

**MAYOR AND COUNCIL MEETING  
TUESDAY, OCTOBER 10, 2023, 6:00PM**

1. **CALL TO ORDER, PLEDGE, AND ROLL CALL**
2. **MAYOR'S REMARKS**
3. **APPROVAL OF MINUTES**
  - a. Mayor & Council – September 12, 2023
  - b. Mayor & Council – October 3, 2023
4. **CITIZENS' FORUM (PETITIONS, REMONSTRANCES, AND COMMUNICATIONS)**
5. **INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES**
  - a. Special Ordinance 600 – Borrowing Ordinance – 2<sup>nd</sup> reading and vote anticipated
6. **STAFF REPORTS**
7. **CONSENT AGENDA**
8. **UNFINISHED BUSINESS**
9. **NEW BUSINESS**
10. **ADJOURNMENT**

10/5/2023 10:51 AM

**City of Brunswick  
Mayor and Council Meeting Minutes  
September 12, 2023, 6:00PM**

The September 12, 2023 City of Brunswick Mayor and Council Meeting was convened at 6:00 P.M. by Mayor Nathan Brown. The following members and staff were present: Nathan Brown, Mayor; Vaughn Ripley, Andy St. John, Angel White, and Daniel Yochelson, Council Members; Julie Martorana, City Administrator; Jeremy Mose, Assistant City Administrator; Carrie Myers, Director of Administration; John Gerstner, Director of Public Works; Matt Campbell, Director of Utilities; Kevin Grunwell, Chief of Police; Bruce Dell, Director of Planning; Carmen Hilton, Program Manager; and Chris Davenport, Program Manager. Council Member Vigliotti participated by Zoom.

Mayor's Remarks

- Mayor Brown swore in Police Officer Daryl Zimmerman.
- Mayor Brown issued Certificates of Appreciation to representatives of local group Jay's People.

Approval of Minutes

- Mayor & Council Meeting – August 15, 2023
- Mayor & Council Closed Meeting – August 15, 2023

Mr. St. John made a motion to approve the minutes. Mr. Ripley seconded the motion, which passed 5-0.

Introduction and Adoption of Resolutions and Ordinances

- Ordinance 597 – FOG (Fats, Oils, Grease) Update

Mr. Campbell and Mr. Dell discussed this item. They explained that staff developed a FOG program for commercial businesses, and that updating the ordinance would give the program “teeth,” such as the proper channels to inspect and fine establishments violating the ordinance. Mr. Ripley made a motion to approve Ordinance 597. Ms. White seconded the motion, which passed 5-0.

- Special Ordinance 599 – Purchase of 214 13<sup>th</sup> Avenue

Ms. Myers discussed this item. The City reached an agreement with the property owner to purchase the property for \$350,000, most of which would be covered by a POS acquisition grant. This special ordinance allowed the Mayor to sign settlement documents associated with the purchase. Mr. St. John made a motion to approve Special Ordinance 599. Ms. White seconded the motion, which passed 5-0.

- Resolution 2023-20 – Amendment of FY24 Water & Sewer Rates

Ms. Myers discussed a rounding error found in the proposed rates approved for FY2024. She stated staff would like to amend the rates to reflect the corrected amount before the October billing cycle. Mr. Yochelson made a motion to approve Resolution 2023-20. Mr. St. John seconded the motion, which passed 5-0.

Staff Reports

Staff provided monthly reports.

Consent Agenda

- PO Approval – Omega Contracting – 811 Additional Expenses for Maintenance Building - \$50,498
- PO Approval – Infinite Landscape & Design – West Potomac Street Parking Lot Improvement Work - \$68,717.50

- Bond and LOC Release – Brunswick Crossing Section 3B Part 1 – Final Acceptance – Public Paving

Mr. Yochelson made a motion to approve the Consent Agenda items. Ms. White seconded the motion, which passed 5-0.

Unfinished Business

- Downtown Parking Issues Discussion & Formation of Ad-Hoc Parking Committee

Ms. Martorana discussed current and past issues with parking in downtown. Staff made several recommendations for potential solutions. Mr. Ripley made a motion to create an ad-hoc downtown parking committee to investigate a downtown parking plan recommendation for consideration. Mr. St. John seconded the motion, which passed 5-0.

- Kaplon Presentation/Discussion

Ms. Hilton presented updates on the process to acquire a new owner for the Kaplon property to date. She stated the City had only received one offer for purchase by the deadline, but many other interested parties had come forth after the deadline. Staff recommended several options to the Council for consideration. Mr. Yochelson made a motion to deny the existing offer and re-publish the RFI for 60 days to obtain more interest. Ms. White seconded the motion, which passed 5-0.

- RERC Discussion

Ms. Martorana discussed the highlights from the RERC final report.

New Business

- City of Brunswick Event Application Approvals
  - Railroad Days
  - Downtown Halloween Party
  - Veterans Day Parade
- Brunswick Main Street Event Application Approvals
  - Farmer’s Market and Community Art Exhibit
  - Farmer’s Market

Ms. Myers discussed these events. Staff recommended approval of all. Mr. St. John made a motion to approve all of the events. Mr. Ripley seconded the motion, which passed 5-0.

Adjournment – 7:43p.m.

Submitted by: Carrie Myers

Approved By: \_\_\_\_\_ Witnessed By: \_\_\_\_\_  
Mayor Date City Administrator Date

**City of Brunswick**  
**Special Mayor and Council Meeting Minutes**  
**October 3, 2023, 6:00PM**

The October 3, 2023 City of Brunswick Special Mayor and Council Meeting was convened at 6:00 P.M. by Mayor Nathan Brown. The following members and staff were present: Nathan Brown, Mayor; Vaughn Ripley, Andy St. John, Brian Sandusky, Chris Vigliotti, Angel White, and Daniel Yochelson, Council Members; Julie Martorana, City Administrator; Jeremy Mose, Assistant City Administrator; and Carrie Myers, Director of Administration.

Mayor's Remarks

- Mayor Brown asked for a motion to re-appoint Alan Miner to the Planning Commission, Steve White to Board of Appeals, and Donavon Dilling and Cassie Goodman to the Ethics Commission. Mr. Sandusky made such a motion. Mr. St. John seconded the motion, which passed 6-0.

Citizens' Forum

- Dr. Wayne Allgaier and Jennifer Effler presented Mayor Brown and the Council with a Certificate of Appreciation for support of BEACON and the Food Bank.
- John Caves, 5<sup>th</sup> Avenue – offered comments about volunteerism for BEACON.

Introduction and Adoption of Resolutions and Ordinances

- Special Ordinance 600 – Borrowing Ordinance

Ms. Martorana presented the first reading of this special ordinance. She stated the City conducted a competitive bidding process seeking to borrow \$1.825 million for such City projects as the purchases of the Medical Center and WTRI property, improvements to the Sports Complex, development of the B&O Park, and remaining projects at 811 West Potomac Street. Two bonds were sought: a taxable bond (for income-generating projects) at \$525,000, and a non-taxable bond at \$1.3 million. Webster Bank had the most competitive rates of the three responses received at 4.77% (non-taxable) and 6.26% (taxable). Ms. Martorana stated the second reading and vote to approve this special ordinance would take place on October 10, 2023.

