and

WHEREAS, the outstanding 2013 Bond was prepaid in whole on September 1, 2021; and

WHEREAS, at the time of issuance of the 2021 Tax-Exempt Bonds, a portion of the proceeds of the 2013 Bond remained unexpended, and such unexpended proceeds of the 2013 Bond were considered “transferred proceeds” of the 2021 Tax-Exempt Bonds for purposes of the Internal Revenue Code of 1986, as amended, and the U.S. Treasury Regulations promulgated thereunder (collectively, the “Code”); and

WHEREAS, pursuant to Ordinance No. 2677, passed by the Council on September 13, 2021, approved by the Mayor on September 20, 2021 and effective on September 20, 2021 (“Ordinance No. 2677”), the City reallocated the principal amount of the Authorized Bonds among the Original Authorized Projects as follows:

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Riverwalk	\$1,409,892.00
2.	Mainstreet Master Plan (1)	577,693.00
3.	Coty Cox Drainage Improvements	1,162,201.00
4.	Germania Circle	28,213.00
TOTAL		<u>\$3,178,000.00</u>

(1) In addition, Ordinance No. 2677 allocated \$24,095.00 of investment earnings on the Authorized Bonds to this project; and

WHEREAS, the City wishes to allocate \$8,724.00 of investment earnings on the 2013 Bond to a project not included in Ordinance No. 2273, as amended and supplemented to date, and

Resolution No. 2358 that is generally referred to as “Zoo Facility Improvements” or by similar names (the “2026 Additional Project”); and

WHEREAS, prior to the introduction of this Resolution, the Council passed Ordinance No. 3017 expanding the list of the Original Authorized Projects set forth in Ordinance No. 2273, as amended and supplemented to date, to include the 2026 Additional Project and amending Ordinance No. 2273, as amended and supplemented to date, to allow certain investment earnings on the Authorized Bonds (meaning the 2013 Bond) to be applied to costs of the 2026 Additional Project (the “Companion Ordinance”); and

WHEREAS, accordingly, the City desires to expand the list of the Original Projects as set forth in Resolution No. 2358 in order to allow certain investment earnings on the 2013 Bond to be applied to costs of the 2026 Additional Project and to identify such 2026 Additional Project as part of the “Projects” for all purposes of Resolution No. 2358; and

WHEREAS, while the remaining unexpended proceeds of the 2013 Bond (including investment earnings thereon) are treated as “transferred proceeds” of the 2021 Tax-Exempt Bonds for purposes of the Code, they are referred to as proceeds of the 2013 Bond for purposes of this Resolution.

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

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

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

(c) References in Resolution No. 2358 to the Director of Internal Services shall be construed to refer to the official of the City now known as the Director of Finance (the “Director of Finance”).

(d) References in this Resolution to “principal amount” shall be construed to mean par amount. References in this Resolution to “investment earnings” shall be construed to include interest income. References in this Resolution to “proceeds” of the 2013 Bond shall be construed to mean principal amount plus investment earnings, unless the context requires otherwise.

(e) References in this Resolution to the application or use of proceeds of the 2013 Bond to fund costs of the 2026 Revised Projects (as defined in Section 2(d) hereof) shall be construed to mean (i) for purposes of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2273 and Resolution No. 2358, as the same may be amended, modified or supplemented (including as provided for herein), use of such proceeds to finance or reimburse costs of the 2026 Revised Projects, and (ii) to the extent applicable for purposes of the Code, expenditure or application of such proceeds as “transferred proceeds” of the 2021 Tax-Exempt Bonds.

SECTION 2. AND BE IT FURTHER RESOLVED that:

(a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2273 and Resolution No. 2358, subsection (a) of Section 2 of Resolution No. 2358 is hereby deleted in its entirety and inserted in place thereof shall be the following:

“**SECTION 2. BE IT FURTHER RESOLVED** that (a) pursuant to the authority of the Enabling Act, the Charter and the Ordinance, subject to any reallocation of proceeds of the Bond made to date, and subject to the provisions of Section 3 hereof, the City hereby determines to borrow money and incur indebtedness for the public purpose of financing or reimbursing the costs of the following public purpose projects in the maximum principal amount set forth opposite each such project (exclusive of any investment earnings that may be applied for such purposes):

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Riverwalk	\$1,409,892.00
2.	Mainstreet Master Plan (1)	577,693.00
3.	Coty Cox Drainage Improvements	1,162,201.00
4.	Germania Circle	28,213.00
5.	Zoo Facility Improvements (2)	<u>0 00</u>
TOTAL		<u><u>\$3,178,000.00</u></u>

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

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

The projects identified in items 1-5 above are collectively referred to herein as the

177 “Projects”.”

178
179 (b) As provided in the Companion Ordinance, the City has appropriated \$8,724.00 of
180 investment earnings on the 2013 Bond to pay costs of the 2026 Additional Project.

181
182 (c) By undertaking the amendments to Resolution No. 2358 provided for in this Section
183 2, the City is in effect (i) reflecting certain reallocations of the application of the principal amount of
184 the 2013 Bond and certain allocation of investment earnings on the 2013 Bond to the costs of the
185 Prior Authorized Projects made prior to the introduction of this Resolution; (ii) adding the 2026
186 Additional Project identified as item 5 in the table set forth in subsection (a) above (which amends
187 Section 2(a) of Resolution No. 2358) to the list of the Projects (as defined therein) the costs of which
188 may be financed or reimbursed from the principal amount of the 2013 Bond and investment earnings
189 thereon; and (iii) recognizing the appropriation of \$8,724.00 of investment earnings on the 2013 Bond
190 to pay costs of the 2026 Additional Project. By undertaking such amendments to Resolution No.
191 2358, the City will also be able to allocate or reallocate principal of and any other investment earnings
192 on the proceeds of the 2013 Bond to costs of such 2026 Additional Project, in addition to allocating
193 or reallocating such principal of and investment earnings on costs of the 2026 Revised Projects, in
194 accordance with applicable City budgetary procedures or applicable law.

195
196 (d) The Projects identified in items 1-5 in the table set forth in subsection (a) above (which
197 amends Section 2(a) of Resolution No. 2358) are collectively referred to herein as the “2026 Revised
198 Projects.” Subject to the provisions of subsection (e) below and Section 6 of this Resolution, from
199 and after the effective date of this Resolution, all references to the Projects in Resolution No. 2358
200 shall be deemed to be references to the 2026 Revised Projects, as identified in this Resolution. From
201 and after the effective date of this Resolution, the provisions of this Section 2 shall supersede the
202 provisions of Resolution No. 2358 with respect to the application of proceeds of the 2013 Bond.

203
204 (e) Notwithstanding the foregoing provisions of this Section 2, proceeds of the 2013 Bond
205 may not be applied to costs of the 2026 Additional Project, nor will the amendments to Resolution
206 No. 2358 provided for in this Section 2 be applicable, until (i) the Companion Ordinance becomes
207 effective in accordance with applicable law and (ii) this Resolution becomes effective in accordance
208 with applicable law.

209
210 (f) As provided in the Companion Ordinance, subject to the provisions of subsection (e)
211 above and Section 6 of this Resolution, it is the intention of the Council that any investment earnings
212 earned on the principal amount of the 2013 Bond (i) prior to the effective date of this Resolution, to
213 the extent not already spent in accordance with the provisions of the Ordinance No. 2273 (as amended
214 and supplemented to date), Resolution No. 2358 or applicable budgetary procedures or applicable law
215 and (ii) on and after the effective date of this Resolution, shall be applied to costs of any of the 2026
216 Revised Projects; provided that, any such investment earnings may be allocated otherwise in
217 accordance with applicable budgetary procedures or applicable law, including, to the extent
218 applicable, by resolution.

219
220 **SECTION 3. AND BE IT FURTHER RESOLVED** that, subject to the provisions of
221 Section 2(e) and Section 6 of this Resolution, the following officials of the City: the Mayor, the City

222 Administrator, the Director of Finance, the City Clerk and all other appropriate officials and
223 employees of the City, as applicable, are hereby authorized and empowered to take any and all action
224 necessary to provide for application of the proceeds of the 2013 Bond to finance or reimburse the
225 costs of the 2026 Revised Projects and to approve, execute and deliver all documents, certificates and
226 instruments necessary or appropriate in connection therewith or in connection with the transactions
227 contemplated by this Resolution. In particular, any one or more of the Mayor, the City Administrator
228 and the Director of Finance may approve, execute and deliver one or more certificates supplementing
229 the Tax and Section 148 Certificate executed and delivered in connection with the issuance of the
230 2013 Bond and/or the Tax and Section 148 Certificate executed and delivered in connection with the
231 issuance of the 2021 Tax-Exempt Bonds.

232
233 **SECTION 4. AND BE IT FURTHER RESOLVED** that from and after the effective date
234 of this Resolution, Resolution No. 2358 shall be deemed amended and supplemented as provided
235 herein and all other terms and provisions of Resolution No. 2358 shall remain in full force and effect.

236
237 **SECTION 5. AND BE IT FURTHER RESOLVED** that the provisions of this Resolution
238 shall be liberally construed in order to effectuate the transactions contemplated by this Resolution.

239
240 **SECTION 6. AND BE IT FURTHER RESOLVED** that this Resolution shall become
241 effective upon adoption by the Council and approval by the Mayor; provided, however, that in the
242 event the Companion Ordinance does not become effective in accordance with applicable law, the
243 City may not apply proceeds of the 2013 Bond to pay or reimburse costs of the 2026 Additional
244 Project. Pursuant to Charter Section SC7-46A, this Resolution may not be petitioned to referendum.

245
246 **THIS RESOLUTION** was introduced and duly adopted at a meeting of the Council of the
247 City of Salisbury held on the 14 day of September, 2026.

248
249 **ATTEST:**

250
251
252 _____
253 **Julie A. English, City Clerk**

252 _____
253 **April R. Jackson, City Council President**

254
255
256 Approved by me, this _____ day of _____, 2026

257
258
259 _____
260 **Randolph J. Taylor, Mayor**

261
262
263 #245473;58111.001
264



Memo

To: Mayor and City Council
From: Nick Rice, City Administrator
Date: September 3, 2026
Subject: Authorizing 2014A Bond Funds for Zoo Facility Improvements

The proposed resolutions amend several prior City of Salisbury bond resolutions to authorize the use of remaining investment earnings and/or portions of bond proceeds for a new eligible project identified as “Zoo Facility Improvements.”

The resolutions cover City bond issuances from 2012 through 2021 and would add Zoo Facility Improvements to the list of projects eligible to receive funds under each applicable bond authorization.

Specifically:

- 2012 Bond – Resolution No. 2160: Authorizes certain investment earnings from the \$7,693,000 2012 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2013 Bond – Resolution No. 2358: Authorizes certain investment earnings from the \$3,178,000 2013 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2014A Bond – Resolution No. 2448: Authorizes certain investment earnings from the \$4,009,000 2014A Public Improvements Bond to be used for Zoo Facility Improvements.
- 2015 Bond – Resolution No. 2659: Authorizes certain investment earnings from the \$4,726,200 2015 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2016 Bonds – Resolution No. 2645: Authorizes certain investment earnings associated with the \$20,030,000 2016 Public Improvement and Refunding Bonds to be used for Zoo Facility Improvements and designates the project as a “New Money Project.”
- 2017 Bond – Resolution No. 2794: Authorizes certain investment earnings from the \$5,724,853 2017 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2019 Bonds – Resolution No. 2972: Authorizes a portion of the principal amount and certain other amounts associated with the \$11,225,000 2019 Public Improvement Bonds to be used for Zoo Facility Improvements.
- 2021 Tax-Exempt Bonds – Resolution No. 3117: Authorizes a portion of the principal amount and certain other amounts associated with the \$8,965,000 2021 Tax-Exempt Public Improvement and Refunding Bonds to be used for Zoo Facility Improvements and designates the project as a “2021 New Money Project.”

Collectively, the resolutions do not authorize new borrowing. Rather, they amend existing bond authorizations so that specified remaining investment earnings and, specified portions of bond proceeds and related amounts, may be redirected or applied to Zoo Facility Improvements.

The amendments also formally recognize Zoo Facility Improvements as an eligible “Project” (or “New Money Project,” where applicable) under the respective original bond resolutions.

The resolutions further authorize City officials and employees to take the actions necessary to implement the amended use of the bond-related funds and provide that the resolutions should be liberally construed.

The principal policy change is the expansion of the authorized uses of existing bond-related funds to include Zoo Facility Improvements. The resolutions provide the legal authorization needed to apply eligible funds from multiple prior bond issuances toward the zoo project while maintaining the underlying terms and framework of the original bond resolutions.

Attachment(s):

[Res3483](#)

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RESOLUTION NO. 3483

A RESOLUTION OF THE COUNCIL (THE “COUNCIL”) OF THE CITY OF SALISBURY AMENDING AND SUPPLEMENTING RESOLUTION NO. 2448, ADOPTED BY THE COUNCIL ON SEPTEMBER 22, 2014, APPROVED BY THE MAYOR ON SEPTEMBER 22, 2014 AND EFFECTIVE ON SEPTEMBER 22, 2014 (“RESOLUTION NO. 2448”), IN ORDER TO (1) AUTHORIZE AND EMPOWER CITY OF SALISBURY (THE “CITY”) TO USE AND APPLY CERTAIN INVESTMENT EARNINGS ON THE \$4,009,000 CITY OF SALISBURY PUBLIC IMPROVEMENTS BOND, SERIES 2014A ISSUED ON SEPTEMBER 26, 2014 (THE “2014A BOND”), TO A PROJECT IDENTIFIED HEREIN AS “ZOO FACILITY IMPROVEMENTS” IN ADDITION TO THE PRIOR AUTHORIZED PROJECTS IDENTIFIED HEREIN, AND (2) IDENTIFY SUCH ADDITIONAL PROJECT AS A “PROJECT” FOR ALL PURPOSES OF RESOLUTION NO. 2448; AUTHORIZING AND EMPOWERING CITY OFFICIALS AND EMPLOYEES TO TAKE CERTAIN ACTIONS WITH RESPECT TO THE 2014A BOND; PROVIDING THAT THE PROVISIONS OF THIS RESOLUTION SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2014A BOND.

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RECITALS

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

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, and Ordinance No. 2299, passed by the Council of the City (the “Council”) on August 25, 2014, approved by the Mayor of the City (the “Mayor”) on August 28, 2014 and effective on August 28, 2014 (“Ordinance No. 2299”), the City authorized general obligation bonds to be issued from time to time in one or more series in an aggregate principal amount not to exceed Four Million Two Hundred Thousand Dollars (\$4,200,000.00) (the “Authorized Bonds”) in order to finance, reimburse or refinance “costs” (as defined in Section 3(b) of Ordinance No. 2299) of the project identified therein as “Facility Renovation – Fire Station #2” (herein referred to as the “Original Authorized Project” and referred to as the “Project” in Ordinance No. 2299); and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2299 and Resolution No. 2448, adopted by the Council on September 22, 2014, approved by the Mayor on September 22, 2014 and effective on September 22, 2014 (“Resolution No. 2448”), the City determined to borrow money for the public purpose of financing

Underlining : Indicates material added by amendment after introduction
~~Strike-through~~ : Indicates material deleted by amendment after introduction

45 or reimbursing “costs” (as defined in Section 2(b) of Resolution No. 2448, which definition mirrors
46 the definition of “costs” set forth in Section 3(b) of Ordinance No. 2299) of the Original
47 Authorized Project, and to evidence this borrowing by the issuance and sale of a single series of
48 the Authorized Bonds in the form of a single general obligation bond in the maximum principal
49 amount of Four Million Nine Thousand Dollars (\$4,009,000.00) and designated as the “City of
50 Salisbury Public Improvements Bond, Series 2014A” (the “2014A Bond”); and
51

52 **WHEREAS**, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of
53 the Charter, Ordinance No. 2299 and Resolution No. 2448, the City issued and delivered the 2014A
54 Bond to STI Institutional & Government, Inc. on September 26, 2014; and
55

56 **WHEREAS**, Section 2 of Resolution No. 2448 provides that proceeds of the 2014A Bond
57 (which is referred to as the “Series 2014A Bond” in Resolution No. 2448) shall be appropriated and
58 allocated to the Original Authorized Project (which Original Authorized Project is referred to as the
59 “New Money Project” in Resolution No. 2448); and
60

61 **WHEREAS**, after giving effect to issuance of the 2014A Bond, only \$191,000.00 of bonding
62 authority remained unused under Ordinance No. 2299; accordingly, for all practical purposes the
63 2014A Bond constitutes the only “Bonds” that will be issued pursuant to authority of Ordinance No.
64 2299 and the only “Authorized Bonds” as referred to in this Resolution, and no “BANs” (as defined
65 in Ordinance No. 2299) will be issued pursuant to the authority set forth in Ordinance No. 2299; and
66

67 **WHEREAS**, on July 28, 2016, the City issued its \$20,030,000 Public Improvement and
68 Refunding Bonds of 2016 (the “2016 Bonds”), a portion of the proceeds of which were applied to
69 currently refund the then-outstanding principal amount of the 2014A Bond; and
70

71 **WHEREAS**, at the time of issuance of the 2016 Bonds, a portion of the proceeds of the
72 2014A Bond remained unexpended, and such unexpended proceeds of the 2014A Bond were
73 considered “transferred proceeds” of the 2016 Bonds for purposes of the Internal Revenue Code of
74 1986, as amended, and the U.S. Treasury Regulations promulgated thereunder (collectively, the
75 “Code”); and
76

77 **WHEREAS**, the outstanding 2014A Bond was prepaid in whole on July 28, 2016; and
78

79 **WHEREAS**, the City wishes to allocate \$9,661.00 of investment earnings on the 2014A
80 Bond to a project not included in Ordinance No. 2299 or Resolution No. 2448 that is generally referred
81 to as “Zoo Facility Improvements” or by similar names (the “2026 Additional Project”); and
82

83 **WHEREAS**, prior to the introduction of this Resolution, the Council passed Ordinance No.
84 3018 expanding the list of the Original Authorized Projects set forth in Ordinance No. 2299 to include
85 the 2026 Additional Project and amending Ordinance No. 2299 to allow certain investment earnings
86 on the Authorized Bonds (meaning the 2014A Bond) to be applied to costs of the 2026 Additional
87 Project (the “Companion Ordinance”); and
88

89 **WHEREAS**, accordingly, the City desires to expand the definition of the New Money Project
90 in Resolution No. 2448 by adding the 2026 Additional Project to such definition in order to allow
91 certain investment earnings on the 2014A Bond to be applied to costs of the 2026 Additional Project
92 and to identify such 2026 Additional Project as part of the “New Money Project” for all purposes of
93 Resolution No. 2448; and
94

95 **WHEREAS**, while the remaining unexpended proceeds of the 2014A Bond (including
96 investment earnings thereon) are treated as “transferred proceeds” of the 2016 Bonds for purposes of
97 the Code, they are referred to as proceeds of the 2014A Bond for purposes of this Resolution.
98

99 **SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL**
100 **OF THE CITY OF SALISBURY, MARYLAND** that:
101

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

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

117 (c) References in Resolution No. 2448 to the Director of Internal Services shall be
118 construed to refer to the official of the City now known as the Director of Finance (the “Director of
119 Finance”).

120 (d) References in this Resolution to “principal amount” shall be construed to mean par
121 amount. References in this Resolution to “investment earnings” shall be construed to include interest
122 income. References in this Resolution to “proceeds” of the 2014A Bond shall be construed to mean
123 principal amount plus investment earnings, unless the context requires otherwise.

124 (e) References in this Resolution to the application or use of proceeds of the 2014A Bond
125 to fund costs of the 2026 Revised Projects (as defined in Section 2(d) hereof) shall be construed to
126 mean (i) for purposes of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance
127 No. 2299 and Resolution No. 2448, as the same may be amended, modified or supplemented
128 (including as provided for herein), use of such proceeds to finance or reimburse costs of the 2026
129 Revised Projects, and (ii) to the extent applicable for purposes of the Code, expenditure or application

of such proceeds as “transferred proceeds” of the 2021 Tax-Exempt Bonds.

SECTION 2. AND BE IT FURTHER RESOLVED that:

(a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2299 and Resolution No. 2448, subsection (a) of Section 2 of Resolution No. 2448 is hereby deleted in its entirety and inserted in place thereof shall be the following:

“(a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter and the 2014 New Money Ordinance, the City hereby determines to borrow money and incur indebtedness for the public purpose of providing the funds needed to finance, reimburse or refinance the costs (as defined in Section 3(b) of the 2014 New Money Ordinance) of two projects respectively identified as “Facility Renovation – Fire Station #2” and “Zoo Facility Improvements” (collectively, the “New Money Project”), excluding costs of issuance of such borrowing, which costs of issuance the City intends to pay from other available funds. Proceeds of the Series 2014A Bond identified in Section 3(a) hereof are hereby appropriated and allocated to pay the costs of the New Money Project described in this subsection (a). “

(b) As provided in the Companion Ordinance, the City has appropriated \$9,661.00 of investment earnings on the 2014A Bond to pay costs of the 2026 Additional Project.

(c) By undertaking the amendments to Resolution No. 2448 provided for in this Section 2, the City is in effect (i) adding the 2026 Additional Project to the definition of the New Money Project as used in Resolution No. 2448 in order to allow costs of the 2026 Additional Project to be financed or reimbursed from the principal amount of the 2014A Bond and investment earnings thereon; and (ii) recognizing the appropriation of \$9,661.00 of investment earnings on the 2014A Bond to pay costs of the 2026 Additional Project. By undertaking such amendments to Resolution No. 2448, the City will also be able to allocate or reallocate principal of and any other investment earnings on the proceeds of the 2014A Bond to costs of such 2026 Additional Project, in addition to allocating or reallocating such principal of and investment earnings on costs of the 2026 Revised Projects, in accordance with applicable City budgetary procedures or applicable law.

(d) The two projects identified in subsection (a) above as “Facility Renovation – Fire Station #2” and “Zoo Facility Improvements” (which subsection (a) amends Section 2(a) of Resolution No. 2448) are collectively referred to herein as the “2026 Revised Projects.” Subject to the provisions of subsection (e) below and Section 6 of this Resolution, from and after the effective date of this Resolution, all references to the New Money Projects in Resolution No. 2448, including in the Recitals thereto (notwithstanding the definition of the New Money Project set forth in the second Recital of Resolution No. 2448), shall be deemed to be references to the 2026 Revised Projects, as identified in this Resolution. From and after the effective date of this Resolution, the provisions of this Section 2 shall supersede the provisions of Resolution No. 2448 with respect to the application of proceeds of the 2014A Bond.

173 (e) Notwithstanding the foregoing provisions of this Section 2, proceeds of the 2014A
174 Bond may not be applied to costs of the 2026 Additional Project, nor will the amendments to
175 Resolution No. 2448 provided for in this Section 2 be applicable, until (i) the Companion Ordinance
176 becomes effective in accordance with applicable law and (ii) this Resolution becomes effective in
177 accordance with applicable law.
178

179 (f) As provided in the Companion Ordinance, subject to the provisions of subsection (e)
180 above and Section 6 of this Resolution, it is the intention of the Council that any investment earnings
181 earned on the principal amount of the 2014A Bond (i) prior to the effective date of this Resolution, to
182 the extent not already spent in accordance with the provisions of the Ordinance No. 2299, Resolution
183 No. 2448 or applicable budgetary procedures or applicable law and (ii) on and after the effective date
184 of this Resolution, shall be applied to costs of either of the 2026 Revised Projects; provided that, any
185 such investment earnings may be allocated otherwise in accordance with applicable budgetary
186 procedures or applicable law, including, to the extent applicable, by resolution.
187

188 **SECTION 3. AND BE IT FURTHER RESOLVED** that, subject to the provisions of
189 Section 2(e) and Section 6 of this Resolution, the following officials of the City: the Mayor, the City
190 Administrator, the Director of Finance, the City Clerk and all other appropriate officials and
191 employees of the City, as applicable, are hereby authorized and empowered to take any and all action
192 necessary to provide for application of the proceeds of the 2014A Bond to finance or reimburse the
193 costs of the 2026 Revised Projects and to approve, execute and deliver all documents, certificates and
194 instruments necessary or appropriate in connection therewith or in connection with the transactions
195 contemplated by this Resolution. In particular, any one or more of the Mayor, the City Administrator
196 and the Director of Finance may approve, execute and deliver one or more certificates supplementing
197 the Tax and Section 148 Certificate executed and delivered in connection with the issuance of the
198 2014A Bond and/or the Tax and Section 148 Certificate executed and delivered in connection with
199 the issuance of the 2016 Bonds.
200

201 **SECTION 4. AND BE IT FURTHER RESOLVED** that from and after the effective date
202 of this Resolution, Resolution No. 2448 shall be deemed amended and supplemented as provided
203 herein and all other terms and provisions of Resolution No. 2448 shall remain in full force and effect.
204

205 **SECTION 5. AND BE IT FURTHER RESOLVED** that the provisions of this Resolution
206 shall be liberally construed in order to effectuate the transactions contemplated by this Resolution.
207

208 **SECTION 6. AND BE IT FURTHER RESOLVED** that this Resolution shall become
209 effective upon adoption by the Council and approval by the Mayor; provided, however, that in the
210 event the Companion Ordinance does not become effective in accordance with applicable law, the
211 City may not apply proceeds of the 2014A Bond to pay or reimburse costs of the 2026 Additional
212 Project. Pursuant to Charter Section SC7-46A, this Resolution may not be petitioned to referendum.
213

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

ATTEST:

Julie A. English, City Clerk

April R. Jackson, City Council President

Approved by me, this _____ day of _____, 2026

Randolph J. Taylor, Mayor

#245476;58111.001



Memo

To: Mayor and City Council
From: Nick Rice, City Administrator
Date: September 3, 2026
Subject: Authorizing 2015 Bond Funds for Zoo Facility Improvements

The proposed resolutions amend several prior City of Salisbury bond resolutions to authorize the use of remaining investment earnings and/or portions of bond proceeds for a new eligible project identified as “Zoo Facility Improvements.”

The resolutions cover City bond issuances from 2012 through 2021 and would add Zoo Facility Improvements to the list of projects eligible to receive funds under each applicable bond authorization.

Specifically:

- 2012 Bond – Resolution No. 2160: Authorizes certain investment earnings from the \$7,693,000 2012 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2013 Bond – Resolution No. 2358: Authorizes certain investment earnings from the \$3,178,000 2013 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2014A Bond – Resolution No. 2448: Authorizes certain investment earnings from the \$4,009,000 2014A Public Improvements Bond to be used for Zoo Facility Improvements.
- 2015 Bond – Resolution No. 2659: Authorizes certain investment earnings from the \$4,726,200 2015 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2016 Bonds – Resolution No. 2645: Authorizes certain investment earnings associated with the \$20,030,000 2016 Public Improvement and Refunding Bonds to be used for Zoo Facility Improvements and designates the project as a “New Money Project.”
- 2017 Bond – Resolution No. 2794: Authorizes certain investment earnings from the \$5,724,853 2017 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2019 Bonds – Resolution No. 2972: Authorizes a portion of the principal amount and certain other amounts associated with the \$11,225,000 2019 Public Improvement Bonds to be used for Zoo Facility Improvements.
- 2021 Tax-Exempt Bonds – Resolution No. 3117: Authorizes a portion of the principal amount and certain other amounts associated with the \$8,965,000 2021 Tax-Exempt Public Improvement and Refunding Bonds to be used for Zoo Facility Improvements and designates the project as a “2021 New Money Project.”

Collectively, the resolutions do not authorize new borrowing. Rather, they amend existing bond authorizations so that specified remaining investment earnings and, specified portions of bond proceeds and related amounts, may be redirected or applied to Zoo Facility Improvements.

The amendments also formally recognize Zoo Facility Improvements as an eligible “Project” (or “New Money Project,” where applicable) under the respective original bond resolutions.

The resolutions further authorize City officials and employees to take the actions necessary to implement the amended use of the bond-related funds and provide that the resolutions should be liberally construed.

The principal policy change is the expansion of the authorized uses of existing bond-related funds to include Zoo Facility Improvements. The resolutions provide the legal authorization needed to apply eligible funds from multiple prior bond issuances toward the zoo project while maintaining the underlying terms and framework of the original bond resolutions.

Attachment(s):

[Res3484](#)

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RESOLUTION NO. 3484

A RESOLUTION OF THE COUNCIL (THE “COUNCIL”) OF THE CITY OF SALISBURY AMENDING AND SUPPLEMENTING RESOLUTION NO. 2569, ADOPTED BY THE COUNCIL ON NOVEMBER 23, 2015, APPROVED BY THE MAYOR ON NOVEMBER 23, 2015 AND EFFECTIVE ON NOVEMBER 23, 2015 (“RESOLUTION NO. 2569”), AS AMENDED AND SUPPLEMENTED TO DATE, IN ORDER TO (1) AUTHORIZE AND EMPOWER CITY OF SALISBURY (THE “CITY”) TO USE AND APPLY CERTAIN INVESTMENT EARNINGS ON THE \$4,726,200 CITY OF SALISBURY PUBLIC IMPROVEMENTS BOND OF 2015 ISSUED ON DECEMBER 1, 2015 (THE “2015 BOND”), TO A PROJECT IDENTIFIED HEREIN AS “ZOO FACILITY IMPROVEMENTS” IN ADDITION TO THE PRIOR AUTHORIZED PROJECTS IDENTIFIED HEREIN, AND (2) IDENTIFY SUCH ADDITIONAL PROJECT AS A “PROJECT” FOR ALL PURPOSES OF RESOLUTION NO. 2569, AS AMENDED AND SUPPLEMENTED; AUTHORIZING AND EMPOWERING CITY OFFICIALS AND EMPLOYEES TO TAKE CERTAIN ACTIONS WITH RESPECT TO THE 2015 BOND; PROVIDING THAT THE PROVISIONS OF THIS RESOLUTION SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2015 BOND.

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RECITALS

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

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, and Ordinance No. 2357, passed by the Council of the City (the “Council”) on October 12, 2015, approved by the Mayor of the City (the “Mayor”) on October 14, 2015 and effective on October 14, 2015 (“Ordinance No. 2357”), the City authorized general obligation bonds to be issued from time to time in one or more series in an aggregate principal amount not to exceed Four Million Seven Hundred Twenty-Six Thousand Two Hundred Dollars (\$4,726,200.00) (the “Authorized Bonds”) in order to finance, reimburse or refinance “costs” (as defined in Section 3(b) of Ordinance No. 2357) of the projects identified in Section 3(b) of Ordinance No. 2357 as (i) “Main Street Master Plan,” (ii) “East Main St Storm Drain,” (iii) “Beaverdam Creek Tidal Dam Repair,” and (iv) “24” W in Gordy Rd” (herein collectively referred to as the “Original Authorized Projects” and referred to as the “Projects” in Ordinance No. 2357) in the maximum principal amounts set forth opposite each such Original Authorized Project in such Section 3(b); and

Underlining : Indicates material added by amendment after introduction
~~Strike-through~~ : Indicates material deleted by amendment after introduction

45 **WHEREAS**, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of
46 the Charter, Ordinance No. 2357 and Resolution No. 2569, adopted by the Council on November 23,
47 2015, approved by the Mayor on November 23, 2015 and effective on November 23, 2015
48 (“Resolution No. 2569”), the City determined to borrow money for the public purpose of financing
49 or reimbursing “costs” (as defined in Section 2(b) of Resolution No. 2569, which definition mirrors
50 the definition of “costs” set forth in Section 3(b) of Ordinance No. 2357) of the projects specified
51 in Section 2(a) of Resolution No. 2569 (which included all of the Original Authorized Projects),
52 and to evidence this borrowing by the issuance and sale of a single series of the Authorized Bonds
53 in the form of a single general obligation bond in the maximum principal amount of Four Million
54 Seven Hundred Twenty-Six Thousand Two Hundred Dollars (\$4,726,200.00); and
55

56 **WHEREAS**, pursuant to Resolution No. 2569, such Authorized Bond was issued in the
57 original principal amount of \$4,726,200.00 and was designated as the “City of Salisbury Public
58 Improvements Bond of 2015” (the “2015 Bond”); and
59

60 **WHEREAS**, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of
61 the Charter, Ordinance No. 2357 and Resolution No. 2569, the City issued and delivered the 2015
62 Bond to Bank of America, N.A. on December 1, 2015; and
63

64 **WHEREAS**, Section 2 of Resolution No. 2569 provides that proceeds of the 2015 Bond
65 (which is referred to as the “Bond” in Resolution No. 2569) shall be appropriated and allocated to the
66 specified Original Authorized Projects listed therein in the maximum principal amounts specified
67 therein (the “Original Projects”), subject to the further provisions of such Section 2 (which Original
68 Projects are referred to as the “Projects” in Resolution No. 2569); and
69

70 **WHEREAS**, pursuant to Ordinance No. 2411, passed by the Council on January 23, 2017,
71 approved by the Mayor on January 24, 2017 and effective on January 24, 2017 (“Ordinance No.
72 2411”), the City reallocated an aggregate of \$548,117.00 (rounded to the nearest whole dollar) of the
73 original principal amount of the Authorized Bonds originally allocated to the Original Authorized
74 Project identified as “Beaverdam Creek Tidal Dam Repair” to costs of the Original Authorized Project
75 identified as “Main Street Master Plan;” and
76

77 **WHEREAS**, pursuant to (i) Ordinance No. 2648, passed by the Council on January 25, 2021,
78 approved by the Mayor on January 27, 2021 and effective on January 27, 2021 (“Ordinance No.
79 2648”), the City amended and supplemented Ordinance No. 2357, as amended and supplemented by
80 Ordinance No. 2411, and (ii) Resolution No. 3086, adopted by the Council on January 25, 2021,
81 approved by the Mayor on January 27, 2021 and effective on January 27, 2021 (“Resolution No.
82 3086”), the City amended and supplemented Resolution No. 2569, in order to allocate \$203,500.00
83 of investment earnings on the 2015 Bond to two new projects identified as “GOB Roof and Air
84 Handler Replacement” and “WWTP HVAC” (collectively, the “2021 Additional Projects”), resulting
85 in an aggregate reallocation of the principal amount of the 2015 Bond, plus certain investment
86 earnings thereon, as follows:
87

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Main Street Master Plan	\$2,788,117
2.	East Main St Storm Drain	350,200
3.	Beaverdam Creek Tidal Dam Repair	587,883
4.	24" W in Gordy Rd	1,000,000
5.	GOB Roof and Air Handler Replacement	0(1)
6.	WWTP HVAC	0(2)
	TOTAL	<u>\$4,726,200</u>

(1) As provided in Ordinance No. 2648, the City allocated \$113,500.00 of investment earnings on the Authorized Bonds to pay costs (as redefined in Ordinance No. 2648 and Resolution No. 3086) of this project.