- Resolution 2023-21 – Personnel Manual Updates

Ms. Myers discussed proposed changes to the Personnel Manual. Ms. White made a motion to approve Resolution 2023-21. Mr. Sandusky seconded the motion, which passed 6-0.

- Resolution 2023-22 – Procurement Policy Updates

Ms. Myers discussed proposed changes to the Procurement Policy, which had been reviewed and recommended for approval by the Finance Commission. Mr. Ripley made a motion to approve Resolution 2023-22. Mr. Sandusky seconded the motion, which passed 6-0.

Consent Agenda

- PO Approval #240154 – King Hagerstown Motors, LLC - \$129,669
- PO Approval #240166 – Potomac Edison - \$60,176.78

Mr. Sandusky made a motion to approve the Consent Agenda items. Mr. Vigliotti seconded the motion, which passed 6-0.

New Business

- Governor’s State Budget Capital Request Approval

Ms. Martorana discussed the Mayor’s proposed request for the 2024 Legislative Session, which included \$1.5 million in funding for the Reservoir Retrofit Project.

Mr. Sandusky made a motion to approve the request letter. Mr. Ripley seconded the motion, which passed 6-0.

- Time to Care Act Insurance Collaborative

Ms. Myers discussed the Time to Care Act and the collaborative initiative by MML for all Maryland municipalities. Staff recommended joining the collaborative. Mr. Sandusky made a motion to approve. Mr. Vigliotti seconded the motion, which passed 6-0.

- Event Application Approvals

- City of Brunswick – 5<sup>th</sup> Annual Holiday Parade
- Brunswick Main Street – After-Market Music
- Brunswick Main Street – Holiday Marketplace
- Muddy Pedals – Mountain Bike Clinic
- New Hope UMC – Trunk or Treat

Ms. Myers stated staff recommended approval of all events. Ms. White made a motion to approve the event requests. Mr. Vigliotti seconded the motion, which passed 6-0.

Adjournment – 7:05p.m.

Submitted by: Carrie Myers

Approved By: \_\_\_\_\_ Date \_\_\_\_\_ Witnessed By: \_\_\_\_\_ Date \_\_\_\_\_  
Mayor City Administrator

**MAYOR AND COUNCIL OF BRUNSWICK**

**SPECIAL ORDINANCE NO. 600**

**2023 GENERAL OBLIGATION BONDS**

**A SPECIAL ORDINANCE AUTHORIZING AND EMPOWERING MAYOR AND COUNCIL OF BRUNSWICK (THE “CITY”) TO ISSUE AND DELIVER, UPON ITS FULL FAITH AND CREDIT, TWO SEPARATE SERIES OF GENERAL OBLIGATION BONDS, EACH CONSISTING OF A SINGLE BOND, IN THE RESPECTIVE ORIGINAL AGGREGATE PRINCIPAL AMOUNTS EXPECTED TO BE \$1,270,450.00 AND \$518,550.00, RESPECTIVELY, AND NOT EXCEEDING \$1,300,000.00 AND \$525,000.00, RESPECTIVELY, SUBJECT TO ADJUSTMENT AS DESCRIBED HEREIN, PURSUANT TO THE AUTHORITY IDENTIFIED HEREIN, THE BONDS TO BE RESPECTIVELY DESIGNATED “MAYOR AND COUNCIL OF BRUNSWICK PUBLIC IMPROVEMENTS BOND, SERIES 2023A (TAX-EXEMPT)” (THE “SERIES 2023A BOND”) AND “MAYOR AND COUNCIL OF BRUNSWICK PUBLIC IMPROVEMENTS BOND, SERIES 2023B (FEDERALLY TAXABLE)” (THE “SERIES 2023B BOND” AND, TOGETHER WITH THE SERIES 2023A BOND, THE “2023 BONDS”), THE PROCEEDS OF THE SALE THEREOF TO BE USED AND APPLIED FOR THE PUBLIC PURPOSE OF FINANCING OR REIMBURSING COSTS OF COMPONENTS OF THE PUBLIC PURPOSE PROJECTS IDENTIFIED HEREIN, INCLUDING COSTS OF ISSUANCE, SUBJECT TO REALLOCATION AS PROVIDED FOR HEREIN; PRESCRIBING THE FORMS AND TENOR OF THE 2023 BONDS AND THE TERMS AND CONDITIONS FOR THE ISSUANCE AND SALE THEREOF AT PRIVATE SALE, WITHOUT ADVERTISEMENT OR PUBLICATION OF NOTICE OF SALE OR SOLICITATION OF COMPETITIVE BIDS, TO WEBSTER BANK, NATIONAL ASSOCIATION; PRESCRIBING THE TERMS AND CONDITIONS OF THE 2023 BONDS AND CERTAIN DETAILS INCIDENT TO THE SALE, ISSUANCE AND DELIVERY OF THE 2023 BONDS AND AUTHORIZING ONE OR MORE SPECIFIED OFFICIALS TO DETERMINE OTHER FINAL DETAILS WITH RESPECT TO THE 2023 BONDS; PROVIDING FOR THE DISBURSEMENT AND INVESTMENT OF THE PROCEEDS OF THE 2023 BONDS; PROVIDING FOR THE IMPOSITION OF TAXES NECESSARY FOR THE PROMPT PAYMENT OF THE MATURING PRINCIPAL OF AND INTEREST ON THE 2023 BONDS; PROVIDING THAT THE FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER OF THE CITY SHALL BE PLEDGED TO THE PAYMENT OF SUCH MATURING PRINCIPAL AND INTEREST; PROVIDING THAT THE PRINCIPAL OF AND INTEREST ON THE 2023 BONDS ALSO MAY BE PAID FROM ANY OTHER SOURCES OF REVENUE LAWFULLY AVAILABLE TO THE CITY FOR SUCH PURPOSE; MAKING OR PROVIDING FOR CERTAIN REPRESENTATIONS, COVENANTS AND DESIGNATIONS RELATING TO THE TAX-EXEMPT STATUS OF THE SERIES 2023A BOND; PROVIDING THAT ANY PROVISIONS OF THIS ORDINANCE THAT ARE INCONSISTENT WITH ANY DEBT POLICY OF THE CITY OVERRIDE SUCH DEBT POLICY; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE LIBERALLY CONSTRUED; AND**

**GENERALLY RELATING TO THE ISSUANCE, SALE, DELIVERY AND PAYMENT OF AND FOR THE 2023 BONDS.**

**RECITALS**

**WHEREAS**, Mayor and Council of Brunswick, a municipal corporation of the State of Maryland and a municipality within the meaning of the Enabling Act identified below (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 (previously codified as Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland), as replaced, supplemented or amended (the “Enabling Act”), and Section 16.9-1 of the Charter of the City of Brunswick, as replaced, supplemented or amended (the “Charter”), to borrow money for any public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds; and