(2) As provided in Ordinance No. 2648, the City allocated \$90,000.00 of investment earnings on the Authorized Bonds to pay costs of this project; and

WHEREAS, the 2015 Bond matured on July 1, 2025 and is no longer outstanding, but certain investment earnings on the 2015 Bond remain unexpended; and

WHEREAS, the City wishes to allocate \$3,036.00 of investment earnings on the 2015 Bond to a project not included in Ordinance No. 2357, as amended and supplemented to date, and Resolution No. 2569, as amended and supplemented to date, that is generally referred to as "Zoo Facility Improvements" or by similar names (the "2026 Additional Project"); and

WHEREAS, the City also wishes to reallocate to the 2026 Additional Project \$15,000.00 of the investment earnings on the 2015 Bond originally allocated to the 2021 Additional Project identified as "GOB Roof and Air Handler Replacement" pursuant to Ordinance No. 2648; and

WHEREAS, prior to the introduction of this Resolution, the Council passed Ordinance No. 3019 expanding the list of the Original Authorized Projects set forth in Ordinance No. 2357, as amended and supplemented to date, to include the 2026 Additional Project and amending Ordinance No. 2357, as amended and supplemented to date, to allow certain investment earnings on the Authorized Bonds (meaning the 2015 Bond) to be applied to costs of the 2026 Additional Project (the "Companion Ordinance"); and

WHEREAS, accordingly, the City desires to expand the list of the Original Projects as set forth in Resolution No. 2569, as amended and supplemented to date, in order to allow certain investment earnings on the 2015 Bond to be applied to costs of the 2026 Additional Project and to identify such 2026 Additional Project as part of the "Projects" for all purposes of Resolution No. 2569, as amended and supplemented; and

120 **WHEREAS**, the Original Projects, together with the 2021 Additional Projects, are referred
121 to in this Resolution as the “Prior Authorized Projects.”
122

123 **SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL**
124 **OF THE CITY OF SALISBURY, MARYLAND** that:
125

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

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

141 (c) References in Resolution No. 2569 to the Director of Internal Services shall be
142 construed to refer to the official of the City now known as the Director of Finance (the “Director of
143 Finance”).

144 (d) References in this Resolution to “principal amount” shall be construed to mean par
145 amount. References in this Resolution to “investment earnings” shall be construed to include interest
146 income. References in this Resolution to “proceeds” of the 2015 Bond shall be construed to mean
147 principal amount plus investment earnings, unless the context requires otherwise.

148 (e) References in this Resolution to the application or use of proceeds of the 2015 Bond
149 to fund costs of the 2026 Revised Projects (as defined in Section 2(d) hereof) shall be construed to
150 mean for purposes of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No.
151 2357 and Resolution No. 2569, as the same may be amended, modified or supplemented (including
152 as provided for herein), use of such proceeds to finance or reimburse costs of the 2026 Revised
153 Projects.

154 **SECTION 2. AND BE IT FURTHER RESOLVED** that:
155

156 (a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the
157 Charter, Ordinance No. 2357 and Resolution No. 2569, subsection (a) of Section 2 of Resolution No.
158 2569, as amended and supplemented to date, is hereby deleted in its entirety and inserted in place
159 thereof shall be the following:

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

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Main Street Master Plan	\$2,788,117
2.	East Main St Storm Drain	350,200
3.	Beaverdam Creek Tidal Dam Repair	587,883
4.	24” W in Gordy Rd	1,000,000
5.	GOB Roof and Air Handler Replacement	0(1)
6.	WWTP HVAC	0(1)
7.	Zoo Facility Improvements	0(2)
TOTAL		<u>\$4,726,200</u>

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

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

The projects and costs of issuance identified in items 1-7 above are collectively referred to herein as the “Projects”.”

(b) As provided in the Companion Ordinance, the City has appropriated \$3,036.00 of investment earnings on the 2015 Bond to pay costs of the 2026 Additional Project.

(c) By undertaking the amendments to Resolution No. 2569 (as amended and supplemented to date) provided for in this Section 2, the City is in effect (i) reflecting certain reallocations of the application of the principal amount of the 2015 Bond and certain allocations of investment earnings on the 2015 Bond to the costs of the Prior Authorized Projects made prior to the introduction of this Resolution; (ii) adding the 2026 Additional Project identified as item 7 in the table set forth in subsection (a) above (which amends Section 2(a) of Resolution No. 2569, as amended and supplemented to date) to the list of the Projects (as defined therein) the costs of which may be financed or reimbursed from the principal amount of the 2015 Bond and investment earnings thereon; (iii) recognizing the appropriation of \$3,036.00 of investment earnings on the 2015 Bond to pay costs of the 2026 Additional Project; and (iv) reallocating \$15,000.00 of investment earnings on the 2015 Bond previously allocated to the 2021 Additional Project identified in the table in subsection (a) above

190 as “GOB Roof and Air Handler Replacement” to be applied to costs of the 2026 Additional Project.
191 By undertaking such amendments to Resolution No. 2569 (as amended and supplemented to date),
192 the City will also be able to allocate or reallocate principal of and any other investment earnings on
193 the proceeds of the 2015 Bond to costs of such 2026 Additional Project, in addition to allocating or
194 reallocating such principal of and investment earnings on costs of the 2026 Revised Projects, in
195 accordance with applicable City budgetary procedures or applicable law.
196

197 (d) The Projects identified in items 1-7 in the table set forth in subsection (a) above (which
198 amends Section 2(a) of Resolution No. 2569, as amended and supplemented to date) are collectively
199 referred to herein as the “2026 Revised Projects.” Subject to the provisions of subsection (e) below
200 and Section 6 of this Resolution, from and after the effective date of this Resolution, all references to
201 the Projects in Resolution No. 2569, as amended and supplemented to date, shall be deemed to be
202 references to the 2026 Revised Projects, as identified in this Resolution. From and after the effective
203 date of this Resolution, the provisions of this Section 2 shall supersede the provisions of Resolution
204 No. 2569, as amended and supplemented to date, with respect to the application of proceeds of the
205 2015 Bond.
206

207 (e) Notwithstanding the foregoing provisions of this Section 2, proceeds of the 2015 Bond
208 may not be applied to costs of the 2026 Additional Project, nor will the amendments to Resolution
209 No. 2569, as amended and supplemented to date, provided for in this Section 2 be applicable, until (i)
210 the Companion Ordinance becomes effective in accordance with applicable law and (ii) this
211 Resolution becomes effective in accordance with applicable law.
212

213 (f) As provided in the Companion Ordinance, subject to the provisions of subsection (e)
214 above and Section 6 of this Resolution, it is the intention of the Council that any investment earnings
215 earned on the principal amount of the 2015 Bond (i) prior to the effective date of this Resolution, to
216 the extent not already spent in accordance with the provisions of the Ordinance No. 2357 (as amended
217 and supplemented to date), Resolution No. 2569 (as amended and supplemented to date) or applicable
218 budgetary procedures or applicable law and (ii) on and after the effective date of this Resolution, shall
219 be applied to costs of any of the 2026 Revised Projects; provided that, any such investment earnings
220 may be allocated otherwise in accordance with applicable budgetary procedures or applicable law,
221 including, to the extent applicable, by resolution.
222

223 **SECTION 3. AND BE IT FURTHER RESOLVED** that, subject to the provisions of
224 Section 2(e) and Section 6 of this Resolution, the following officials of the City: the Mayor, the City
225 Administrator, the Director of Finance, the City Clerk and all other appropriate officials and
226 employees of the City, as applicable, are hereby authorized and empowered to take any and all action
227 necessary to provide for application of the proceeds of the 2015 Bond to finance or reimburse the
228 costs of the 2026 Revised Projects and to approve, execute and deliver all documents, certificates and
229 instruments necessary or appropriate in connection therewith or in connection with the transactions
230 contemplated by this Resolution. In particular, any one or more of the Mayor, the City Administrator
231 and the Director of Finance may approve, execute and deliver a certificate supplementing the Tax and
232 Section 148 Certificate executed and delivered in connection with the issuance of the 2015 Bond, as
233 amended and supplemented to date.
234

SECTION 4. AND BE IT FURTHER RESOLVED that from and after the effective date of this Resolution, Resolution No. 2569 (as amended and supplemented to date) shall be deemed amended and supplemented as provided herein and all other terms and provisions of Resolution No. 2569 (as amended and supplemented to date) shall remain in full force and effect.

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

SECTION 6. AND BE IT FURTHER RESOLVED that this Resolution shall become effective upon adoption by the Council and approval by the Mayor; provided, however, that in the event the Companion Ordinance does not become effective in accordance with applicable law, the City may not apply proceeds of the 2015 Bond to pay or reimburse costs of the 2026 Additional Project. Pursuant to Charter Section SC7-46A, this Resolution may not be petitioned to referendum.

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

ATTEST:

Julie A. English, City Clerk

April R. Jackson, City Council President

Approved by me, this _____ day of _____, 2026

Randolph J. Taylor, Mayor

#245484;58111.001



Memo

To: Mayor and City Council
From: Nick Rice, City Administrator
Date: September 3, 2026
Subject: Authorizing 2016 Bond Funds for Zoo Facility Improvements

The proposed resolutions amend several prior City of Salisbury bond resolutions to authorize the use of remaining investment earnings and/or portions of bond proceeds for a new eligible project identified as “Zoo Facility Improvements.”

The resolutions cover City bond issuances from 2012 through 2021 and would add Zoo Facility Improvements to the list of projects eligible to receive funds under each applicable bond authorization.

Specifically:

- 2012 Bond – Resolution No. 2160: Authorizes certain investment earnings from the \$7,693,000 2012 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2013 Bond – Resolution No. 2358: Authorizes certain investment earnings from the \$3,178,000 2013 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2014A Bond – Resolution No. 2448: Authorizes certain investment earnings from the \$4,009,000 2014A Public Improvements Bond to be used for Zoo Facility Improvements.
- 2015 Bond – Resolution No. 2659: Authorizes certain investment earnings from the \$4,726,200 2015 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2016 Bonds – Resolution No. 2645: Authorizes certain investment earnings associated with the \$20,030,000 2016 Public Improvement and Refunding Bonds to be used for Zoo Facility Improvements and designates the project as a “New Money Project.”
- 2017 Bond – Resolution No. 2794: Authorizes certain investment earnings from the \$5,724,853 2017 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2019 Bonds – Resolution No. 2972: Authorizes a portion of the principal amount and certain other amounts associated with the \$11,225,000 2019 Public Improvement Bonds to be used for Zoo Facility Improvements.
- 2021 Tax-Exempt Bonds – Resolution No. 3117: Authorizes a portion of the principal amount and certain other amounts associated with the \$8,965,000 2021 Tax-Exempt Public Improvement and Refunding Bonds to be used for Zoo Facility Improvements and designates the project as a “2021 New Money Project.”

Collectively, the resolutions do not authorize new borrowing. Rather, they amend existing bond authorizations so that specified remaining investment earnings and, specified portions of bond proceeds and related amounts, may be redirected or applied to Zoo Facility Improvements.

The amendments also formally recognize Zoo Facility Improvements as an eligible “Project” (or “New Money Project,” where applicable) under the respective original bond resolutions.

The resolutions further authorize City officials and employees to take the actions necessary to implement the amended use of the bond-related funds and provide that the resolutions should be liberally construed.

The principal policy change is the expansion of the authorized uses of existing bond-related funds to include Zoo Facility Improvements. The resolutions provide the legal authorization needed to apply eligible funds from multiple prior bond issuances toward the zoo project while maintaining the underlying terms and framework of the original bond resolutions.

Attachment(s):

[Res3485](#)

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RESOLUTION NO. 3485

A RESOLUTION OF THE COUNCIL (THE “COUNCIL”) OF THE CITY OF SALISBURY AMENDING AND SUPPLEMENTING RESOLUTION NO. 2645, ADOPTED BY THE COUNCIL ON JULY 18, 2016, APPROVED BY THE MAYOR ON JULY 19, 2016 AND EFFECTIVE ON JULY 19, 2016 (“RESOLUTION NO. 2645”), IN ORDER TO (1) AUTHORIZE AND EMPOWER CITY OF SALISBURY (THE “CITY”) TO USE AND APPLY CERTAIN INVESTMENT EARNINGS ON THE \$20,030,000 CITY OF SALISBURY PUBLIC IMPROVEMENT AND REFUNDING BONDS OF 2016 ISSUED ON JULY 28, 2016 (THE “2016 BONDS”) TO A PROJECT IDENTIFIED HEREIN AS “ZOO FACILITY IMPROVEMENTS” IN ADDITION TO THE NEW MONEY PROJECTS IDENTIFIED IN RESOLUTION NO. 2645, AND (2) IDENTIFY SUCH ADDITIONAL PROJECT AS A “NEW MONEY PROJECT” FOR ALL PURPOSES OF RESOLUTION NO. 2645; AUTHORIZING AND EMPOWERING CITY OFFICIALS AND EMPLOYEES TO TAKE CERTAIN ACTIONS WITH RESPECT TO THE 2016 BONDS; PROVIDING THAT THE PROVISIONS OF THIS RESOLUTION SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2016 BONDS.

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RECITALS

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

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, and Ordinance No. 2394, passed by the Council of the City (the “Council”) on July 18, 2016, approved by the Mayor of the City (the “Mayor”) on July 19, 2016 and effective on July 19, 2016 (“Ordinance No. 2394”), the City authorized general obligation bonds to be issued from time to time in one or more series in an aggregate principal amount not to exceed Four Million Seven Hundred Fifty-One Thousand Five Hundred Dollars (\$4,751,500.00) (the “Authorized New Money Bonds”) in order to finance, reimburse or refinance “costs” (as defined in Section 3(b) of Ordinance No. 2394) of the projects identified in Section 3(b) of Ordinance No. 2394 as (1) “Spine Rail Trail”, (2) “Community Centers”, (3) “Riverside Circle”, (4) “Service Center Facility Plan Phase 1”, (5) “E-7 Inspector’s Truck”, (6) “S-14 2001 F-150 Dump Truck”, (7) “S-32 Hot Patch Trail Improvements”, (8) “Replacement of 1998 Roller”, (9) “Lemmon Hill Standpipe”, (10) “Fitzwater Street Lift Station – Phase II”, (11) “Belt Filter Press Rehabilitation”, (12) “Dump Truck”, (13) “Dump Truck WWTP”, (14) “Parking Garage Façade and Landscaping”, and (15) “Aquatic Weed Harvester with Unloading Conveyor” (herein collectively referred to as the “Original Authorized New Money Projects” and

Underlining : Indicates material added by amendment after introduction
~~Strike-through~~ : Indicates material deleted by amendment after introduction

referred to as the “Projects” in Ordinance No. 2394) in the maximum principal amounts set forth opposite each such Original Authorized New Money Project in such Section 3(b); and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2394, certain other ordinances identified in Resolution No. 2645 (defined herein), and Resolution No. 2645, adopted by the Council on July 18, 2016, approved by the Mayor on July 19, 2016 and effective on July 19, 2016 (“Resolution No. 2645”), the City issued on July 28, 2016 its general obligation bonds in the original aggregate principal amount of \$20,030,000 and designated as the “City of Salisbury Public Improvement and Refunding Bonds of 2016” (the “2016 Bonds”); and

WHEREAS, the 2016 Bonds were issued in order to (i) finance or reimburse costs of the Original Authorized New Money Projects, including allocable costs of issuance, and (ii) currently refund on the date of issuance of the 2016 Bonds certain outstanding obligations of the City and to pay allocable costs of issuance, all as described in the Tax and Section 148 Certificate of the City dated July 28, 2016 (the “2016 Tax Certificate”); and

WHEREAS, that portion of the 2016 Bonds applied or to be applied for new money purposes (including paying allocable costs of issuance) was authorized by Ordinance No. 2394; and

WHEREAS, because the 2016 Bonds were sold by public sale at competitive bid, the City realized net original issue premium in connection with the sale of the 2016 Bonds that allowed it to reduce the par amount of the 2016 Bonds needed for new money purposes from the maximum par amount authorized for such purposes by Resolution No. 2645, and thereby to allocate a portion of such net original issue premium, together with the par amount of the 2016 Bonds allocated to new money purposes, to fund the Original Authorized New Money Projects in the maximum aggregate principal amount of \$4,751,500 contemplated by Ordinance No. 2394 and Resolution No. 2645; and

WHEREAS, pursuant to Resolution No. 2645, \$4,300,000 in par amount of the 2016 Bonds (which constitute the Authorized New Money Bonds for purposes of Ordinance No. 2394), together with a portion of the net original issue premium paid with respect to the 2016 Bonds, was appropriated and allocated to the specified Original Authorized New Money Projects identified below (which Original Authorized New Money Projects are referred to as the “New Money Projects” in Resolution No. 2645 and are referred to in this Resolution as the “Original New Money Projects”), in the amounts set forth below, exclusive of allocable costs of issuance:

[CONTINUED ON FOLLOWING PAGE]

	<u>Project Name</u>	<u>Maximum Amount</u>
1.	Spine Rail Trail	\$150,000
2.	Community Centers	500,000
3.	Riverside Circle	175,000
4.	Service Center Facility Plan Phase 1	102,000
5.	E-7 Inspector's Truck	30,000
6.	S-14 2001 F-150 Dump Truck	48,500
7.	S-32 Hot Patch Trailer Improvements	40,000
8.	Replacement of 1998 Roller	50,000
9.	Lemmon Hill Standpipe	100,000
10.	Fitzwater Street Lift Station – Phase II	2,690,000
11.	Belt Filter Press Rehabilitation	357,000
12.	Dump Truck	90,000
13.	Dump Truck WWTP	90,000
14.	Parking Garage Façade and Landscaping	200,000
15.	Aquatic Weed Harvester with Unloading Conveyor	129,000
	TOTAL	<u>\$4,751,500.00</u>