**WHEREAS**, the City has determined to borrow money and incur indebtedness for the public purpose of financing or reimbursing all or a portion of the costs of the public purpose projects generally identified and described as follows: (i) Medical Center (to purchase the Medical Center at 610 Ninth Avenue and undertake renovations thereto), (ii) Sports Complex (to complete improvements to the Sports Complex, including finishing playing fields, adding dugouts, scoreboards, bleachers, additional parking, restrooms, etc.), (iii) B&O Railroad Park (to start Phase 2 of a project including earthwork, installing park equipment, creating an entrance from Martin’s Creek parking lot, etc. (but excluding improvements to the WB Tower), (iv) 811 Additional Items (to create additional parking behind the garage and garage walls), (v) WTRI Acquisition (to purchase the WTRI radio station property adjacent to the Sports Complex and to provide parking, public restroom facilities and expansion of the adjacent public works storage site on such property), and (vi) Reimbursement for 811 (to reimburse a portion of funds spent on construction of 811 W. Potomac Street); and

**WHEREAS**, in connection with undertaking the projects described in the preceding WHEREAS clause, the City intends to borrow money to finance or reimburse all or any portion of the following activities and expenses relating to such projects, 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 and repaving, sidewalk, curb, gutter, storm water, water and sewer improvements, lighting, 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, architectural, feasibility, testing, study, surveying, document development, bidding, permitting, inspection, construction management, and related or similar activities and expenses; contingencies; financial, administrative and legal expenses; costs of issuance of any borrowing relating to any such project; 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 or reimbursement of costs of any such project (collectively, “Costs” or, individually, a “Cost”); and

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**WHEREAS**, the City has determined to issue two separate series of general obligation bonds in order to finance or reimburse Costs of the listed projects, each such series to consist of a single general obligation bond, with interest on one such series of the bonds to be excludable from gross income for purposes of Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”), and interest on the other such series of the bonds to be includable in gross income for purposes of Section 103 of the Code, and with the tax-exempt bond to finance or reimburse Costs of the projects identified as Sports Complex, B&O Railroad Park, 811 Additional Items, and WTRI Acquisition (collectively, the “Tax-Exempt Projects”), and the taxable bond to finance or reimburse Costs of the projects identified as Medical Center and Reimbursement for 811 (collectively, the “Taxable Projects”); and

**WHEREAS**, Section 16-9.1 of the Charter provides that the City may sell any of its general obligation bonds at private sale, without advertisement or publication of notice of sale or solicitation of competitive bids, and customarily a private sale may take the form of a negotiated underwriting, a private placement to one or more investors, or a direct purchase transaction in which a bond or bonds are sold to a financial institution to evidence one or more loans from such financial institution; and

**WHEREAS**, the financial advisor to the City recommended that due to the relatively small sizes of the two contemplated series of general obligation bonds, the ability in the current municipal capital market to achieve favorable interest rates through direct purchase transactions due to the ability to time the market and to negotiate with potential lenders, and the lower costs of issuance typically associated with a private sale that involves a direct purchase by a financial institution as compared to negotiated underwriting or a public sale at competitive bid, it was more expedient to pursue a private sale of the two series of contemplated general obligation bonds through direct purchase transactions because such sales could be structured and documented much more quickly and allow for more flexibility in negotiating terms, and because such method of sale generally results in lower costs of issuance; and

**WHEREAS**, the financial advisor to the City, with the participation of the City Administrator of the City (the “City Administrator”), the Assistant City Administrator of the City (the “Assistant City Administrator”), the Director of Administration of the City (the “Director of Administration”), other City staff, and bond counsel to the City, provided for the distribution to local, regional and national banks and other financial institutions of a request for proposals dated August 18, 2023 for loans to be evidenced by the two separate contemplated series of general obligation bonds in order to respectively finance or reimburse Costs of the Tax-Exempt Projects and the Taxable Projects (including related costs of issuance), in order to determine the potential lender likely to offer the most beneficial interest rate and other beneficial terms for each such series of the bonds and, thereby, to obtain for the City, as nearly as possible, the best possible results for the sale of the contemplated bonds without conducting a negotiated underwriting or the solicitation of competitive bids at public sale; and

**WHEREAS**, in response to the request for proposals, the financial advisor to the City received proposals from three financial institutions; and

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**WHEREAS**, as recommended by City staff, the Council has determined to sell each of the contemplated series of general obligation bonds to Webster Bank, National Association, which offered the most desirable terms for the each such series based on a comparison of proposed interest rates, prepayment terms, costs and other terms.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Mayor and Council of the City of Brunswick:

**SECTION 1. BE IT FURTHER ENACTED AND ORDAINED** that:

(a) The Recitals hereto constitute an integral part of this Ordinance and are incorporated herein by reference. Capitalized terms used in the Sections of this Ordinance and not defined herein 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. For example, (i) the Mayor Pro Tem of the City (the “Mayor Pro Tem”) has all the powers or authority of the Mayor and is the ex officio Mayor of the City during the continuance of sickness or in the absence of the Mayor, (ii) the Assistant City Administrator has the authority to perform the duties and responsibilities of the City Administrator during the absence of the incumbent, including signature authority on all City related documents, and (iii) in addition to the City Administrator, the Director of Administration has the power to attest to the City seal.

(c) Notwithstanding anything to the contrary contained in this Ordinance, in the event the position of any official who is referred to by title in this Ordinance is vacant or the person holding such position is absent, disabled or otherwise unavailable at the time any action authorized to be taken by such official in accordance with the provisions of this Ordinance shall occur, and no person has authority to act in such official’s stead as contemplated by subsection (b) above, references in this Ordinance to such official shall be deemed to (i) be to the City Administrator if the positions of the Mayor and the Mayor Pro Tem are both vacant or in the absence, disability or unavailability of both the Mayor and the Mayor Pro Tem, and (ii) refer to any other appropriate official of the City designated by the Council by appropriate action. In the event the City Administrator executes the 2023 Bonds (as defined in Section 3(d) hereof) due to the absence or disability of the Mayor and the Mayor Pro Tem or due to a vacancy in the position of the Mayor and the Mayor Pro Tem, the Director of Administration shall attest to signatures of City officials and the impression or affixing of the City seal on the 2023 Bonds. Notwithstanding the foregoing, in the event two or more officials are charged with responsibility for taking any actions in

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accordance with the provisions of this Ordinance and only one such position is filled at the applicable time (taking into account any such position filled in a temporary capacity), any such action may be taken solely by the remaining official (including by any such official serving in a temporary capacity).

(d) References in this Ordinance to the term “principal amount” shall be construed to mean par amount. References in this Ordinance to the term “proceeds” shall be construed to mean par amount plus any investment earnings on the applicable 2023 Bond (as defined in Section 3(d) hereof), to the extent applicable or unless the context requires otherwise.

(e) References in this Ordinance to the term “investment earnings” shall be construed to include interest earnings, to the extent applicable.

(f) References in this Ordinance to the term “official” shall be construed to include “employee,” to the extent applicable.

(g) As used in this Ordinance, “Business Day” means any day other than a Saturday, a Sunday or a day on which the City, banks in the State of Maryland, and/or banks in the state in which the registered owner of the applicable 2023 Bond is located are authorized or obligated by law to close.