; and

WHEREAS, the 2016 Tax Certificate identifies that portion of the par amount of the 2016 Bonds, together with that portion of the net original issue premium on the 2016 Bonds allocated to costs of the Original New Money Projects (which are identified as the “New Money Projects” in the 2016 Tax Certificate), including allocable costs of issuance, as the “New Money Portion” of the 2016 Bonds and such portion is referred to in this Resolution as the “New Money Portion of the 2016 Bonds”(when referring to provisions of Resolution No. 2645) or the “New Money Portion of the Authorized New Money Bonds” (when referring to provisions of Ordinance No. 2394, as amended and supplemented to date); and

WHEREAS, Ordinance No. 2394 provides that, without notice to or the consent of any registered owners of the Authorized New Money Bonds, the City may reallocate the maximum principal amount of the Authorized New Money Bonds to be spent among any of the Original Authorized New Money Projects in compliance with applicable budgetary procedures or applicable law; and

WHEREAS, pursuant to Ordinance No. 2544, passed by the Council on June 10, 2019, approved by the Mayor on June 11, 2019 and effective on June 11, 2019 (“Ordinance No. 2544”), the City in effect amended and supplemented Ordinance No. 2394 to (i) reallocate \$129,000.00 of the total amount of the New Money Portion of the Authorized New Money Bonds allocated to the Original Authorized New Money Project identified as “Aquatic Weed Harvester with Unloading Conveyor” to the Original Authorized New Money Project identified as “Riverside Circle,” (ii) reallocate \$500.00 of the total amount of the New Money Portion of the Authorized New Money

Bonds allocated to the Original Authorized New Money Project identified as “Spine Rail Trail” to the Original Authorized New Money Project identified as “Riverside Circle,” (iii) reallocate \$4,189.10 of the New Money Portion of the Authorized New Money Bonds originally allocated to costs of issuance to the Original Authorized New Money Project identified as “Riverside Circle,” and (iv) allocate \$42,225.38 of investment earnings on the New Money Portion of the Authorized New Money Bonds to the Original Authorized New Money Project identified as “Riverside Circle,” without differentiating between the principal amount of the New Money Portion of the Authorized New Money Bonds and the net original issue premium constituting a portion of the New Money Portion of the Authorized New Money Bonds so allocated to costs of the Original Authorized New Money Projects; and

WHEREAS, pursuant to Ordinance No. 2544, the Council in effect provided that no portion of the proceeds of the New Money Portion of the Authorized New Money Bonds would be applied to the Original Authorized New Money Project identified as “Aquatic Weed Harvester with Unloading Conveyor;” and

WHEREAS, pursuant to Ordinance No. 2833, passed by the Council on October 23, 2023, approved by the Acting Mayor of the City on October 24, 2023 and effective on October 24, 2023 (“Ordinance No. 2833”), the City in effect amended and supplemented Ordinance No. 2394, as amended and supplemented by Ordinance No. 2544, to reallocate or allocate, as applicable, the following amounts to the Original Authorized New Money Project identified as “Community Centers:” (i) reallocate \$6,941.77 from the total amount of the New Money Portion of the Authorized New Money Bonds allocated to the Original Authorized New Money Project identified as “Riverside Circle,” (ii) reallocate \$2,267.12 from the total amount of the New Money Portion of the Authorized New Money Bonds allocated to the Original Authorized New Money Project identified as “E-7 Inspector’s Truck,” (iii) reallocate \$4,381.00 from the total amount of the New Money Portion of the Authorized New Money Bonds allocated to the Original Authorized New Money Project identified as “S-14 2001 F-150 Dump Truck,” (iv) reallocate \$4,026.00 from the total amount of the New Money Portion of the Authorized New Money Bonds allocated to the Original Authorized New Money Project identified as “S-32 Hot Patch Trailer Improvements,” (v) reallocate \$13,048.34 from the total amount of the New Money Portion of the Authorized New Money Bonds originally allocated to costs of issuance, and (vi) allocate \$15,054.54 of investment earnings from the New Money Portion of the Authorized New Money Bonds, without differentiating between the principal amount of the New Money Portion of the Authorized New Money Bonds and the net original issue premium constituting a portion of the New Money Portion of the Authorized New Money Bonds so allocated to costs of the Original Authorized New Money Projects; and

WHEREAS, pursuant to Ordinance No. 2833, the City also reallocated \$3,596.00 from the total amount of the New Money Portion of the Authorized New Money Bonds allocated to the Original Authorized New Money Project identified as “S-32 Hot Patch Trailer Improvements” to the Original Authorized New Money Project identified as “Replacement of 1998 Roller,” without differentiating between the principal amount of the New Money Portion of the Authorized New Money Bonds and the net original issue premium constituting a portion of the New Money Portion of the Authorized New Money Bonds so allocated to costs of the Original Authorized New Money Projects; and

154 **WHEREAS**, the City desires to allocate \$14,027.00 of investment earnings on the New
155 Money Portion of the 2016 Bonds to a project not included in Ordinance No. 2394, as amended and
156 supplemented to date, and Resolution No. 2645 that is generally referred to as “Zoo Facility
157 Improvements” or by similar names (the “2026 Additional Project”); and
158

159 **WHEREAS**, prior to the introduction of this Resolution, the Council passed Ordinance No.
160 3020 expanding the list of the Original Authorized New Money Projects set forth in Ordinance No.
161 2394, as amended and supplemented to date, to include the 2026 Additional Project and amending
162 Ordinance No. 2394, as amended and supplemented to date, to allow certain investment earnings on
163 the Authorized New Money Bonds (meaning a portion of the 2016 Bonds) to be applied to costs of
164 the 2026 Additional Project (the “Companion Ordinance”); and
165

166 **WHEREAS**, accordingly, the City desires to expand the list of the Original New Money
167 Projects as set forth in Resolution No. 2645 in order to allow certain investment earnings on the New
168 Money Portion of the 2016 Bonds to be applied to the 2026 Additional Project and to identify such
169 2026 Additional Project as part of the “New Money Projects” for all purposes of Resolution No. 2645.
170

171 **SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL**
172 **OF THE CITY OF SALISBURY, MARYLAND** that:
173

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

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

189 (c) References in Resolution No. 2645 to the Director of Internal Services shall be
190 construed to refer to the official of the City now known as the Director of Finance (the “Director of
191 Finance”).

192 (d) References in this Resolution to “principal amount” shall be construed to mean par
193 amount. References in this Resolution to “investment earnings” shall be construed to include interest
194 income. References in this Resolution to “proceeds” of the 2016 Bonds shall be construed to include
195 the principal amount of the New Money Portion of the 2016 Bonds, net original issue premium

received in connection with the sale of the 2016 Bonds allocated to the New Money Portion of the 2016 Bonds, and investment earnings on the principal amount of and net original issue premium allocated to the New Money Portion of the 2016 Bonds, all to the extent allocated to the new money purposes of the 2016 Bonds.

(e) References in this Resolution to the application or use of proceeds of the 2016 Bonds to fund costs of the 2026 Revised Projects (as defined in Section 2(d) hereof) shall be construed to mean for purposes of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2394 and Resolution No. 2645, as the same may be amended, modified or supplemented (including as provided for herein), use of only the New Money Portion of such proceeds to finance or reimburse costs of the 2026 Revised Projects.

SECTION 2. AND BE IT FURTHER RESOLVED that:

(a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2394 and Resolution No. 2645, subsection (a) of Section 2 of Resolution No. 2645 is hereby deleted in its entirety and inserted in place thereof shall be the following:

“(a) Subject to the further provisions of this Section 2, pursuant to the authority of the Enabling Act, the Charter and Ordinance No. 2394, the City hereby determines to borrow money and incur indebtedness for the public purpose of financing or reimbursing costs (as defined in subsection (b) below) of the following public purpose projects in the maximum principal amount set forth opposite each such project (exclusive of any premium realized upon sale or any investment earnings that may be applied for such purposes):

[CONTINUED ON FOLLOWING PAGE]

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Spine Rail Trail	\$149,500
2.	Community Centers (1)	517,615.89
3.	Riverside Circle (1)	297,558.23
4.	Service Center Facility Plan Phase 1	102,000
5.	E-7 Inspector's Truck	27,732.88
6.	S-14 2001 F-150 Dump Truck	44,119
7.	S-32 Hot Patch Trailer Improvements	32,378
8.	Replacement of 1998 Roller	53,396
9.	Lemmon Hill Standpipe	100,000
10.	Fitzwater Street Lift Station – Phase II	2,690,000
11.	Belt Filter Press Rehabilitation	357,000
12.	Dump Truck	90,000
13.	Dump Truck WWTP	90,000
14.	Parking Garage Façade and Landscaping	200,000
15.	Aquatic Weed Harvester with Unloading Conveyor	0
16.	Zoo Facility Improvements	<u>0 (2)</u>
	TOTAL	<u>\$4,751,500.00</u>

(1) The City previously also allocated a portion of the net original issue premium allocable to the Bonds and certain investment earnings on the Bonds to this project.

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

The projects identified in items 1-16 above are collectively referred to herein as the “New Money Projects” and individually as a “New Money Project.” The City, without notice to or the consent of any registered owners of the Bonds (as defined in Section 3 below) may reallocate the maximum principal amount of the Bonds to be spent among any of the New Money Projects in compliance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution. Further, it is the intention of the Council that proceeds of the Bonds may be spent on any applicable costs (as defined in subsection (b) below) relating to the New Money Projects identified in items 1-16 above, notwithstanding the descriptive names used for such New Money Projects in the table above, including, without limitation, changes in scopes of the New Money Projects identified above effected through applicable budgetary procedures or applicable law.”

(b) As provided in the Companion Ordinance, the City has appropriated \$14,027.00 of investment earnings on the New Money Portion of the 2016 Bonds to pay costs of the 2026 Additional Project.

(c) By undertaking the amendments to Resolution No. 2645 provided for in this Section 2, the City is in effect (i) reflecting certain reallocations of the application of the principal amount of the New Money Portion of the 2016 Bonds, certain reallocations of a portion of the net original issue premium allocated to the New Money Portion of the 2016 Bonds, and certain allocations of investment earnings on the proceeds of the New Money Portion of the 2016 Bonds to the costs of the Original New Money Projects made prior to introduction of this Resolution; (ii) adding the Additional 2026 Project identified as item 16 in the table set forth in subsection (a) above (which amends Section 2(a) of Resolution No. 2645) to the list of the Prior Authorized Projects the costs of which may be financed or reimbursed from the principal amount of the New Money Portion of the 2016 Bonds, net original issue premium allocated to the New Money Portion of the 2016 Bonds, and investment earnings allocated to the New Money Portion of the 2016 Bonds; and (iii) recognizing the appropriation of \$14,027.00 of investment earnings on the New Money Portion of the 2016 Bonds to pay costs of the 2026 Additional Project. By undertaking such amendments to Resolution No. 2645, the City will also be able to allocate or reallocate principal of the New Money Portion of the 2016 Bonds, net original issue premium allocated to the New Money Portion of the 2016 Bonds and investment earnings on the proceeds of the New Money Portion of the 2016 Bonds to costs of such 2026 Additional Project, in addition to allocating or reallocating such amounts to costs of the other 2026 Revised Projects, in accordance with applicable City budgetary procedures or applicable law.

(d) The Projects identified in items 1-16 in the table set forth in subsection (a) above (which amends Section 2(a) of Resolution No. 2645) are collectively referred to herein as the “2026 Revised Projects.” Subject to the provisions of subsection (e) below and Section 6 of this Resolution, from and after the effective date of this Resolution, all references to the New Money Projects in Resolution No. 2645 shall be deemed to be references to the 2026 Revised Projects, as identified in this Resolution. From and after the effective date of this Resolution, the provisions of this Section 2 shall supersede the provisions of Resolution No. 2645 with respect to the application of proceeds of the New Money Portion of the 2016 Bonds.

(e) Notwithstanding the foregoing provisions of this Section 2, proceeds of the New Money Portion of the 2016 Bonds may not be applied to costs of the 2026 Additional Project, nor will the amendments to Resolution No. 2645 provided for in this Section 2 be applicable, until (i) the Companion Ordinance becomes effective in accordance with applicable law and (ii) this Resolution becomes effective in accordance with applicable law.

(f) As provided in the Companion Ordinance, subject to the provisions of subsection (e) above and Section 6 of this Resolution, it is the intention of the Council that any investment earnings earned on the principal amount of the New Money Portion of the 2016 Bonds and the net original issue premium allocated to the New Money Portion of the 2016 Bonds (i) prior to the effective date of this Resolution, to the extent not already spent in accordance with the provisions of the Ordinance No. 2394 (as amended and supplemented to date), Resolution No. 2645 or applicable budgetary procedures or applicable law and (ii) on and after the effective date of this Resolution, shall be applied

287 to costs of any of the 2026 Revised Projects; provided that, any such investment earnings may be
288 allocated otherwise in accordance with applicable budgetary procedures or applicable law, including,
289 to the extent applicable, by resolution.
290

291 (g) References in this Resolution to applying principal or net original issue premium of
292 the 2016 Bonds and any investment earnings on the proceeds of the 2016 Bonds to costs of the 2026
293 Additional Project shall be construed to refer solely to proceeds constituting the New Money Portion
294 of the 2016 Bonds and not to any proceeds of the 2016 Bonds issued for current refunding purposes.
295

296 **SECTION 3. AND BE IT FURTHER RESOLVED** that, subject to the provisions of
297 Section 2(e) and Section 6 of this Resolution, the following officials of the City: the Mayor, the City
298 Administrator, the Director of Finance, the City Clerk and all other appropriate officials and
299 employees of the City, as applicable, are hereby authorized and empowered to take any and all action
300 necessary to provide for application of the proceeds of the 2016 Bonds to finance or reimburse the
301 costs of the 2026 Revised Projects and to approve, execute and deliver all documents, certificates and
302 instruments necessary or appropriate in connection therewith or in connection with the transactions
303 contemplated by this Resolution. In particular, any one or more of the Mayor, the City Administrator
304 and the Director of Finance may approve, execute and deliver a certificate supplementing the 2016
305 Tax Certificate, as amended and supplemented to date.
306

307 **SECTION 4. AND BE IT FURTHER RESOLVED** that from and after the effective date
308 of this Resolution, Resolution No. 2645 shall be deemed amended and supplemented as provided
309 herein and all other terms and provisions of Resolution No. 2645 shall remain in full force and effect.
310

311 **SECTION 5. AND BE IT FURTHER RESOLVED** that the provisions of this Resolution
312 shall be liberally construed in order to effectuate the transactions contemplated by this Resolution.
313

314 **SECTION 6. AND BE IT FURTHER RESOLVED** that this Resolution shall become
315 effective upon adoption by the Council and approval by the Mayor; provided, however, that in the
316 event the Companion Ordinance does not become effective in accordance with applicable law, the
317 City may not apply proceeds of the New Money Portion of the 2016 Bonds to pay or reimburse costs
318 of the 2026 Additional Project. Pursuant to Charter Section SC7-46A, this Resolution may not be
319 petitioned to referendum.
320

321 [CONTINUED ON FOLLOWING PAGE]
322
323

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

326
327 **ATTEST:**

328
329
330 _____
331 **Julie A. English, City Clerk**

April R. Jackson, City Council President

332
333
334 Approved by me, this _____ day of _____, 2026

335
336
337 _____
338 **Randolph J. Taylor, Mayor**

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340
341 #243057;58111.001
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343



Memo

To: Mayor and City Council
From: Nick Rice, City Administrator
Date: September 3, 2026
Subject: Authorizing 2017 Bond Funds for Zoo Facility Improvements

The proposed resolutions amend several prior City of Salisbury bond resolutions to authorize the use of remaining investment earnings and/or portions of bond proceeds for a new eligible project identified as “Zoo Facility Improvements.”

The resolutions cover City bond issuances from 2012 through 2021 and would add Zoo Facility Improvements to the list of projects eligible to receive funds under each applicable bond authorization.

Specifically:

- 2012 Bond – Resolution No. 2160: Authorizes certain investment earnings from the \$7,693,000 2012 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2013 Bond – Resolution No. 2358: Authorizes certain investment earnings from the \$3,178,000 2013 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2014A Bond – Resolution No. 2448: Authorizes certain investment earnings from the \$4,009,000 2014A Public Improvements Bond to be used for Zoo Facility Improvements.
- 2015 Bond – Resolution No. 2659: Authorizes certain investment earnings from the \$4,726,200 2015 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2016 Bonds – Resolution No. 2645: Authorizes certain investment earnings associated with the \$20,030,000 2016 Public Improvement and Refunding Bonds to be used for Zoo Facility Improvements and designates the project as a “New Money Project.”
- 2017 Bond – Resolution No. 2794: Authorizes certain investment earnings from the \$5,724,853 2017 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2019 Bonds – Resolution No. 2972: Authorizes a portion of the principal amount and certain other amounts associated with the \$11,225,000 2019 Public Improvement Bonds to be used for Zoo Facility Improvements.
- 2021 Tax-Exempt Bonds – Resolution No. 3117: Authorizes a portion of the principal amount and certain other amounts associated with the \$8,965,000 2021 Tax-Exempt Public Improvement and Refunding Bonds to be used for Zoo Facility Improvements and designates the project as a “2021 New Money Project.”

Collectively, the resolutions do not authorize new borrowing. Rather, they amend existing bond authorizations so that specified remaining investment earnings and, specified portions of bond proceeds and related amounts, may be redirected or applied to Zoo Facility Improvements.

The amendments also formally recognize Zoo Facility Improvements as an eligible “Project” (or “New Money Project,” where applicable) under the respective original bond resolutions.

The resolutions further authorize City officials and employees to take the actions necessary to implement the amended use of the bond-related funds and provide that the resolutions should be liberally construed.

The principal policy change is the expansion of the authorized uses of existing bond-related funds to include Zoo Facility Improvements. The resolutions provide the legal authorization needed to apply eligible funds from multiple prior bond issuances toward the zoo project while maintaining the underlying terms and framework of the original bond resolutions.