(h) Notwithstanding any references in this Ordinance to manual signatures, to the extent that applicable laws, orders, regulations or other authority allow for signatures to be made by facsimile, electronic or other means, whether due to the impact of the COVID-19 pandemic or for other applicable reasons, the provisions of such applicable laws, orders, regulations or other authority allowing signatures to be made in a manner other than manually shall be deemed to supersede the provisions of this Ordinance.

**SECTION 2. BE IT FURTHER ENACTED AND ORDAINED** that:

(a) Pursuant to the authority of the Enabling Act and Section 16.9-1 of the Charter, the City hereby determines to borrow money and incur indebtedness for the public purpose of financing or reimbursing all or a portion of the Costs of any one or more components of the Tax-Exempt Projects identified below, including costs of issuance of the Series 2023A Bond identified in Section 3(a) below, in the maximum principal amount set forth opposite each such purpose (exclusive of any investment earnings that may be applied for such purposes):

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	<b>Description of Tax-Exempt Projects (Plus Costs of Issuance)</b>	<b>Maximum Principal Amount</b>
1	Sports Complex	\$500,000
2	B&O Railroad Park	500,000
3	811 Additional Items	150,000
4	WTRI Acquisition	75,000
5	Costs of Issuance of the Series 2023A Bond	75,000
	TOTAL	<u>\$1,300,000</u>

Costs of issuance of the Series 2023A Bond constitute a Cost of the Tax-Exempt Projects and are set forth as a separate line item for purposes of any contemplated reallocation of the proceeds of the Series 2023A Bond provided for in this Ordinance.

The City may spend investment earnings on the proceeds of the Series 2023A Bond on Costs of the Tax-Exempt Projects in accordance with applicable budgetary procedures or applicable law.

(b) The City, without notice to or the consent of the registered owner of the Series 2023A Bond, may reallocate the maximum principal amount of the Series 2023A Bond as well as investment earnings thereon to be spent among any of the purposes set forth in subsection (a) above in compliance with applicable budgetary procedures or applicable law and without amending this Ordinance. Further, it is the intention of the Council of the City (the “Council”) that proceeds of the Series 2023A Bond may be spent on any applicable Costs of the Tax-Exempt Projects, notwithstanding the descriptive names used for the Tax-Exempt Projects in this Ordinance, including, without limitation, Costs related to changes in the scopes of and/or names of any of the Tax-Exempt Projects effected through applicable budgetary procedures or applicable law. In addition, without notice to or the consent of the registered owner of the Series 2023A Bond, but with the advice of bond counsel to the City, the Council may reallocate any portion of the proceeds of the Series 2023A Bond to projects not originally contemplated as part of the Tax-Exempt Projects by this Ordinance to one or more additional projects by an amendatory ordinance and in accordance with any then-applicable law. After any such reallocation is made by amendatory ordinance to projects not originally contemplated by this Ordinance as part of the Tax-Exempt Projects, references in this Ordinance to the term “Tax-Exempt Projects” shall be deemed to collectively refer to all such projects, including the original Tax-Exempt Projects identified in this Ordinance, except to the extent otherwise provided in an amendatory ordinance hereto.

(c) Pursuant to the authority of the Enabling Act and Section 16.9-1 of the Charter, the City hereby determines to borrow money and incur indebtedness for the public purpose of financing or reimbursing all or a portion of the Costs of any one or more components of the Taxable Projects identified below, including costs of issuance of the Series 2023B Bond identified in Section 3(b) below, in the maximum principal amount set forth opposite each such purpose (exclusive of any investment earnings that may be applied for such purposes):

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	<b><u>Description of Taxable Projects (Plus Costs of Issuance)</u></b>	<b><u>Maximum Principal Amount</u></b>
1	Medical Center	\$425,000
2	Reimbursement for 811	75,000
3	Costs of Issuance of the Series 2023B Bond	<u>25,000</u>
	TOTAL	<u>\$525,000</u>

Costs of issuance of the Series 2023B Bond constitute a Cost of the Taxable Projects and are set forth as a separate line item for purposes of any contemplated reallocation of the proceeds of the Series 2023B Bond provided for in this Ordinance.

The City may spend investment earnings on the proceeds of the Series 2023B Bond on Costs of the Taxable Projects in accordance with applicable budgetary procedures or applicable law.

(d) The City, without notice to or the consent of the registered owner of the Series 2023B Bond, may reallocate the maximum principal amount of the Series 2023B Bond as well as interest earnings thereon to be spent among any of the purposes set forth in subsection (c) above in compliance with applicable budgetary procedures or applicable law and without amending this Ordinance. Further, it is the intention of the Council that proceeds of the Series 2023B Bond may be spent on any applicable Costs of the Taxable Projects, notwithstanding the descriptive names used for the Taxable Projects in this Ordinance, including, without limitation, Costs related to changes in the scopes of and/or names of any of the Taxable Projects effected through applicable budgetary procedures or applicable law. In addition, without notice to or the consent of the registered owner of the Series 2023B Bond, but with the advice of bond counsel to the City, the Council may reallocate any portion of the proceeds of the Series 2023B Bond to projects not originally contemplated by this Ordinance as part of the Taxable Projects by an amendatory ordinance and in accordance with any then-applicable law. After any such reallocation is made by amendatory ordinance to projects not originally contemplated by this Ordinance as part of the Taxable Projects, references in this Ordinance to the term “Taxable Projects” shall be deemed to collectively refer to all such projects, including the original Taxable Projects identified in this Ordinance, except to the extent otherwise provided in an amendatory ordinance hereto.

(e) Notwithstanding any other provision of this Ordinance, the City, without notice to or the consent of the registered owner of the Series 2023B Bond, but with the advice of bond counsel to the City, may reallocate proceeds of the Series 2023B Bond not needed for the purposes of the financing or reimbursing Costs of the Taxable Projects to the payment or reimbursement of Costs of the Tax-Exempt Projects in compliance with applicable budgetary procedures or applicable law.

**SECTION 3. BE IT FURTHER ENACTED AND ORDAINED that:**

(a) To evidence the borrowing and indebtedness authorized in Section 2(a) of this Ordinance (for the purpose of financing or reimbursing Costs of the Tax-Exempt Projects, including costs of issuance of the Series 2023A Bond), the City, acting pursuant to the authority of the Enabling Act and Section 16.9-1 of the Charter, hereby determines to issue and sell, upon its full faith and

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credit, a series of general obligation bonds in the form of a single bond in the maximum original aggregate principal amount not to exceed One Million Three Hundred Thousand Dollars (\$1,300,000) or such lesser original aggregate principal amount as the Mayor shall determine with the assistance of the City Administrator, the financial advisor to the City and bond counsel to the City is needed to finance or reimburse Costs of the Tax-Exempt Projects (including costs of issuance of the Series 2023A Bond). Such bond shall be designated “Mayor and Council of Brunswick Public Improvements Bond, Series 2023A (Tax-Exempt)” (the “Series 2023A Bond”). As of the date of introduction of this Ordinance, the Council expects that the Series 2023A Bond will be issued in the original aggregate principal amount of One Million Two Hundred Seventy Thousand Four Hundred Fifty Dollars (\$1,270,450); such amount was arrived at by reducing the expected principal amount of the Series 2023A Bond to be applied to costs of issuance thereof from the \$75,000 maximum principal amount authorized for such purpose as reflected in the table set forth in Section 2(a) of this Ordinance to \$45,450 and without changing the maximum principal amounts of the Series 2023A Bond authorized to be spent on the Costs of the other components of the Tax-Exempt Projects reflected in the table set forth in Section 2(a) of this Ordinance. In the event the Mayor, with the advice of the City Administrator, the financial advisor to the City and bond counsel to the City, determines that the Series 2023A Bond should be issued in an original aggregate principal amount greater or less than One Million Two Hundred Seventy Thousand Four Hundred Fifty Dollars (\$1,270,450) in order to accomplish the Tax-Exempt Projects (including, without limitation, to increase the principal amount of the Series 2023A Bond to be spent on costs of issuance thereof and/or to reduce the maximum principal amount of the Series 2023A Bond to be spent on any other components of the Tax-Exempt Projects), the Mayor, on behalf of the City, is hereby authorized and empowered to approve such greater or lesser original aggregate principal amount of the Series 2023A Bond, such approval to be evidenced conclusively by the Mayor’s execution and delivery of the Series 2023A Bond reflecting such greater or lesser original aggregate principal amount in accordance with Sections 6 and 8 hereof; provided that, the maximum original aggregate principal amount of the Series 2023A Bond shall not exceed One Million Three Hundred Thousand Dollars (\$1,300,000) and the maximum original principal amount of the Series 2023A Bond as originally issued to be applied to the Costs of any components of the Tax-Exempt Projects may not exceed the corresponding maximum principal amounts for such purposes set forth in the table in Section 2(a) of this Ordinance. In the event of any such further adjustments prior to the issuance of the Series 2023A Bond, the Mayor and the City Administrator may reflect the further increase or reduction in the maximum principal amount of the Series 2023A Bond to be applied to any of the purposes set forth in Section 2(a) of this Ordinance in the Section 148 Certificate provided for in Section 13 of this Ordinance, subject to the limitations set forth in this subsection (a).

(b) To evidence the borrowing and indebtedness authorized in Section 2(c) of this Ordinance (for the purpose of financing or reimbursing Costs of the Taxable Projects, including costs of issuance of the Series 2023B Bond), the City, acting pursuant to the authority of the Enabling Act and Section 16.9-1 of the Charter, hereby determines to issue and sell, upon its full faith and credit, a series of general obligation bonds in the form of a single bond in the maximum original aggregate principal amount of Five Hundred Twenty-Five Thousand Dollars (\$525,000) or such lesser original aggregate principal amount as the Mayor shall determine with the assistance of the City Administrator, the financial advisor to the City and bond counsel to the City is needed to finance or reimburse Costs of the Taxable Projects (including costs of issuance of the Series 2023B Bond). Such

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bond shall be designated “Mayor and Council of Brunswick Public Improvements Bond, Series 2023B (Federally Taxable)” (the “Series 2023B Bond”). As of the date of introduction of this Ordinance, the Council expects that the Series 2023B Bond will be issued in the original aggregate principal amount of Five Hundred Eighteen Thousand Five Hundred Fifty Dollars (\$518,550); such amount was arrived at by reducing the expected principal amount of the Series 2023B Bond to be applied to costs of issuance thereof from the \$25,000 maximum principal amount authorized for such purpose as reflected in the table set forth in Section 2(c) of this Ordinance to \$18,550 and without changing the maximum principal amounts of the Series 2023B Bond authorized to be spent on the Costs of the other components of the Taxable Projects reflected in the table set forth in Section 2(c) of this Ordinance. In the event the Mayor, with the advice of the City Administrator, the financial advisor to the City and bond counsel to the City, determines that the Series 2023B Bond should be issued in an original aggregate principal amount greater or less than Five Hundred Eighteen Thousand Five Hundred Fifty Dollars (\$518,550) in order to accomplish the Taxable Projects (including, without limitation, to increase the principal amount of the Series 2023B Bond to be spent on costs of issuance thereof and/or to reduce the maximum principal amount of the Series 2023B Bond to be spent on any other components of the Taxable Projects), the Mayor, on behalf of the City, is hereby authorized and empowered to approve such greater or lesser original aggregate principal amount of the Series 2023B Bond, such approval to be evidenced conclusively by the Mayor’s execution and delivery of the Series 2023B Bond reflecting such greater or lesser original aggregate principal amount in accordance with Sections 6 and 8 hereof; provided that, the maximum original aggregate principal amount of the Series 2023B Bond shall not exceed Five Hundred Twenty-Five Thousand Dollars (\$525,000) and the maximum original principal amount of the Series 2023B Bond as originally issued to be applied to the Costs of any components of the Taxable Projects may not exceed the corresponding maximum principal amounts for such purposes set forth in Section 2(c) of this Ordinance. In the event of any such further adjustments prior to the issuance of the Series 2023B Bond, the Mayor and the City Administrator may reflect the further increase or reduction in the maximum principal amount of the Series 2023B Bond to be applied to any of the purposes set forth in Section 2(c) of this Ordinance in the Section 148 Certificate provided for in Section 13 of this Ordinance or in a separate certificate to be executed and delivered by the Mayor and the City Administrator in connection with the issuance and delivery of the Series 2023B Bond, subject to the limitations set forth in this subsection (b).

(c) The final par amount of the Series 2023A Bond is hereby appropriated and allocated to pay Costs of the Tax-Exempt Projects (including costs of issuance of the Series 2023A Bond), as the maximum principal amount thereof to be applied to the components of the Costs of the Tax-Exempt Projects may be further adjusted as provided in this Ordinance prior to the issuance of the Series 2023A Bond. The final par amount of the Series 2023B Bond is hereby appropriated and allocated to pay Costs of the Taxable Projects (including costs of issuance of the Series 2023B Bond), as the maximum principal amount thereof to be applied to the components of the Costs of the Taxable Projects may be further adjusted as provided in this Ordinance prior to the issuance of the Series 2023B Bond.

(d) The Series 2023A Bond and the Series 2023B Bond are collectively referred to in this Ordinance as the “2023 Bonds” and, individually as a “2023 Bond”.

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**SECTION 4. BE IT FURTHER ENACTED AND ORDAINED that:**

(a) Each 2023 Bond shall be dated the date of its delivery and shall be issued in the form of a single, fully-registered bond, without coupons attached.