Attachment(s):

[Res3486](#)

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RESOLUTION NO. 3486

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

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RECITALS

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

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

Underlining : Indicates material added by amendment after introduction

~~Strike-through~~ : Indicates material deleted by amendment after introduction

45 Dump Trucks,” (11) “Recycle Trucks,” (12) “Street Scaping: Division, Circle, and Camden,” (13)
46 Parking Garage Roof Waterproof Membrane,” (14) “New Parking Meters for Downtown,” and (15)
47 “Parking Garage Upgraded Security Cameras” (herein collectively referred to as the “Original
48 Authorized Projects” and referred to as the “Projects” in Ordinance No. 2463) in the maximum
49 principal amounts set forth opposite each such Original Authorized Project in such Section 3(b); and
50

51 **WHEREAS**, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of
52 the Charter, Ordinance No. 2463 and Resolution No. 2794, adopted by the Council on November 27,
53 2017, approved by the Mayor on November 28, 2017 and effective on November 28, 2017
54 (“Resolution No. 2794”), the City determined to borrow money for the public purpose of financing
55 or reimbursing “costs” and “Costs of the Projects” (as defined in Section 2(b) of Resolution No.
56 2794, which definitions mirror the definitions of “costs” and “Costs of the Projects” set forth in
57 Section 3(b) of Ordinance No. 2463) of the projects specified in Section 2(a) of Resolution No.
58 2794 (which included all of the Original Authorized Projects), and to evidence this borrowing by
59 the issuance and sale of a single series of the Authorized Bonds in the form of a single general
60 obligation installment bond in the maximum principal amount of Five Million Seven Hundred
61 Twenty-Four Thousand Eight Hundred Fifty-Three Dollars (\$5,724,853.00); and
62

63 **WHEREAS**, pursuant to Resolution No. 2794, such Authorized Bond was issued in the
64 original principal amount of \$5,724,853.00 and was designated as the “City of Salisbury Public
65 Improvements Bond of 2017” (the “2017 Bond”); and
66

67 **WHEREAS**, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of
68 the Charter, Ordinance No. 2463 and Resolution No. 2794, the City issued and delivered the 2017
69 Bond to Branch Banking and Trust Company on December 13, 2017; and
70

71 **WHEREAS**, Section 2 of Resolution No. 2794 provides that proceeds of the 2017 Bond
72 (which is referred to as the “Bond” in Resolution No. 2794) shall be appropriated and allocated to the
73 specified Original Authorized Projects listed therein in the maximum principal amounts specified
74 therein (the “Original Projects”), subject to the further provisions of such Section 2 (which Original
75 Projects are referred to as the “Projects” in Resolution No. 2794) as follows:
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78 [CONTINUED ON FOLLOWING PAGE]
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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	MDT Upgrades/Replacements	\$150,000
2.	Station 16 Rear Driveway Paving	40,000
3.	Radio System & Dispatch Equipment/Improvements	898,253
4.	Riverside Circle	1,326,000
5.	Service Center Facility – Phase 1	550,000
6.	Service Center Facility – Phase 2	200,000
7.	Urban Greenway – Phase 1 – Riverwalk Section	307,200
8.	Urban Greenway – Phase 2 – Carroll Street Section	100,000
9.	Bicycle Master Plan Paths Including 1 st Half of Rail Trail	761,500
10.	Maintenance Dump Trucks	160,000
11.	Recycle Trucks	150,000
12.	Street Scaping: Division, Circle, and Camden	750,000
13.	Parking Garage Roof Waterproof Membrane	97,500
14.	New Parking Meters for Downtown	179,400
15.	Parking Garage Upgraded Security Cameras	<u>55,000</u>
	TOTAL	<u>\$5,724,853</u>

; and

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

[CONTINUED ON FOLLOWING PAGE]

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

; and

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

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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	MDT Upgrades/Replacements	\$150,000
2.	Station 16 Rear Driveway Paving	77,230
3.	Radio System & Dispatch Equipment/Improvements	842,853
4.	Riverside Circle	1,326,000
5.	Service Center Facility – Phase 1	550,000
6.	Service Center Facility – Phase 2	200,000
7.	Urban Greenway – Phase 1 – Riverwalk Section	307,200
8.	Urban Greenway – Phase 2 – Carroll Street Section	100,000
9.	Bicycle Master Plan Paths Including 1 st Half of Rail Trail	758,534
10.	Maintenance Dump Trucks	154,500
11.	Recycle Trucks	121,236
12.	Street Scaping: Division, Circle, and Camden	750,000
13.	Parking Garage Roof Waterproof Membrane	97,500
14.	New Parking Meters for Downtown	179,400
15.	Parking Garage Upgraded Security Cameras	55,000
16.	GOB Roof and Air Handler Replacement	55,400(1)
17.	2 One Ton Dump Trucks (Sanitation & Parks)	_____0(2)
	TOTAL	<u>\$5,724,853</u>

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

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

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

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

132 **WHEREAS**, the City wishes to allocate \$83,071.00 of investment earnings on the 2017 Bond
133 to a project not included in Ordinance No. 2463, as amended and supplemented to date, and
134 Resolution No. 2794, as amended and supplemented to date, that is generally referred to as “Zoo
135 Facility Improvements” or by similar names (the “2026 Additional Project”); and
136

137 **WHEREAS**, prior to the introduction of this Resolution, the Council passed Ordinance No.
138 3021 expanding the list of the Original Authorized Projects set forth in Ordinance No. 2463, as
139 amended and supplemented to date, to include the 2026 Additional Project and amending Ordinance
140 No. 2463, as amended and supplemented to date, to allow certain investment earnings on the
141 Authorized Bonds (meaning the 2017 Bond) to be applied to Costs of the Project of the 2026
142 Additional Project (the “Companion Ordinance”); and
143

144 **WHEREAS**, accordingly, the City desires to expand the list of the Original Projects as set
145 forth in Resolution No. 2794, as amended and supplemented to date, in order to allow certain
146 investment earnings on the 2017 Bond to be applied to Costs of the Project of the 2026 Additional
147 Project and to identify such 2026 Additional Project as part of the “Projects” for all purposes of
148 Resolution No. 2794, as amended and supplemented; and
149

150 **WHEREAS**, the Original Projects, together with the 2021 Additional Projects, are referred
151 to in this Resolution as the “Prior Authorized Projects.”
152

153 **SECTION 1. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL**
154 **OF THE CITY OF SALISBURY, MARYLAND** that:
155

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

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

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

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

181 **SECTION 2. AND BE IT FURTHER RESOLVED** that:
182

183 (a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the
184 Charter, Ordinance No. 2463 and Resolution No. 2794, subsection (a) of Section 2 of Resolution No.
185 2794, as amended and supplemented to date, is hereby deleted in its entirety and inserted in place
186 thereof shall be the following:
187

188 “(a) Pursuant to the authority of the Enabling Act, the Charter and the
189 Ordinance, and subject to the provisions of Section 3 hereof, the City hereby
190 determines to borrow money and incur indebtedness for the public purpose of
191 financing or reimbursing costs (as defined in subsection (b) below) of the following
192 public purpose projects in the maximum principal amount set forth opposite each such
193 project (exclusive of any investment earnings that may be applied for such purposes):
194

195 [CONTINUED ON FOLLOWING PAGE]
196

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

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

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

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

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

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

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

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

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

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

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

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

263
264 **SECTION 4. AND BE IT FURTHER RESOLVED** that from and after the effective date
265 of this Resolution, Resolution No. 2794 (as amended and supplemented to date) shall be deemed
266 amended and supplemented as provided herein and all other terms and provisions of Resolution No.
267 2794 (as amended and supplemented to date) shall remain in full force and effect.

268
269 **SECTION 5. AND BE IT FURTHER RESOLVED** that the provisions of this Resolution
270 shall be liberally construed in order to effectuate the transactions contemplated by this Resolution.

271
272 **SECTION 6. AND BE IT FURTHER RESOLVED** that this Resolution shall become
273 effective upon adoption by the Council and approval by the Mayor; provided, however, that in the
274 event the Companion Ordinance does not become effective in accordance with applicable law, the
275 City may not apply proceeds of the 2017 Bond to pay or reimburse Costs of the Projects of the 2026
276 Additional Project. Pursuant to Charter Section SC7-46A, this Resolution may not be petitioned to
277 referendum.

278
279 **THIS RESOLUTION** was introduced and duly adopted at a meeting of the Council of the
280 City of Salisbury held on the 14 day of September, 2026.

281
282 **ATTEST:**

283
284
285 _____
286 **Julie A. English, City Clerk**

_____ **April R. Jackson, City Council President**

287
288
289 Approved by me, this _____ day of _____, 2026

290
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292 _____
293 **Randolph J. Taylor, Mayor**

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296 #245487;58111.001
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Memo

To: Mayor and City Council
From: Nick Rice, City Administrator
Date: September 3, 2026
Subject: Authorizing Bond 2019 Funds for Zoo Facility Improvements

The proposed resolutions amend several prior City of Salisbury bond resolutions to authorize the use of remaining investment earnings and/or portions of bond proceeds for a new eligible project identified as “Zoo Facility Improvements.”

The resolutions cover City bond issuances from 2012 through 2021 and would add Zoo Facility Improvements to the list of projects eligible to receive funds under each applicable bond authorization.

Specifically:

- 2012 Bond – Resolution No. 2160: Authorizes certain investment earnings from the \$7,693,000 2012 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2013 Bond – Resolution No. 2358: Authorizes certain investment earnings from the \$3,178,000 2013 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2014A Bond – Resolution No. 2448: Authorizes certain investment earnings from the \$4,009,000 2014A Public Improvements Bond to be used for Zoo Facility Improvements.
- 2015 Bond – Resolution No. 2659: Authorizes certain investment earnings from the \$4,726,200 2015 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2016 Bonds – Resolution No. 2645: Authorizes certain investment earnings associated with the \$20,030,000 2016 Public Improvement and Refunding Bonds to be used for Zoo Facility Improvements and designates the project as a “New Money Project.”
- 2017 Bond – Resolution No. 2794: Authorizes certain investment earnings from the \$5,724,853 2017 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2019 Bonds – Resolution No. 2972: Authorizes a portion of the principal amount and certain other amounts associated with the \$11,225,000 2019 Public Improvement Bonds to be used for Zoo Facility Improvements.
- 2021 Tax-Exempt Bonds – Resolution No. 3117: Authorizes a portion of the principal amount and certain other amounts associated with the \$8,965,000 2021 Tax-Exempt Public Improvement and Refunding Bonds to be used for Zoo Facility Improvements and designates the project as a “2021 New Money Project.”

Collectively, the resolutions do not authorize new borrowing. Rather, they amend existing bond authorizations so that specified remaining investment earnings and, specified portions of bond proceeds and related amounts, may be redirected or applied to Zoo Facility Improvements.

The amendments also formally recognize Zoo Facility Improvements as an eligible “Project” (or “New Money Project,” where applicable) under the respective original bond resolutions.

The resolutions further authorize City officials and employees to take the actions necessary to implement the amended use of the bond-related funds and provide that the resolutions should be liberally construed.

The principal policy change is the expansion of the authorized uses of existing bond-related funds to include Zoo Facility Improvements. The resolutions provide the legal authorization needed to apply eligible funds from multiple prior bond issuances toward the zoo project while maintaining the underlying terms and framework of the original bond resolutions.

Attachment(s):

[Res3487](#)

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RESOLUTION NO. 3487

A RESOLUTION OF THE COUNCIL (THE “COUNCIL”) OF THE CITY OF SALISBURY AMENDING AND SUPPLEMENTING RESOLUTION NO. 2972, ADOPTED BY THE COUNCIL ON SEPTEMBER 9, 2019, APPROVED BY THE MAYOR ON SEPTEMBER 9, 2019 AND EFFECTIVE ON SEPTEMBER 9, 2019 (“RESOLUTION NO. 2972”), AS AMENDED AND SUPPLEMENTED TO DATE, IN ORDER TO (1) AUTHORIZE AND EMPOWER CITY OF SALISBURY (THE “CITY”) TO USE AND APPLY A PORTION OF THE PRINCIPAL AMOUNT OF AND CERTAIN OTHER AMOUNTS RELATING TO THE \$11,225,000 CITY OF SALISBURY PUBLIC IMPROVEMENT BONDS OF 2019 ISSUED ON OCTOBER 8, 2019 (THE “2019 BONDS”) TO A PROJECT IDENTIFIED HEREIN AS “ZOO FACILITY IMPROVEMENTS” IN ADDITION TO THE PRIOR AUTHORIZED PROJECTS IDENTIFIED HEREIN, AND (2) IDENTIFY SUCH ADDITIONAL PROJECT AS A “PROJECT” FOR ALL PURPOSES OF RESOLUTION NO. 2972, AS AMENDED AND SUPPLEMENTED; AUTHORIZING AND EMPOWERING CITY OFFICIALS AND EMPLOYEES TO TAKE CERTAIN ACTIONS WITH RESPECT TO THE 2019 BONDS; PROVIDING THAT THE PROVISIONS OF THIS RESOLUTION SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2019 BONDS.

RECITALS

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

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WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, and Ordinance No. 2554, passed by the Council of the City (the “Council”) on August 26, 2019, approved by the Mayor of the City (the “Mayor”) on August 27, 2019 and effective on August 27, 2019 (“Ordinance No. 2554”), the City authorized general obligation bonds to be issued from time to time in one or more series in an original aggregate principal amount not to exceed Twelve Million Four Hundred Eighty-Two Thousand Nine Hundred Seventy-Seven Dollars (\$12,482,977) (the “Authorized Bonds”) in order to finance, reimburse or refinance “costs” and “Costs of the Projects” (each as defined in Section 3(b) of Ordinance No. 2554) of the projects identified in the table below (herein collectively referred to as the “Original Authorized Projects” or individually as an “Original Authorized Project,” and referred to as the “Projects” in Ordinance No. 2554) in the maximum principal amounts set forth opposite each such Original Authorized Project in such Section 3(b):

Underlining : Indicates material added by amendment after introduction
~~Strike-through~~ : Indicates material deleted by amendment after introduction

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Roof Replacement Fire Station 1 ¹	\$ 50,000
2.	Water Chiller & Heating and Air Conditioning ¹	300,000
3.	Main Street Master Plan ¹	6,740,000
4.	Bicycle Master Plan Implementation ¹	550,000
5.	Urban Greenway Implementation ¹	775,000
6.	Wayfinding and Signage ¹	50,000
7.	Bridge Maintenance and Replacement ¹	162,000
8.	Street Scaping ¹	206,000
9.	Zoo Admin Office Space ²	100,000
10.	Field Operations Facility Plan – Phase 2 ²	200,000
11.	Field Operations Facility Plan – Phase 3 ²	125,000
12.	Mill Street Bridge Rehabilitation ²	45,000
13.	Naylor Mill Road Bridge Replacement ²	70,000
14.	Bicycle Master Plan Improvements ²	300,000
15.	Urban Greenway Improvements ²	200,000
16.	Street Scaping ²	200,000
17.	Building Lighting and Controls (ECM 1) ³	711,426
18.	Mechanical (ECM 2) ³	387,403
19.	Building Management Systems (ECM 3) ³	183,237
20.	Building Envelope Improvement (ECM 4) ³	105,911
21.	Garage (Bearing Pad Replacement) ¹	400,000
22.	Parking Garage Structural Repairs ²	592,000
23.	Phone System Fire Department	30,000
TOTAL		\$12,482,977

¹ Project was approved for bond funding in the fiscal year 2019 budget ordinance (Ordinance No. 2482).

² Project was approved for bond funding in the fiscal year 2020 budget ordinance (Ordinance No. 2539).

³ Projects were approved for bond funding by Ordinance No. 2521. Projects are further broken down by project components on Schedule B to Ordinance No. 2521; and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2554 and Resolution No. 2972, adopted by the Council on September 9, 2019, approved by the Mayor on September 9, 2019 and effective on September 9, 2019 (“Resolution No. 2972”), the City determined to borrow money for the public purpose of financing or reimbursing “costs” and “Costs of the Projects” (each as defined in Section 2(b) of Resolution No. 2972, which definitions mirror the definitions of “costs” and “Costs of the Projects” set forth in Section 3(b) of Ordinance No. 2554) of the projects specified in Section 2(a) of Resolution No. 2972 in the maximum principal amounts specified therein (referred to herein the “Original

61 Projects,” which included all of the Original Authorized Projects and which are referred to in
62 Resolution No. 2972 as the “Projects”), and evidenced this borrowing by the issuance on October
63 8, 2019 of a single series of the Authorized Bonds in the original aggregate principal amount of
64 Eleven Million Two Hundred Twenty-Five Thousand Dollars (\$11,225,000) and designated as the
65 “City of Salisbury Public Improvement Bonds of 2019” (the “2019 Bonds”); and
66

67 **WHEREAS**, as authorized by Resolution No. 2972, due to net original issue premium
68 received by the City in connection with the sale of the 2019 Bonds (which were referred to as the
69 “Bonds” in Resolution No. 2972), the City was able to reduce the original aggregate principal
70 amount of the 2019 Bonds actually issued from the maximum original aggregate principal amount
71 of the 2019 Bonds provided for in Resolution No. 2972, and thereby to allocate a portion of such
72 net original issue premium, together with the par amount of the 2019 Bonds, to fund Costs of the
73 Projects in the maximum aggregate principal amount of \$12,482,977 contemplated by Ordinance
74 No. 2554; and
75

76 **WHEREAS**, the principal amount of the 2019 Bonds, together with a portion of net
77 original issue premium, was originally appropriated and allocated to the Original Projects identified
78 in the table in the third preceding WHEREAS clause above, in the amounts specified in such table
79 (for a total of \$12,482,977); and
80

81 **WHEREAS**, Ordinance No. 2554 provides that, without notice to or the consent of any
82 registered owners of the Authorized Bonds, the City may reallocate the maximum principal amount
83 of the Authorized Bonds to be spent among any of the Original Authorized Projects in compliance
84 with applicable budgetary procedures or applicable law; and
85

86 **WHEREAS**, pursuant to Ordinance No. 2571, passed by the Council on January 13, 2020,
87 approved by the Mayor on January 21, 2020 and effective on January 21, 2020, the City reallocated
88 \$1,431.00 of the principal amount of the Authorized Bonds originally allocated to the Original
89 Authorized Project identified as “Phone System Fire Department” to the Original Authorized Project
90 identified as “Roof Replacement Fire Station 1;” and
91

92 **WHEREAS**, pursuant to Ordinance No. 2593, passed by the Council on June 8, 2020,
93 approved on behalf of the Mayor on June 10, 2020 and effective on June 10, 2020 (“Ordinance No.
94 2593”), the City contemplated the reallocation of \$750,000.00 of the principal amount of the
95 Authorized Bonds originally allocated to the Original Authorized Project identified as “Main Street
96 Master Plan” to the Original Authorized Project identified as “Street Scaping,” and provided for such
97 reallocation by subsequent appropriate action; and
98

99 **WHEREAS**, pursuant to Ordinance No. 2593, the City also contemplated the reallocation of
100 \$250,000.00 of the principal amount of the Authorized Bonds originally allocated to the Original
101 Authorized Project identified as “Main Street Master Plan” to a project not included in Ordinance No.
102 2554 or Resolution No. 2972 that is identified in Ordinance No. 2593 as “Rail Trail Master Plan
103 Implementation;” but prior to calendar year 2022, no proceeds of the 2019 Bonds were spent on such
104 additional project; and
105

106 **WHEREAS**, pursuant to (i) Ordinance No. 2596, passed by the Council on June 8, 2020,
107 approved on behalf of the Mayor on June 10, 2020 and effective on June 10, 2020, the Council
108 allocated \$40,000.00 of interest earnings on proceeds of the Authorized Bonds to the Original
109 Authorized Project identified as “Zoo Admin Office Space,” and (ii) Ordinance No. 2682, passed by
110 the Council on September 27, 2021, approved by the Mayor on October 6, 2021 and effective on
111 October 6, 2021, the Council allocated \$64,000.00 of interest earnings on proceeds of the Authorized
112 Bonds to the Original Project identified as “Zoo Admin Office Space;” and
113

114 **WHEREAS**, pursuant to Ordinance No. 2660, passed by the Council on June 14, 2021,
115 approved by the Mayor on June 22, 2021 and effective on June 22, 2021 (“Ordinance No. 2660”), the
116 City contemplated the reallocation of an aggregate of \$1,143,674.00 of the principal amount of the
117 Authorized Bonds originally allocated to the Original Authorized Project identified as “Main Street
118 Master Plan” to the following Original Authorized Projects in the following amounts: (i) \$475,000.00
119 to the Original Authorized Project identified as “Bicycle Master Plan Improvements,” (ii)
120 \$450,000.00 to the Original Authorized Project identified as “Urban Greenway Improvements,” and
121 (iii) \$218,674.00 to the Original Authorized Project identified as “Street Scaping,” and provided for
122 such reallocation by subsequent appropriate action; and
123

124 **WHEREAS**, pursuant to Ordinance No. 2660, the City also contemplated the reallocation of
125 an aggregate of \$700,000.00 of the principal amount of the Authorized Bonds originally allocated to
126 the Original Authorized Project identified as “Main Street Master Plan” to two projects not included
127 in Ordinance No. 2554 or Resolution No. 2972 that are identified in Ordinance No. 2660 as (i) “Rail
128 Trail Master Plan Implementation,” in the amount of \$300,000.00, and (ii) “City Park Master Plan
129 Improvements,” in the amount of \$400,000.00; prior to calendar year 2022, no proceeds of the 2019
130 Bonds were spent on either such additional project; and
131

132 **WHEREAS**, pursuant to (i) Ordinance No. 2708, passed by the Council on January 24, 2022,
133 approved by the Mayor on January 25, 2022 and effective on January 25, 2022 (“Ordinance No.
134 2708”) and (ii) Resolution No. 3149, passed by the Council on February 14, 2022, approved by the
135 Mayor on February 15, 2022 and effective on February 15, 2022 (“Resolution No. 3149”), the Council
136 respectively amended and supplemented Ordinance No. 2554 (as amended and supplemented to date)
137 and Resolution No. 2972, in order to allow a portion of the principal amount of the 2019 Bonds as
138 well as (by subsequent action) investment earnings on the 2019 Bonds to be applied to costs of two
139 projects respectively identified as “Rail Trail Master Plan Implementation” and “City Park Master
140 Plan Improvements” (collectively, the “2022 Additional Projects” and, individually, a “2022
141 Additional Project”); and
142

143 **WHEREAS**, Ordinance No. 2708 amended Section 3(b) of Ordinance No. 2554, and
144 Resolution No. 3149 amended Section 2(a) of Resolution No. 2972, in order to provide that a
145 maximum of \$550,000.00 of the principal amount of the 2019 Bonds was reallocated to the 2022
146 Additional Project identified as “Rail Trail Master Plan Implementation” and a maximum of
147 \$400,000.00 of the principal amount of the 2019 Bonds was reallocated to the 2022 Additional Project
148 identified as “City Park Master Plan Improvements;” and
149

150 **WHEREAS**, pursuant to Ordinance No. 2740, passed by the Council on September 26, 2022,
151 approved by the Mayor on September 30, 2022 and effective on September 30, 2022, the City
152 reallocated (i) \$135,000.00 of the principal amount of the Authorized Bonds originally allocated to
153 the Original Authorized Project identified as “Main Street Master Plan” to the Original Authorized
154 Project identified as “Street Scaping” and (ii) \$398,859.64 of the principal amount of the Authorized
155 Bonds originally allocated to the Original Authorized Project identified as “Urban Greenway
156 Improvements” to the Original Authorized Project identified as “Street Scaping;” and
157

158 **WHEREAS**, pursuant to Ordinance No. 2855, passed by the Council on February 26, 2024,
159 approved by the Mayor on March 25, 2024 and effective on March 25, 2024, the City reallocated
160 \$149,000.00 of the principal amount of the Authorized Bonds originally allocated to the Original
161 Authorized Project identified as “Main Street Master Plan” to the Original Authorized Project
162 identified as “Bicycle Master Plan Improvements;” and
163

164 **WHEREAS**, following the reallocations described above, the principal amount of the 2019
165 Bonds was reallocated and authorized to be applied to the Original Authorized Projects and the 2022
166 Additional Projects as follows (without taking into account the portion of the net original issue
167 premium received in connection with the sale of the 2019 Bonds that was allocated to Costs of the
168 Projects of the Original Authorized Projects and the 2022 Additional Projects):
169

170 [CONTINUED ON FOLLOWING PAGE]
171

	<u>Project Name</u>	<u>Maximum Amount</u>
1.	Roof Replacement Fire Station 1 ¹	\$ 51,431
2.	Water Chiller & Heating and Air Conditioning ¹	300,000
3.	Main Street Master Plan ¹	3,612,326
4.	Bicycle Master Plan Implementation ¹	550,000
5.	Urban Greenway Implementation ¹	775,000
6.	Wayfinding and Signage ¹	50,000
7.	Bridge Maintenance and Replacement ¹	162,000
8.	Street Scaping ¹	206,000
9.	Zoo Admin Office Space ²	100,000
10.	Field Operations Facility Plan – Phase 2 ²	200,000
11.	Field Operations Facility Plan – Phase 3 ²	125,000
12.	Mill Street Bridge Rehabilitation ²	45,000
13.	Naylor Mill Road Bridge Replacement ²	70,000
14.	Bicycle Master Plan Improvements ²	924,000
15.	Urban Greenway Improvements ²	251,140.36
16.	Street Scaping ²	1,702,533.64
17.	Building Lighting and Controls (ECM 1) ³	711,426
18.	Mechanical (ECM 2) ³	387,403
19.	Building Management Systems (ECM 3) ³	183,237
20.	Building Envelope Improvement (ECM 4) ³	105,911
21.	Garage (Bearing Pad Replacement) ¹	400,000
22.	Parking Garage Structural Repairs ²	592,000
23.	Phone System Fire Department	28,569
24.	Rail Trail Master Plan Implementation ⁴	550,000
25.	City Park Master Plan Improvements ⁵	400,000
TOTAL		<u>\$12,482,977</u>

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¹ Project was approved for bond funding in the fiscal year 2019 budget ordinance (Ordinance No. 2482).

² Project was approved for bond funding in the fiscal year 2020 budget ordinance (Ordinance No. 2539).

³ Projects were approved for bond funding by Ordinance No. 2521. Projects are further broken down by project components on Schedule B to Ordinance No. 2521.

⁴ Project was approved for funding from reallocation of par amount of the Bonds in the fiscal year 2021 budget ordinance (Ordinance No. 2593).

⁵ Project was approved for funding from reallocation of par amount of the Bonds in the fiscal year 2021 budget ordinance (Ordinance No. 2660); and

185 **WHEREAS**, pursuant to (i) Ordinance No. 2978, passed by the Council on March 2, 2026,
186 approved by the Mayor on March 2, 2026 and effective on March 2, 2026 (“Ordinance No. 2978”),
187 the City amended and supplemented Ordinance No. 2554, as previously amended and supplemented,
188 and (ii) Resolution No. 3641, adopted by the Council on March 2, 2026, approved by the Mayor on
189 March 2, 2026 and effective on March 2, 2026 (“Resolution No. 3641”), the City amended and
190 supplemented Resolution No. 2972, as previously amended and supplemented, in order to reallocate
191 a total of \$482,718.00 of the principal amount of the 2019 Bonds to a project identified as “112 W.
192 Church Street – City Hall” as follows: (i) \$21.00 from the Original Project identified as “Field
193 Operations Facility Plan – Phase 2” (which Original Project is now referred to by the City sometimes
194 as the “Service Center” or by similar names), (ii) \$18,864.00 from the Original Project identified as
195 “Water Chiller & Heating and Air Conditioning,” (iii) \$328,325.00 from the Original Project
196 identified as “Building Lighting and Controls (ECM 1),” (iv) \$29,597.00 from the Original Project
197 identified as “Building Management System (ECM 3),” and (v) \$105,911.00 from the Original
198 Project identified as “Building Envelope Improvements (ECM 4),” resulting in the following
199 reallocations:
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202 [CONTINUED ON FOLLOWING PAGE]
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	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	Roof Replacement Fire Station 1 ¹	\$ 51,431
2.	Water Chiller & Heating and Air Conditioning ¹	281,136
3.	Main Street Master Plan ¹	3,612,326
4.	Bicycle Master Plan Implementation ¹	550,000
5.	Urban Greenway Implementation ¹	775,000
6.	Wayfinding and Signage ¹	50,000
7.	Bridge Maintenance and Replacement ¹	162,000
8.	Street Scaping ¹	206,000
9.	Zoo Admin Office Space ²	100,000
10.	Field Operations Facility Plan – Phase 2 ²	199,979
11.	Field Operations Facility Plan – Phase 3 ²	125,000
12.	Mill Street Bridge Rehabilitation ²	45,000
13.	Naylor Mill Road Bridge Replacement ²	70,000
14.	Bicycle Master Plan Improvements ²	924,000
15.	Urban Greenway Improvements ²	251,140.36
16.	Street Scaping ²	1,702,533.64
17.	Building Lighting and Controls (ECM 1) ³	383,101
18.	Mechanical (ECM 2) ³	387,403
19.	Building Management Systems (ECM 3) ³	153,640
20.	Building Envelope Improvement (ECM 4) ³	0
21.	Garage (Bearing Pad Replacement) ¹	400,000
22.	Parking Garage Structural Repairs ²	592,000
23.	Phone System Fire Department	28,569
24.	Rail Trail Master Plan Implementation ⁴	550,000
25.	City Park Master Plan Improvements ⁵	\$400,000
26.	112 W. Church Street – City Hall ⁶	\$482,718
TOTAL		<u>\$12,482,977</u>

¹ Project was approved for bond funding in the fiscal year 2019 budget ordinance (Ordinance No. 2482).

² Project was approved for bond funding in the fiscal year 2020 budget ordinance (Ordinance No. 2539). This project is now also sometimes referred to as the “Service Center” or by similar names.

³ Projects were approved for bond funding by Ordinance No. 2521. Projects are further broken down by project components on Schedule B to Ordinance No. 2521.

⁴ Project was approved for funding from reallocation of par amount of issued bonds in the fiscal year 2021 budget ordinance (Ordinance No. 2593).

⁵ Project was approved for funding from reallocation of par amount of issued bonds in the fiscal year 2021 budget ordinance (Ordinance No. 2660).

⁶ This project may be referred to by other names in City materials, including budget materials; and

WHEREAS, the City now desires to (i) allocate \$118,746.00 of investment earnings on the 2019 Bonds to a project not included in Ordinance No. 2554, as amended and supplemented to date, and Resolution No. 2972, as amended and supplemented to date, that is generally identified in City materials as “Zoo Facility Improvements” or by similar names (the “2026 Additional Project”), (ii) reallocate \$192,848.00 of the principal amount of the 2019 Bonds previously allocated to the Original Project identified as “Building Lighting and Controls (ECM 1)” to the 2026 Additional Project, and (iii) allocate \$8,959.00 of unallocated proceeds of the 2019 Bonds to the 2026 Additional Project; and

WHEREAS, prior to the introduction of this Resolution, the Council passed Ordinance No. 3022 expanding the list of the Original Authorized Projects set forth in Ordinance No. 2554, as amended and supplemented to date, to include the 2026 Additional Project and amending Ordinance No. 2554, as amended and supplemented to date, to allow a portion of the principal amount of the Authorized Bonds (meaning the 2019 Bonds), as well as net original issue premium of the 2019 Bonds and investment earnings on proceeds of the 2019 Bonds, to be applied to costs of the 2026 Additional Project (the “Companion Ordinance”); and

WHEREAS, accordingly, the City desires to expand the list of the Original Projects as set forth in Resolution No. 2972, as amended and supplemented to date, in order to allow a portion of the principal amount of the 2019 Bonds (which are referred to as the “Bonds” in Resolution No. 2972), together with net original issue premium and investment earnings, to be applied to costs of the 2026 Additional Project and to identify such 2026 Additional Project as part of the “Projects” for all purposes of Resolution No. 2972, as amended and supplemented; and

WHEREAS, the Original Projects, together with the 2022 Additional Projects and the project identified in Resolution No. 3641 as “112 W. Church Street – City Hall,” are referred to in this Resolution as the “Prior Authorized Projects.”

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

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

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

provided for in the Charter or the City Code, the official, however known, who is charged under the Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights or duties referred to herein.

(c) References in this Resolution to “principal amount” shall be construed to mean par amount. References in this Resolution to “investment earnings” shall be construed to include interest income. References in this Resolution to “proceeds” of the 2019 Bonds shall be construed to include the principal amount of the 2019 Bonds, net original issue premium received in connection with the sale of the 2019 Bonds, and investment earnings such principal and net original issue premium.

(d) References in this Resolution to the application or use of proceeds of the 2019 Bonds to fund Costs of the Projects of the 2026 Revised Projects (as defined in Section 2(d) hereof) shall be construed to mean for purposes of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2554 and Resolution No. 2972, as the same may be amended, modified or supplemented (including as provided for herein), use of such proceeds to finance or reimburse Costs of the Projects of the 2026 Revised Projects.

SECTION 2. AND BE IT FURTHER RESOLVED that:

(a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2554 and Resolution No. 2972, subsection (a) of Section 2 of Resolution No. 2972, as amended and supplemented to date, is hereby deleted in its entirety and inserted in place thereof shall be the following:

[CONTINUED ON FOLLOWING PAGE]

“(a) Pursuant to the authority of the Enabling Act, the Charter and the Ordinance, subject to any reallocation of proceeds of the Bonds made to date, the City hereby determines to borrow money and incur indebtedness for the public purpose of financing or reimbursing costs (as defined in subsection (b) below) of the following public purpose projects in the maximum amount set forth opposite each such project (which maximum amount may be comprised of principal of the Bonds and available net original issue premium that may be applied for such purposes, exclusive of investment income on the Bonds, except as otherwise expressly provided herein):

	<u>Project Name</u>	<u>Maximum Amount</u>
1.	Roof Replacement Fire Station 1 ¹	\$ 51,431
2.	Water Chiller & Heating and Air Conditioning ¹	281,136
3.	Main Street Master Plan ¹	3,612,326
4.	Bicycle Master Plan Implementation ¹	550,000
5.	Urban Greenway Implementation ¹	775,000
6.	Wayfinding and Signage ¹	50,000
7.	Bridge Maintenance and Replacement ¹	162,000
8.	Street Scaping ¹	206,000
9.	Zoo Admin Office Space ^{2 8}	100,000
10.	Field Operations Facility Plan – Phase 2 ²	199,979
11.	Field Operations Facility Plan – Phase 3 ²	125,000
12.	Mill Street Bridge Rehabilitation ²	45,000
13.	Naylor Mill Road Bridge Replacement ²	70,000
14.	Bicycle Master Plan Improvements ²	924,000
15.	Urban Greenway Improvements ²	251,140.36
16.	Street Scaping ²	1,702,533.64
17.	Building Lighting and Controls (ECM 1) ³	190,253
18.	Mechanical (ECM 2) ³	387,403
19.	Building Management Systems (ECM 3) ³	153,640
20.	Building Envelope Improvement (ECM 4) ³	0
21.	Garage (Bearing Pad Replacement) ¹	400,000
22.	Parking Garage Structural Repairs ²	592,000
23.	Phone System Fire Department	28,569
24.	Rail Trail Master Plan Implementation ⁴	550,000
25.	City Park Master Plan Improvements ⁵	400,000
26.	112 W. Church Street – City Hall ⁶	482,718
27.	Zoo Facility Improvements ⁷	192,848
	TOTAL	<u>\$12,482,977</u>

¹ Project was approved for bond funding in the fiscal year 2019 budget ordinance

(Ordinance No. 2482).