(b) Subject to the following provisions of this subsection (b), the Series 2023A Bond shall finally mature on October 1, 2043, subject to prior prepayment as provided for in accordance with Section 5(a) of this Ordinance, with annual principal payments thereon maturing on October 1 in each of the years 2024 through 2043, inclusive, as follows:

<u>Date</u>	<u>Principal Amount Maturing in Each Year</u>	<u>Date</u>	<u>Principal Amount Maturing in Each Year</u>
10/01/2024	\$38,885	10/01/2034	\$62,658
10/01/2025	40,785	10/01/2035	65,720
10/01/2026	42,778	10/01/2036	68,931
10/01/2027	44,868	10/01/2037	72,300
10/01/2028	47,061	10/01/2038	75,832
10/01/2029	49,360	10/01/2039	79,538
10/01/2030	51,772	10/01/2040	83,425
10/01/2031	54,302	10/01/2041	87,501
10/01/2032	56,956	10/01/2042	91,777
10/01/2033	59,739	10/01/2043	96,262

The foregoing principal amortization schedule was prepared by the financial advisor to the City and approved by the Lender identified in Section 9(b) hereof and assumes that the Series 2023A Bond will be issued and delivered on October 12, 2023 in the original aggregate principal amount of One Million Three Hundred Thousand Dollars (\$1,300,000). The Mayor, on behalf of the City, with the advice of the City Administrator, and the financial advisor to the City, is hereby authorized and empowered to approve changes to the foregoing principal amortization schedule prior to the issuance and delivery of the Series 2023A Bond in order to correct typographical or calculation errors, to reflect a further increase or decrease in the original aggregate principal amount of the Series 2023A Bond made in accordance with Section 3(a) hereof, to reflect a different date of issuance and delivery of the Series 2023A Bond, or to meet a requirement of the Lender that was provided for in or contemplated by the Lender’s proposal to purchase the 2023 Bonds, such revised amortization schedule to be prepared by the financial advisor to the City or the Lender and reflected in the executed and delivered Series 2023A Bond, and the Mayor’s approval thereof to be evidenced conclusively by his execution and delivery of the Series 2023A Bond reflecting such final original principal amortization schedule as provided for in Sections 6 and 8 hereof.

(c) The Series 2023A Bond shall bear interest from its date of delivery at the rate of four and seventy-seven hundredths of one percent (4.77%) per annum. Interest on the Series 2023A Bond shall be payable on April 1 and October 1 in each year until maturity or prior prepayment in whole, commencing on April 1, 2024; provided that, the last installment of interest shall be paid on the date that principal of the Series 2023A Bond is retired or prepaid in whole.

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(d) Subject to the following provisions of this subsection (d), the Series 2023B Bond shall finally mature on October 1, 2043, subject to prior prepayment as provided for in accordance with Section 5(a) of this Ordinance, with annual principal payments thereon maturing on October 1 in each of the years 2024 through 2043, inclusive, as follows:

<u>Date</u>	<u>Principal Amount Maturing in Each Year</u>	<u>Date</u>	<u>Principal Amount Maturing in Each Year</u>
10/01/2024	\$13,411	10/01/2034	\$25,085
10/01/2025	14,277	10/01/2035	26,706
10/01/2026	15,200	10/01/2036	28,431
10/01/2027	16,182	10/01/2037	30,269
10/01/2028	17,228	10/01/2038	32,225
10/01/2029	18,341	10/01/2039	34,307
10/01/2030	19,527	10/01/2040	36,524
10/01/2031	20,788	10/01/2041	38,885
10/01/2032	22,132	10/01/2042	41,397
10/01/2033	23,562	10/01/2043	44,073

The foregoing principal amortization schedule was prepared by the financial advisor to the City and approved by the Lender and assumes that the Series 2023B Bond will be issued and delivered on October 12, 2023 in the original aggregate principal amount of Five Hundred Twenty-Five Thousand Dollars (\$525,000). The Mayor, on behalf of the City, with the advice of the City Administrator and the financial advisor to the City, is hereby authorized and empowered to approve changes to the foregoing principal amortization schedule prior to the issuance and delivery of the Series 2023B Bond in order to correct typographical or calculation errors, to reflect a further increase or decrease in the original aggregate principal amount of the Series 2023B Bond made in accordance with Section 3(b) hereof, to reflect a different date of issuance and delivery of the Series 2023B Bond, or to meet a requirement of the Lender that was provided for in or contemplated by the Lender’s proposal to purchase the 2023 Bonds, such revised amortization schedule to be prepared by the financial advisor to the City or the Lender and reflected in the executed and delivered Series 2023B Bond, and the Mayor’s approval thereof to be evidenced conclusively by his execution and delivery of the Series 2023B Bond reflecting such final original principal amortization schedule as provided for in Sections 6 and 8 hereof.

(e) The Series 2023B Bond shall bear interest from its date of delivery at the rate of six and twenty-six hundredths of one percent (6.26%) per annum. Interest on the Series 2023B Bond shall be payable on April 1 and October 1 in each year until maturity or prior prepayment in whole, commencing on April 1, 2024; provided that, the last installment of interest shall be paid on the date that principal of the Series 2023B Bond is retired or prepaid in whole.

(f) Interest on each 2023 Bond shall be computed on the basis of a 360-day year comprised of 12 30-day months. Each 2023 Bond shall bear interest from the most recent date to which interest has been paid or, if no interest has been paid, from the date of its delivery. For purposes of calculating the interest due on either 2023 Bond, unpaid outstanding principal on any date shall be an amount equal to the original aggregate principal amount of such 2023 Bond, less

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any principal paid in accordance with the final amortization schedule for such 2023 Bond, and less any principal prepaid in part.

(g) The registered owner of each 2023 Bond shall provide written notice to the City Administrator of the interest or interest and principal, as applicable, due on such 2023 Bond on each semi-annual interest payment date at least ten (10) days prior to such semi-annual interest payment date, or such fewer number of days as is acceptable to the City Administrator, but failure to provide such notice shall not affect the amount of, or the City’s obligation to pay, principal or interest due on such 2023 Bond. The date and amount of each principal payment or prepayment of principal made by the City on a 2023 Bond shall be noted by the registered owner of such 2023 Bond on its books and records, which notation when made will be presumed correct absent manifest error. A registered owner’s failure to make appropriate notation of any such principal payment shall not limit or otherwise affect the City’s obligations hereunder.

(h) If a semi-annual interest payment date for a 2023 Bond falls on a day that is not a Business Day, payment may be made on the next succeeding Business Day, and no interest shall accrue on the principal being paid or prepaid as of such regularly scheduled payment date for the intervening period.

(i) Principal of and interest on each 2023 Bond shall be payable in lawful money of the United States of America. Principal of and interest on each 2023 Bond will be payable by check or draft mailed to the registered owner thereof at the address designated by the registered owner in writing to the City Administrator unless the City Administrator and the registered owner agree on a different manner of payment (which, by way of illustration, and not in limitation, may include by federal funds wire transfer, ACH payment or automatic debit of an appropriate account of the City). The City Administrator, on behalf of the City, is hereby authorized and empowered to make any of the payment arrangements provided for in this Section 4(i). The registered owner of a 2023 Bond shall not be required to surrender such 2023 Bond in order to receive payment thereon.

**SECTION 5. BE IT FURTHER ENACTED AND ORDAINED** that:

(a) Each 2023 Bond shall be subject to prepayment prior to maturity at the option of the City, in whole or in part on any semi-annual interest payment date occurring on or after October 1, 2028, at the following prepayment prices, expressed as a percentage of the principal amount of the applicable 2023 Bond or portion thereof being prepaid, plus interest accrued on the principal amount being prepaid to the date fixed for prepayment:

<u>Prepayment Date</u> <u>(Both Dates Inclusive)</u>	<u>Prepayment Price</u>
October 1, 2028 – April 1, 2031	101%
October 1, 2031 and thereafter	100

Any partial prepayment of a 2023 Bond (i) shall occur not more than once during any consecutive 12-month period, (ii) must be in a minimum principal amount of at least \$250,000 and (iii) shall be applied to the principal amounts maturing on such 2023 Bond in inverse order of maturity.