² Project was approved for bond funding in the fiscal year 2020 budget ordinance (Ordinance No. 2539). This project is now also sometimes referred to as the “Service Center” or by similar names.

³ Projects were approved for bond funding by Ordinance No. 2521. Projects are further broken down by project components on Schedule B to Ordinance No. 2521.

⁴ Project was approved for funding from reallocation of par amount of issued bonds in the fiscal year 2021 budget ordinance (Ordinance No. 2593).

⁵ Project was approved for funding from reallocation of par amount of issued bonds in the fiscal year 2021 budget ordinance (Ordinance No. 2660).

⁶ This project may be referred to by other names in City materials, including budget materials.

⁷ This project may be referred to by other names in City materials, including budget materials.

⁸ The City previously allocated certain investment earnings on the Bonds to this project.

⁹ The City intends to allocate certain investment earnings on and certain unallocated proceeds of the Bonds to this project.

The projects identified in items 1-27 above are collectively referred to herein as the “Projects” and individually as a “Project.” The Projects described in items 1-27 above are identified by approximately the same names as such Projects are identified in City budget or other materials.”

(b) As provided in the Companion Ordinance, the City has appropriated (i) \$192,848.00 of the principal amount of and net original premium received in connection with the sale of the 2019 Bonds, (ii) \$118,746.00 of investment earnings on the 2019 Bonds, and (iii) \$8,959.00 of unallocated proceeds of the 2019 Bonds to pay Costs of the Projects of the 2026 Additional Project.

(c) By undertaking the amendments to Resolution No. 2972 (as amended and supplemented to date) provided for in this Section 2, the City is in effect (i) reflecting certain reallocations of the application of the principal amount of the 2019 Bonds, certain reallocations of a portion of the net original issue premium received in connection with the sale of the 2019 Bonds, and certain allocations of investment earnings on the proceeds of the 2019 Bonds made prior to the introduction of this Resolution; (ii) adding the 2026 Additional Project identified as item 27 in the table set forth in subsection (a) above (which amends Section 2(a) of Resolution No. 2972, as amended and supplemented to date) to the list of the Projects (as defined therein) the Costs of the Projects of which may be financed or reimbursed from the principal amount of the 2019 Bonds, net original issue premium of the 2019 Bonds, and investment earnings on the 2019 Bonds; (iii) reallocating \$192,848.00 of the principal amount of the 2019 Bonds previously allocated to the Original Project identified as “Building Lighting and Controls (ECM 1)” to the 2026 Additional Project; (iv) recognizing the appropriation of \$118,746.00 of investment earnings on the 2019 Bonds and \$8,959.00 of unallocated proceeds of the 2019 Bonds to pay Costs of the Projects of the 2026 Additional Project; and (v) specifying the maximum amount of the principal amount of the 2019 Bonds and net original issue premium allocated to Costs of the Prior Authorized Projects that may be

341 allocated to such 2026 Additional Project, subject to further reallocation in compliance with
342 applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution.
343 By undertaking such amendments to Resolution No. 2972, as amended and supplemented to date, the
344 City will also be able to allocate or reallocate additional principal of, net original issue premium on,
345 and other investment earnings on the proceeds of the 2019 Bonds to Costs of the Projects of such
346 2026 Additional Project, in addition to allocating or reallocating such principal of, net original issue
347 premium on, and investment earnings on Costs of the Projects of the 2026 Revised Projects, in
348 accordance with applicable City budgetary procedures or applicable law.

349
350 (d) The Projects identified in items 1-27 in the table set forth in subsection (a) above
351 (which amends Section 2(a) of Resolution No. 2972, as amended and supplemented to date) are
352 collectively referred to herein as the “2026 Revised Projects.” Subject to the provisions of subsection
353 (e) below and Section 6 of this Resolution, from and after the effective date of this Resolution, all
354 references to the Projects in Resolution No. 2972, as amended and supplemented to date, shall be
355 deemed to be references to the 2026 Revised Projects, as identified in this Resolution. From and after
356 the effective date of this Resolution, the provisions of this Section 2 shall supersede the provisions of
357 Resolution No. 2972, as amended and supplemented to date, with respect to the application of
358 proceeds of the 2019 Bonds.

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360 (e) Notwithstanding the foregoing provisions of this Section 2, proceeds of the 2019
361 Bonds may not be applied to costs of the 2026 Additional Project, nor will the amendments to
362 Resolution No. 2972 (as amended and supplemented to date) provided for in this Section 2 be
363 applicable, until (i) the Companion Ordinance becomes effective in accordance with applicable law
364 and (ii) this Resolution becomes effective in accordance with applicable law.

365
366 (f) As provided in the Companion Ordinance, subject to the provisions of subsection (e)
367 above and Section 6 of this Resolution, it is the intention of the Council that any investment earnings
368 earned on the principal amount of the 2019 Bonds (i) prior to the effective date of this Resolution, to
369 the extent not already spent in accordance with the provisions of the Ordinance No. 2554 (as amended
370 and supplemented to date), Resolution No. 2972 (as amended and supplemented to date) or applicable
371 budgetary procedures or applicable law and (ii) on and after the effective date of this Resolution, shall
372 be applied to Costs of the Projects of any of the 2026 Revised Projects; provided that, any such
373 investment earnings may be allocated otherwise in accordance with applicable budgetary procedures
374 or applicable law, including, to the extent applicable, by resolution.

375
376 **SECTION 3. AND BE IT FURTHER RESOLVED** that, subject to the provisions of
377 Section 2(e) and Section 6 of this Resolution, the following officials of the City: the Mayor, the City
378 Administrator, the Director of Finance, the City Clerk and all other appropriate officials and
379 employees of the City, as applicable, are hereby authorized and empowered to take any and all action
380 necessary to provide for application of the proceeds of the 2019 Bonds to finance or reimburse the
381 Costs of the Projects of the 2026 Revised Projects and to approve, execute and deliver all documents,
382 certificates and instruments necessary or appropriate in connection therewith or in connection with
383 the transactions contemplated by this Resolution. In particular, any one or more of the Mayor, the
384 City Administrator and the Director of Finance may approve, execute and deliver a certificate

385 supplementing the Tax and Section 148 Certificate executed and delivered in connection with the
386 issuance of the 2019 Bonds, as amended and supplemented to date.

387
388 **SECTION 4. AND BE IT FURTHER RESOLVED** that from and after the effective date
389 of this Resolution, Resolution No. 2972 (as amended and supplemented to date) shall be deemed
390 amended and supplemented as provided herein and all other terms and provisions of Resolution No.
391 2972 (as amended and supplemented to date) shall remain in full force and effect.

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

395
396 **SECTION 6. AND BE IT FURTHER RESOLVED** that this Resolution shall become
397 effective upon adoption by the Council and approval by the Mayor; provided, however, that in the
398 event the Companion Ordinance does not become effective in accordance with applicable law, the
399 City may not apply proceeds of the 2019 Bonds to pay or reimburse Costs of the Projects of the 2026
400 Additional Project. Pursuant to Charter Section SC7-46A, this Resolution may not be petitioned to
401 referendum.

402
403 **THIS RESOLUTION** was introduced and duly adopted at a meeting of the Council of the
404 City of Salisbury held on the 14 day of September, 2026.

405
406 **ATTEST:**

407
408
409 _____
410 **Julie A. English, City Clerk**

April R. Jackson, City Council President

411
412
413 Approved by me, this _____ day of _____, 2026

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415
416 _____
417 **Randolph J. Taylor, Mayor**

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420 #245488;58111.001
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City of Salisbury

Memo

To: Mayor and City Council
From: Nick Rice, City Administrator
Date: September 3, 2026
Subject: Authorizing 2021 Bond Funds for Zoo Facility Improvements

The proposed resolutions amend several prior City of Salisbury bond resolutions to authorize the use of remaining investment earnings and/or portions of bond proceeds for a new eligible project identified as “Zoo Facility Improvements.”

The resolutions cover City bond issuances from 2012 through 2021 and would add Zoo Facility Improvements to the list of projects eligible to receive funds under each applicable bond authorization.

Specifically:

- 2012 Bond – Resolution No. 2160: Authorizes certain investment earnings from the \$7,693,000 2012 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2013 Bond – Resolution No. 2358: Authorizes certain investment earnings from the \$3,178,000 2013 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2014A Bond – Resolution No. 2448: Authorizes certain investment earnings from the \$4,009,000 2014A Public Improvements Bond to be used for Zoo Facility Improvements.
- 2015 Bond – Resolution No. 2659: Authorizes certain investment earnings from the \$4,726,200 2015 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2016 Bonds – Resolution No. 2645: Authorizes certain investment earnings associated with the \$20,030,000 2016 Public Improvement and Refunding Bonds to be used for Zoo Facility Improvements and designates the project as a “New Money Project.”
- 2017 Bond – Resolution No. 2794: Authorizes certain investment earnings from the \$5,724,853 2017 Public Improvements Bond to be used for Zoo Facility Improvements.
- 2019 Bonds – Resolution No. 2972: Authorizes a portion of the principal amount and certain other amounts associated with the \$11,225,000 2019 Public Improvement Bonds to be used for Zoo Facility Improvements.
- 2021 Tax-Exempt Bonds – Resolution No. 3117: Authorizes a portion of the principal amount and certain other amounts associated with the \$8,965,000 2021 Tax-Exempt Public Improvement and Refunding Bonds to be used for Zoo Facility Improvements and designates the project as a “2021 New Money Project.”

Collectively, the resolutions do not authorize new borrowing. Rather, they amend existing bond authorizations so that specified remaining investment earnings and, specified portions of bond proceeds and related amounts, may be redirected or applied to Zoo Facility Improvements.

The amendments also formally recognize Zoo Facility Improvements as an eligible “Project” (or “New Money Project,” where applicable) under the respective original bond resolutions.

The resolutions further authorize City officials and employees to take the actions necessary to implement the amended use of the bond-related funds and provide that the resolutions should be liberally construed.

The principal policy change is the expansion of the authorized uses of existing bond-related funds to include Zoo Facility Improvements. The resolutions provide the legal authorization needed to apply eligible funds from multiple prior bond issuances toward the zoo project while maintaining the underlying terms and framework of the original bond resolutions.

Attachment(s):

[Res3488](#)

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RESOLUTION NO. 3488

A RESOLUTION OF THE COUNCIL (THE “COUNCIL”) OF THE CITY OF SALISBURY AMENDING AND SUPPLEMENTING RESOLUTION NO. 3117, ADOPTED BY THE COUNCIL ON AUGUST 9, 2021, APPROVED BY THE MAYOR ON AUGUST 10, 2021 AND EFFECTIVE ON AUGUST 10, 2021 (“RESOLUTION NO. 3117”), AS AMENDED AND SUPPLEMENTED TO DATE, IN ORDER TO (1) AUTHORIZE AND EMPOWER CITY OF SALISBURY (THE “CITY”) TO USE AND APPLY A PORTION OF THE PRINCIPAL AMOUNT OF AND CERTAIN OTHER AMOUNTS RELATING TO THE \$8,965,000 CITY OF SALISBURY TAX-EXEMPT PUBLIC IMPROVEMENT AND REFUNDING BONDS OF 2021 ISSUED ON SEPTEMBER 1, 2021 (THE “2021 TAX-EXEMPT BONDS”) TO A PROJECT IDENTIFIED HEREIN AS “ZOO FACILITY IMPROVEMENTS” IN ADDITION TO THE 2021 NEW MONEY PROJECTS IDENTIFIED IN RESOLUTION NO. 3117, AS AMENDED AND SUPPLEMENTED TO DATE, AND (2) IDENTIFY SUCH ADDITIONAL PROJECT AS A “2021 NEW MONEY PROJECT” FOR ALL PURPOSES OF RESOLUTION NO. 3117; AUTHORIZING AND EMPOWERING CITY OFFICIALS AND EMPLOYEES TO TAKE CERTAIN ACTIONS WITH RESPECT TO THE 2021 TAX-EXEMPT BONDS; PROVIDING THAT THE PROVISIONS OF THIS RESOLUTION SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE USE OF PROCEEDS OF THE 2021 TAX-EXEMPT BONDS.

RECITALS

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

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WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, and Ordinance No. 2675, passed by the Council of the City (the “Council”) on July 26, 2021, approved by the Mayor of the City (the “Mayor”) on July 26, 2021 and effective on July 26, 2021 (“Ordinance No. 2675”), the City authorized general obligation bonds to be issued from time to time in one or more series in an original aggregate principal amount not to exceed Six Million One Hundred Twenty-Four Thousand Seventy-Six Dollars (\$6,124,076) (the “Authorized Bonds”) in order to finance, reimburse or refinance “costs” and “Costs of the Projects” (each as defined in Section 3(b) of Ordinance No. 2675) of the projects identified in the table below (herein collectively referred to as the “Original Authorized New Money Projects” or individually as an “Original Authorized New Money Project,” and referred to as the “Projects” in Ordinance No. 2675) in the maximum principal amounts set forth opposite each such Original Authorized New Money Project in such Section 3(b):

Underlining : Indicates material added by amendment after introduction
~~Strike-through~~ : Indicates material deleted by amendment after introduction

	<u>Project Name</u>	<u>Maximum Principal Amount</u>
1.	GOB Air Handler Replacement ⁽¹⁾	\$ 178,750
2.	Apparatus Replacement - Aerial Ladder ⁽¹⁾	1,400,000
3.	Field Operations Facility Plan – Phase 3 Garage ⁽¹⁾⁽²⁾	1,890,000
4.	Downtown Street Scaping ⁽¹⁾	381,326
5.	Market Street Shoreline Improvements ⁽¹⁾	330,000
6.	Northwood and Brewington Branch Culvert ⁽¹⁾	290,000
7.	ADA: Ramp and Bathroom Conversion ⁽³⁾	40,000
8.	Field Operations Facility Plan - Phase 2 ⁽³⁾⁽⁴⁾	1,500,000
9.	Port Exchange Riverwalk Replacement ⁽³⁾	114,000
TOTAL		<u>\$6,124,076</u>

¹ Project was approved for bond funding in the fiscal year 2022 budget ordinance (Ordinance No. 2660).

² Project is also referred to in certain City budgetary materials as “Field Operations Master Plan – Phase III New Vehicle Maintenance Facility.”

³ Project was approved for bond funding in fiscal year 2022 through the fiscal year 2021 budget ordinance (Ordinance No. 2593).

⁴ Project is also referred to in certain City budgetary materials as “Field Operations Master Plan – Phase II New Administrative Building;” and

WHEREAS, pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the Charter, Ordinance No. 2675, certain other Ordinances of the City identified in Resolution No. 3117 (defined below) and Resolution No. 3117, adopted by the Council on August 9, 2021, approved by the Mayor on August 10, 2021 and effective on August 10, 2021 (“Resolution No. 3117”), the City determined to borrow money for the public purpose (in part) of financing or reimbursing “costs” and “Costs of the 2021 New Money Projects” (each as defined in Section 2(b) of Resolution No. 3117, which definitions mirror the definitions of “costs” and “Costs of the Projects” set forth in Section 3(b) of Ordinance No. 2675) of the projects specified in Section 2(b) of Resolution No. 3117 (referred to herein as the “2021 New Money Projects,” which included all of the Original Authorized New Money Projects and which are referred to in Resolution No. 3117 as the “2021 New Money Projects”), and evidenced this borrowing by the issuance on September 1, 2021 of a single series of general obligation bonds of the City in the original aggregate principal amount of Eight Million Nine Hundred Sixty-Five Thousand Dollars (\$8,965,000) and designated as the “City of Salisbury Tax-Exempt Public Improvement and Refunding Bonds of 2021” (the “2021 Tax-Exempt Bonds”); and

WHEREAS, a portion of the original aggregate principal amount of the 2021 Tax-Exempt Bonds was issued for the purpose of currently refunding all or a portion of certain outstanding general obligation bonds of the City, which portion of the 2021 Tax-Exempt Bonds was not issued

pursuant to the authority of Ordinance No. 2675; and

WHEREAS, as authorized by Resolution No. 3117, due to net original issue premium received by the City in connection with the sale of the 2021 Tax-Exempt Bonds, the City was able to reduce the portion of the original aggregate principal amount of the 2021 Tax-Exempt Bonds actually issued to finance or reimburse costs of the 2021 New Money Projects from the maximum original aggregate principal amount of the 2021 Tax-Exempt Bonds provided for in Resolution No. 3117, and thereby to allocate a portion of such net original issue premium, together with a portion of the par amount of the 2021 Tax-Exempt Bonds, to fund the 2021 New Money Projects in the maximum aggregate principal amount of \$6,124,076 contemplated by Ordinance No. 2675 and Resolution No. 3117; and

WHEREAS, a portion of the principal amount of the 2021 Tax-Exempt Bonds, together with a portion of net original issue premium, was originally appropriated and allocated to the Costs of the 2021 New Money Projects identified in the table in the fourth preceding WHEREAS clause above, in the amounts specified in such table (for a total of \$6,124,076); and

WHEREAS, pursuant to (i) Ordinance No. 2977, passed by the Council on March 2, 2026, approved by the Mayor on March 2, 2026 and effective on March 2, 2026 (“Ordinance No. 2977”), the City amended and supplemented Ordinance No. 2675, and (ii) Resolution No. 3462, adopted by the Council on March 2, 2026, approved by the Mayor on March 2, 2026 and effective on March 2, 2026 (“Resolution No. 3462”), the City amended and supplemented Resolution No. 3117, in order to reallocate a total of \$217,282.00 of the principal amount of and net original issue premium allocated to the new money portion of the 2021 Tax-Exempt Bonds from the 2021 New Money Project identified in Resolution No. 3117 as “Northwood and Brewington Branch Culvert” to a project generally identified in City materials as “112 W. Church Street – City Hall,” resulting in a reallocation of the principal amount of and net original issue premium allocated to the new money portion of the 2021 Tax-Exempt Bonds as follows:

[CONTINUED ON FOLLOWING PAGE]

	<u>Project Name</u>	<u>Maximum Amount</u>
1.	GOB Air Handler Replacement ⁽¹⁾	\$ 178,750
2.	Apparatus Replacement - Aerial Ladder ⁽¹⁾	1,400,000
3.	Field Operations Facility Plan – Phase 3 Garage ⁽¹⁾⁽²⁾	1,890,000
4.	Downtown Street Scaping ⁽¹⁾	381,326
5.	Market Street Shoreline Improvements ⁽¹⁾	330,000
6.	Northwood and Brewington Branch Culvert ⁽¹⁾	72,718
7.	ADA: Ramp and Bathroom Conversion ⁽³⁾	40,000
8.	Field Operations Facility Plan - Phase 2 ⁽³⁾⁽⁴⁾	1,500,000
9.	Port Exchange Riverwalk Replacement ⁽³⁾	114,000
10.	112 W. Church Street – City Hall ⁽⁵⁾	<u>217,282</u>
TOTAL		<u>\$6,124,076</u>

¹ Project was approved for bond funding in the fiscal year 2022 budget ordinance (Ordinance No. 2660).