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(b) The City shall give the registered owner of a 2023 Bond written notice of its election to prepay such 2023 Bond in whole or in part at least thirty (30) days prior to the date fixed for prepayment (or such fewer number of days as is acceptable to the registered owner of such 2023 Bond); any such notice may be given by first class mail or email, any such notice of prepayment may be conditional, and any notice of prepayment in part shall identify the principal amount to be prepaid.

(c) In the event a 2023 Bond is not prepaid on any date fixed for prepayment thereof whole or in part in accordance with this Section 5, such 2023 Bond shall continue in full force and effect.

**SECTION 6. BE IT FURTHER ENACTED AND ORDAINED that:**

The 2023 Bonds shall be executed in the name of the City and on its behalf by the Mayor. The corporate seal of the City shall be affixed to the 2023 Bonds and attested by the signature of the City Administrator. In the event any official of the City whose signature appears on a 2023 Bond shall cease to be such official prior to the delivery of such 2023 Bond, or, in the event any such official whose signature appears on a 2023 Bond shall have become such after the date of issue thereof, such 2023 Bond shall nevertheless be a valid and binding obligation of the City in accordance with its terms.

**SECTION 7. BE IT FURTHER ENACTED AND ORDAINED that:**

Each 2023 Bond shall be transferable in whole only upon the books kept for that purpose by the City Administrator at Brunswick, Maryland, by the registered owner thereof in person or by the registered owner's attorney duly authorized in writing to (i) an affiliate of the registered owner thereof or (ii) banks, insurance companies, trusts, custodians or other financial institutions or their affiliates, upon surrender thereof, together with (A) a written certification substantially to the effect provided for in Section 9(c) of this Ordinance satisfactory to the City Administrator and duly executed by the transferee and (B) a written instrument of transfer in a form satisfactory to the City Administrator and duly executed by the registered owner or the registered owner's duly authorized attorney. Upon such transfer there shall be issued in the name of the transferee a new registered 2023 Bond of the same series in aggregate principal amount equal to the unpaid aggregate principal amount of the 2023 Bond surrendered, and with the same final maturity date and principal payment dates and amounts (or then-remaining principal payment dates and amounts, as applicable) and bearing interest at the same rate payable on the same dates. Any such new 2023 Bond issued in transfer or exchange may be executed and sealed as provided in Section 6 hereof with respect to the original execution and delivery of the 2023 Bonds, or as otherwise required by then-applicable law, and appropriate changes may be made to the form of such 2023 Bond issued in transfer or exchange to account for the dated date of such 2023 Bond and the then-outstanding aggregate principal amount of such 2023 Bond. Notwithstanding the foregoing, the registered owner of either 2023 Bond may grant participations in such 2023 Bond after the original issuance and delivery of such 2023 Bond, but the registered owner of either 2023 Bond in which participations are granted shall remain noted as the sole registered owner of such 2023 Bond on the City's records and the City shall make payments or prepayments to and give any notices only to such sole registered owner.

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**SECTION 8. BE IT FURTHER ENACTED AND ORDAINED** that:

Each of the 2023 Bonds shall be issued in substantially the form attached hereto as Exhibit A and incorporated by reference herein. Appropriate variations and insertions may be made by the Mayor to such form to provide dates, numbers and amounts, to reference or apply to a particular 2023 Bond, to carry into effect the provisions of this Ordinance (including, without limitation, to reflect matters determined in accordance with Sections 3, 4 and 10(b) of this Ordinance), or to comply with recommendations of legal counsel. All of the covenants contained in the form of each 2023 Bond as finally executed and delivered by the Mayor in accordance with the provisions of Section 6 hereof and this Section 8 are hereby adopted by the City, as such form may be modified as authorized by this Section, as and for the forms of obligations to be incurred by the City, and the covenants and conditions contained therein are hereby made binding upon the City, including the promise to pay therein contained. The execution and delivery of the final form of each 2023 Bond by the Mayor in accordance with the provisions of this Ordinance shall be conclusive evidence of the approval by the Mayor of the final form of such 2023 Bond and any variations, insertions, omissions, notations, legends or endorsements authorized by this Ordinance. To the extent there are inconsistencies between the provisions of a 2023 Bond, as executed and delivered in accordance with the provisions of this Section 8, and the provisions of this Ordinance, the provisions of such executed and delivered 2023 Bond shall control.

**SECTION 9. BE IT FURTHER ENACTED AND ORDAINED** that:

(a) The Council hereby ratifies, confirms, approves and adopts as actions of the City all actions taken by the City Administrator, the Assistant City Administrator, the Director of Administration, other City staff, the financial advisor to the City and bond counsel to the City, on behalf of the City, to identify the financial institution or bank that offered the most beneficial terms for each 2023 Bond, including, without limitation, the preparation, execution, delivery and circulation of the request for proposals dated August 18, 2023 and further communications with respondents to clarify terms of their proposals.

(b) City staff has recommended that Webster Bank, National Association is the bank or financial institution that submitted the most beneficial proposal to make the loans to the City evidenced by the two 2023 Bonds in response to the request for proposals circulated by the financial advisor to the City due to the fact that such respondent offered the lowest interest rate for each 2023 Bond, beneficial prepayment terms, and other beneficial terms. The Council hereby determines that it shall be in the best interests of the City to sell each of the 2023 Bonds at private sale, without advertisement or publication of notice of sale or solicitation of competitive bids, and in a direct purchase transaction to Webster Bank, National Association or an affiliate thereof (by whatever legal name confirmed by such entity, the “Lender”), for a purchase price of the final par amount of each such 2023 Bond determined in accordance with the provisions of this Ordinance and for cash. Therefore, and pursuant to the authority of the Enabling Act and Section 16.9-1 of the Charter, the 2023 Bonds shall be sold at private sale, without advertisement or publication of notice of sale or solicitation of competitive bids, and in a direct purchase transaction to the Lender, for a price of the final par amount of each such 2023 Bond as determined in accordance with the provisions of this Ordinance, with no payment of accrued interest due as of the date of delivery.

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The 2023 Bonds shall be registered in the name of the Lender or as otherwise specified by the Lender.