² Project is also referred to in certain City budgetary materials as “Field Operations Master Plan – Phase III New Vehicle Maintenance Facility.”

³ Project was approved for bond funding in fiscal year 2022 through the fiscal year 2021 budget ordinance (Ordinance No. 2593).

⁴ Project is also referred to in certain City budgetary materials as “Field Operations Master Plan – Phase II New Administrative Building.”

⁵ This project may be referred to by other names in City materials, including budget materials; and

WHEREAS, the City now desires to (i) allocate \$4,854.00 of investment earnings on the new money portion of the 2021 Tax-Exempt Bonds to a project not included in Ordinance No. 2675, as amended and supplemented to date, that is generally identified in City materials as “Zoo Facility Improvements” or by similar names (the “2026 Additional Project”), (ii) reallocate \$21,250.00 of the principal amount of the new money portion of the 2021 Tax-Exempt Bonds previously allocated to the 2021 New Money Project identified as “GOB Air Handler Replacement” to the 2026 Additional Project, (iii) reallocate \$2,380.00 of the principal amount of the new money portion of the 2021 Tax-Exempt Bonds previously allocated to the 2021 New Money Project identified as “Apparatus Replacement – Aerial Ladder,” and (iv) allocate \$2,696.00 of the portion of the net original issue premium allocated to costs of issuance of the new money portion of the 2021 Tax-Exempt Bonds to the 2026 Additional Project; and

WHEREAS, prior to the introduction of this Resolution, the Council passed Ordinance No. 3023 expanding the list of the Original Authorized New Money Projects set forth in Ordinance No. 2675, as amended and supplemented to date, to include the 2026 Additional Project and amending Ordinance No. 2675 to allow a portion of the principal amount of the Authorized Bonds (meaning a portion of the new money portion of the 2021 Tax-Exempt Bonds), as well as a portion of the net

original issue premium of the new money portion of the 2021 Tax-Exempt Bonds and investment earnings on the new money portion of the 2021 Tax-Exempt Bonds, to be applied to costs of the 2026 Additional Project (the “Companion Ordinance”); and

WHEREAS, accordingly, the City desires to expand the list of the 2021 New Money Projects as set forth in Resolution No. 3117, as amended and supplemented to date, in order to allow a portion of the principal amount of, net original issue premium on, and investment earnings on, the new money portion the 2021 Tax-Exempt Bonds to be applied to the 2026 Additional Project and to identify such 2026 Additional Project as part of the “2021 New Money Projects” for all purposes of Resolution No. 3117, as amended and supplemented; and

WHEREAS, the 2021 New Money Projects, together with the project identified in Resolution No. 3462 as “112 W. Church Street – City Hall,” are referred to in this Resolution as the Prior Authorized Projects.

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

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

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

(c) References in this Resolution to “principal amount” shall be construed to mean par amount. References in this Resolution to “investment earnings” shall be construed to include interest income. References in this Resolution to “proceeds” of the 2021 Tax-Exempt Bonds shall be construed to include the principal amount of the new money portion of the 2021 Tax-Exempt Bonds, net original issue premium received in connection with the sale of the 2021 Tax-Exempt Bonds allocated to the new money portion of the 2021 Tax-Exempt Bonds, and investment earnings on the principal amount of and net original issue premium allocated to the new money portion of the 2021 Tax-Exempt Bonds, all to the extent allocated to the new money purposes of the 2021 Tax-Exempt Bonds.

178 (e) References in this Resolution to the application or use of proceeds of the 2021 Tax-
179 Exempt Bonds to fund Costs of the 2021 New Money Projects of the 2026 Revised Projects (as
180 defined in Section 2(d) hereof) shall be construed to mean for purposes of the Enabling Act, Sections
181 SC7-45 and SC7-46 of the Charter, Ordinance No. 2675 and Resolution No. 3117, as the same may
182 be amended, modified or supplemented (including as provided for herein), use of only the new money
183 portion of such proceeds to finance or reimburse Costs of the 2021 New Money Projects of the 2026
184 Revised Projects.

185 **SECTION 2. AND BE IT FURTHER RESOLVED** that:
186

187 (a) Pursuant to the authority of the Enabling Act, Sections SC7-45 and SC7-46 of the
188 Charter, Ordinance No. 2675 and Resolution No. 3117, subsection (b) of Section 2 of Resolution No.
189 3117, as amended and supplemented to date, is hereby deleted in its entirety and inserted in place
190 thereof shall be the following:
191

192 “(b) With respect to the projects listed below, the word “costs” shall
193 include, as applicable, costs of the following activities and expenses: land and right-
194 of-way acquisition and development; acquisition of other property rights; site and
195 utility improvements, including, without limitation, grading, landscaping, paving and
196 repaving, sidewalk, curb, gutter, storm water, water and sewer improvements, street
197 lights, amenities, and related or similar activities and expenses; demolition, razing and
198 removal; acquisition, construction, expansion, reconstruction, replacement,
199 renovation, rehabilitation, upgrading, improvement, installation, furnishing and
200 equipping activities and expenses, and related or similar activities and expenses;
201 planning, design, engineering, testing, study, architectural, feasibility, surveying,
202 document development, bidding, permitting, inspection, construction management,
203 financial, administrative and legal expenses, and related or similar activities and
204 expenses; contingencies; costs of issuance (which may include costs of bond
205 insurance or other credit or liquidity enhancement); interest during construction and
206 for a reasonable period thereafter (whether or not expressly so stated); and any such
207 costs that may represent the City’s share or contribution to the financing,
208 reimbursement or refinancing of any such project (collectively, “Costs of the 2021
209 New Money Projects”). The maximum amount of the 2021 Tax-Exempt Bonds to be
210 appropriated or applied to the Costs of the 2021 New Money Projects (which
211 maximum amount may be comprised of the new money portion of the 2021 Tax-
212 Exempt Bonds and available allocable net original issue premium that may be applied
213 for such purposes) shall be allocated among the following public purpose projects in
214 the maximum amount set forth opposite each, except as otherwise herein provided:
215
216

217 [CONTINUED ON FOLLOWING PAGE]
218

	<u>Project Name</u>	<u>Maximum Amount</u>
1.	GOB Air Handler Replacement ⁽¹⁾	\$ 157,500
2.	Apparatus Replacement - Aerial Ladder ⁽¹⁾	1,397,620
3.	Field Operations Facility Plan – Phase 3 Garage ⁽¹⁾⁽²⁾	1,890,000
4.	Downtown Street Scaping ⁽¹⁾	381,326
5.	Market Street Shoreline Improvements ⁽¹⁾	330,000
6.	Northwood and Brewington Branch Culvert ⁽¹⁾	72,718
7.	ADA: Ramp and Bathroom Conversion ⁽³⁾	40,000
8.	Field Operations Facility Plan - Phase 2 ⁽³⁾⁽⁴⁾	1,500,000
9.	Port Exchange Riverwalk Replacement ⁽³⁾	114,000
10.	112 W. Church Street – City Hall ⁽⁵⁾	217,282
11.	Zoo Facility Improvements ⁽⁶⁾	<u>23,630</u>
	TOTAL	<u>\$6,124,076</u>

¹ Project was approved for bond funding in the fiscal year 2022 budget ordinance (Ordinance No. 2660).

² Project is also referred to in certain City budgetary materials as “Field Operations Master Plan – Phase III New Vehicle Maintenance Facility.”

³ Project was approved for bond funding in fiscal year 2022 through the fiscal year 2021 budget ordinance (Ordinance No. 2593).

⁴ Project is also referred to in certain City budgetary materials as “Field Operations Master Plan – Phase II New Administrative Building.”

⁵ This project may be referred to by other names in City materials, including budget materials.

⁶ This project may be referred to by other names in City materials, including budget materials. In addition, the City intends to allocate certain investment earnings and other amounts relating to the new money portion of the 2021 Tax-Exempt Bonds to this project.

The projects identified in items 1-11 above are collectively referred to herein as the “2021 New Money Projects.” The 2021 New Money Projects described in items 1-11 above are identified by approximately the same names as such 2021 New Money Projects are identified in the City budget and other materials. The City, without notice to or the consent of any registered owners of the 2021 Tax-Exempt Bonds, may allocate and reallocate the maximum amount of the 2021 Tax-Exempt Bonds (as described above) to be spent on Costs of the 2021 New Money Projects among any of the 2021 New Money Projects in compliance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution. Further, it is the intention of the Council that the proceeds of the 2021 Tax-Exempt Bonds issued with

respect to the 2021 New Money Projects may be spent on any applicable Costs of the 2021 New Money Projects, notwithstanding the descriptive names used for the 2021 New Money Projects in the table above, including, without limitation, costs related to changes in the scopes of and/or names of the 2021 New Money Projects effected through applicable budgetary procedures or applicable law. The term “Costs of the 2021 New Money Projects” as used in this Resolution has the same meaning as the term “Costs of the Projects” as defined in Section 3(b) of Ordinance No. 2675, and the term “2021 New Money Projects” as used in this Resolution has the same meaning as the term “Projects” as defined in Section 3(b) of Ordinance No. 2675.

If the portion of the original aggregate principal amount of the 2021 Tax-Exempt Bonds allocated to the Costs of the 2021 New Money Projects is reduced prior to or in connection with the sale of the 2021 Tax-Exempt Bonds as contemplated by Section 4(c) of this Resolution, such reduction and the allocation of any net original issue premium to the uses specified in the table above may be reflected in the Section 148 Certificate provided for in Section 16 of this Resolution.”

(b) As provided in the Companion Ordinance, the City has appropriated to the payment of Costs of the 2021 New Money Projects of the 2026 Additional Project: (i) \$21,250.00 of the principal amount of and net original issue premium allocated to the new money portion of the 2021 Tax-Exempt Bonds previously allocated to the 2021 New Money Project identified as “GOB Air Handler Replacement,” (ii) \$2,380.00 of the principal amount of and net original issue premium allocated to the new money portion of the 2021 Tax-Exempt Bonds previously allocated to the 2021 New Money Project identified as “Apparatus Replacement - Aerial Ladder,” (iii) \$2,696.00 of the net original issue premium of the new money portion of the 2021 Tax-Exempt Bonds previously allocated to allocable costs of issuance, and (iv) \$4,854.00 of investment earnings on proceeds of the new money portion of the 2021 Tax-Exempt Bonds.

(c) By undertaking the amendments to Resolution No. 3117, as amended and supplemented to date, provided for in this Section 2, the City is in effect (i) reflecting certain reallocations of the application of the principal amount of and net original issue premium allocated to the new money portion of the 2021 Tax-Exempt Bonds to the Costs of the 2021 New Money Projects of the Prior Authorized Projects made prior to introduction of this Resolution, (ii) adding the 2026 Additional Project identified as item 11 in the table set forth in subsection (a) above (which amends Section 2(b) of Resolution No. 3117, as amended and supplemented to date) to the list of the 2021 New Money Projects the Costs of the 2021 New Money Projects of which may be financed or reimbursed from the principal amount of the new money portion of the 2021 Tax-Exempt Bonds, net original issue premium allocated to the new money portion of the 2021 Tax-Exempt Bonds, and investment earnings on the proceeds of the new money portion of the 2021 Tax-Exempt Bonds; (iii) reallocating portions of the principal amount of and net original issue premium allocated to the new money portion of the 2021 Tax-Exempt Bonds previously allocated to costs of the 2021 New Money Projects to the 2026 Additional Project, in the amounts as described in clauses (i)-(iii) of subsection (b) above; (iv) recognizing the appropriation of \$4,854.00 of investment earnings on the proceeds of the new money portion of the 2021 Tax-Exempt Bonds to pay Costs of the 2021 New Money Projects of the 2026 Additional Project; and (v) specifying the maximum amount of the principal amount of,

and net original issue premium allocated to, the new money portion of the 2021 Tax-Exempt Bonds that may be reallocated to such 2026 Additional Project, subject to further reallocation in compliance with applicable budgetary procedures or applicable law, including, to the extent applicable, by resolution. By undertaking such amendments to Resolution No. 3117, as amended and supplemented to date, the City will also be able to allocate or reallocate principal of, net original issue premium allocated to, and other investment earnings on the proceeds of the new money portion of the 2021 Tax-Exempt Bonds to costs of such 2026 Additional Project, in addition to allocating or reallocating such sources to Costs of the 2021 New Money Projects of the other 2026 Revised Projects, in accordance with applicable City budgetary procedures or applicable law.

(d) The 2021 New Money Projects identified in items 1-11 in the table set forth in subsection (a) above (which amends Section 2(b) of Resolution No. 3117, as amended and supplemented to date) are collectively referred to herein as the “2026 Revised Projects.” Subject to the provisions of subsection (e) below and Section 6 of this Resolution, from and after the effective date of this Resolution, all references to the 2021 New Money Projects in Resolution No. 3117, as amended and supplemented to date, shall be deemed to be references to the 2026 Revised Projects, as identified in this Resolution. From and after the effective date of this Resolution, the provisions of this Section 2 shall supersede the provisions of Resolution No. 3117, as amended and supplemented to date, with respect to the application of proceeds of the new money portion of the 2021 Tax-Exempt Bonds.

(e) Notwithstanding the foregoing provisions of this Section 2, proceeds of the new money portion of the 2021 Tax-Exempt Bonds may not be applied to costs of the 2026 Additional Project, nor will the amendments to Resolution No. 3117 (as amended and supplemented to date) provided for in this Section 2 be applicable, until (i) the Companion Ordinance becomes effective in accordance with applicable law and (ii) this Resolution becomes effective in accordance with applicable law.

(f) References in this Resolution to applying principal or net original issue premium of the 2021 Tax-Exempt Bonds and any investment earnings on the proceeds of the new money portion of the 2021 Tax-Exempt Bonds to Costs of the 2021 New Money Projects of the 2026 Additional Project shall be construed to refer solely to proceeds constituting the new money portion of the 2021 Tax-Exempt Bonds and not to any proceeds of the 2021 Tax-Exempt Bonds issued for current refunding purposes.

SECTION 3. AND BE IT FURTHER RESOLVED that, subject to the provisions of Section 2(e) and Section 6 of this Resolution, the following officials of the City: the Mayor, the City Administrator, the Director of Finance, the City Clerk and all other appropriate officials and employees of the City, as applicable, are hereby authorized and empowered to take any and all action necessary to provide for application of the proceeds of the new money portion of the 2021 Tax-Exempt Bonds to finance or reimburse the Costs of the 2021 New Money Projects of the 2026 Revised Projects and to approve, execute and deliver all documents, certificates and instruments necessary or appropriate in connection therewith or in connection with the transactions contemplated by this Resolution. In particular, any one or more of the Mayor, the City Administrator and the Director of Finance may approve, execute and deliver a certificate supplementing the Tax and Section 148

Certificate executed and delivered by the City in connection with the issuance of the 2021 Tax-Exempt Bonds, as amended and supplemented to date.

SECTION 4. AND BE IT FURTHER RESOLVED that from and after the effective date of this Resolution, Resolution No. 3117 (as amended and supplemented to date) shall be deemed amended and supplemented as provided herein and all other terms and provisions of Resolution No. 3117 (as amended and supplemented to date) shall remain in full force and effect.

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

SECTION 6. AND BE IT FURTHER RESOLVED that this Resolution shall become effective upon adoption by the Council and approval by the Mayor; provided, however, that in the event the Companion Ordinance does not become effective in accordance with applicable law, the City may not apply proceeds of the new money portion of the 2021 Tax-Exempt Bonds to pay or reimburse Costs of the 2021 New Money Projects of the 2026 Additional Project. Pursuant to Charter Section SC7-46A, this Resolution may not be petitioned to referendum.

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

ATTEST:

Julie A. English, City Clerk

April R. Jackson, City Council President

Approved by me, this _____ day of _____, 2026

Randolph J. Taylor, Mayor

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