(c) Each 2023 Bond shall be sold to evidence a loan from the Lender and not for resale to the general public. Accordingly, as a condition to delivery of each 2023 Bond and prior to the issuance of such 2023 Bond, the Lender shall furnish to the City a certificate acceptable to bond counsel to the City generally to the effect that (i) the Lender has such knowledge and experience in financial and business matters, including purchase and ownership of tax-exempt or taxable municipal obligations, as applicable, that it is capable of evaluating the risks and merits of the loan represented by such 2023 Bond; (ii) the Lender has made its own independent and satisfactory inquiry of the financial condition of the City, including inquiry into financial statements and other information relating to the financial condition of the City to which a reasonable lender would attach significance in making lending decisions, and of any other matters deemed to be relevant to a reasonably informed decision to purchase such 2023 Bond; (iii) the Lender has had the opportunity to ask questions and receive answers from knowledgeable individuals concerning the City and such 2023 Bond, all so that as a reasonable lender the Lender has been able to make a reasonably informed decision to purchase such 2023 Bond; (iv) the Lender is not purchasing such 2023 Bond as an “underwriter” or “Participating Underwriter” as defined in Securities and Exchange Commission Rule 15c2-12, as amended, replaced or supplemented) and is not purchasing for more than one account or with a view to distributing such 2023 Bond; (v) if such 2023 Bond is subsequently sold, transferred or disposed of, such sale, transfer or disposition will be made only in compliance with any applicable federal and state securities laws and any other applicable laws; and (vi) the Lender understands and acknowledges that (A) such 2023 Bond (1) is not being registered under the Securities Act of 1933, as amended, and is not being registered or otherwise qualified for sale under the “blue sky” laws and regulations of any state, (2) will not be listed on any stock or other securities exchange, (3) will carry no rating from any rating service, (4) will not be readily marketable, (5) will not have a CUSIP number, and (6) will not be registered in book-entry only form with or through The Depository Trust Company, and (B) no disclosure document is being prepared in connection with the issuance and sale of such 2023 Bond. The certifications set forth in this subsection (c) may be edited appropriately (i) to conform to standard language of the Lender, and/or (ii) to conform to standard language for such a certification commonly used by any applicable subsequent registered owner of a 2023 Bond.

**SECTION 10. BE IT FURTHER ENACTED AND ORDAINED** that:

(a) The Series 2023B Bond and the Series 2023A Bond shall each be suitably prepared in definitive form, executed and delivered to the Lender on October 12, 2023 or on a date mutually acceptable to the Mayor, the City Administrator and the Lender, contemporaneously with the receipt of the purchase price for each 2023 Bond; provided that, the closing date may not be later than October 17, 2023 unless the Lender, in its sole discretion, agrees to a later closing date. The Mayor, the City Administrator, the Director of Administration and all other appropriate officials of the City are expressly authorized, empowered and directed to (i) take any and all action necessary to complete and close the sale and delivery of the 2023 Bonds, (ii) subject to any limitations provided for in this Ordinance, negotiate, approve, execute and deliver all documents, certificates and instruments necessary or appropriate in connection therewith, including documents, certificates and instruments

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intended to reflect any provisions specified by the Lender in connection with its proposal to purchase the 2023 Bonds, and (iii) carry out the transactions contemplated by the Ordinance, any supplemental or amendatory ordinance, and any documents, certificates or instruments executed and delivered in connection with the issuance of the 2023 Bonds, all to the extent such actions are within the spheres of their respective responsibilities.

(b) Notwithstanding anything to the contrary contained in this Ordinance, to the extent that any of the provisions of this Ordinance do not comport with the provisions specified by the Lender in its proposal or contemplated by such proposal, the Mayor, on behalf of the City, with the advice of the City Administrator, the financial advisor to the City and/or bond counsel to the City, as applicable, is hereby authorized and empowered to include in the final form of either 2023 Bond and/or in the appropriate closing documents, certificates or instruments such provisions as modified as required by the Lender, the Mayor's approval of any such modifications to be evidenced conclusively by the Mayor's execution and delivery of the final form of the applicable 2023 Bond containing such modifications in accordance with the provisions of Sections 6 and 8 of this Ordinance and/or by the execution and delivery by appropriate City official(s) of such other appropriate closing documents, certificates or instruments containing such modifications, and to the extent of any discrepancy between the provisions of this Ordinance and the final provisions of the 2023 Bonds and/or such executed closing documents, certificates or instruments, the provisions included in the executed 2023 Bonds and/or such closing documents, certificates or instruments shall control. Notwithstanding any other provisions of this Ordinance, the Mayor, with the advice of the City Administrator, the financial advisor to the City and/or bond counsel to the City, as applicable, is hereby authorized and empowered to agree to terms relating to either 2023 Bond that (i) accurately reflect the provisions of the Lender's proposal to purchase such 2023 Bond, to the extent such terms are not accurately reflected herein, (ii) are more favorable to the City than the terms reflected in this Ordinance, and/or (iii) are not more favorable to the City but are not uncommon for municipal obligations in the nature of the 2023 Bond(s), any of which such other terms shall be reflected in the final form of the applicable 2023 Bond or 2023 Bonds executed and delivered by the Mayor in accordance with Sections 6 and 8 of this Ordinance and/or in other applicable closing documents, certificates and instruments executed and delivered by appropriate City officials pursuant to the authority of this Ordinance, and to the extent of any discrepancy among the provisions of this Ordinance and the executed and delivered 2023 Bonds and/or closing documents, certificates and instruments, the provisions of such executed and delivered 2023 Bonds and/or closing documents, certificates and instruments shall control.

(c) The Council hereby acknowledges and agrees that the City shall provide to the registered owner of each 2023 Bond, while such 2023 Bond remains outstanding, the City's audited financial statements within 275 days of the end of each fiscal year of the City, commencing with the fiscal year ended June 30, 2023, subject to any extensions granted to the City for the delivery of such audited financial statements in any applicable year by an applicable Maryland official or officials in accordance with applicable Maryland law. Such audited financial statements shall be deemed provided to the registered owner of each 2023 Bond when posted to the City's website within such 275-day period; provided that, if the audited financial statements for any fiscal year are not released and posted to the City's website within 275 days of the end of that fiscal year, the City shall (i) provide unaudited financial statements for such fiscal year to the registered owner

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of each 2023 Bond by email within 275 days of the end of that fiscal year and (ii) provide the audited financial statements for that fiscal year by email to the registered owner of each 2023 Bond promptly upon the release of such audited financial statements. Financial statements sent to the Lender by email while it is a registered owner of a 2023 Bond in accordance with the provisions of this subsection (c) may be delivered to the following email address: PublicFinance@WebsterBank.com, unless the Lender provides a different email address to the City Manager. The audited or unaudited financial statements of the City provided in accordance with this Section 10(c) may be in electronic PDF format unless applicable law requires the same to be in another format.

(d) The City hereby acknowledges and agrees that (i) the transactions contemplated by this Ordinance are an arm's length transaction between the City and the Lender, (ii) in connection with such transactions, the Lender is acting solely as a principal and not as an advisor including without limitation, a "municipal advisor" as such term is defined in Section 15B of the Securities and Exchange Act of 1934, as amended, and the related final rules (the "Municipal Advisor Rules"), agent, or fiduciary of the City, (iii) the Lender is relying on the bank exemption in the Municipal Advisor Rules, (iv) the Lender has not provided any advice or assumed any advisory or fiduciary responsibility in favor of the City with respect to the transactions contemplated hereby and the discussions, undertakings and procedures leading thereto (whether or not the Lender, or any affiliate of the Lender, has provided other services or advised, or is currently providing other services or advising the City on other matters), (v) the Lender has financial and other interests that differ from those of the City, and (vi) the City has consulted with its own financial, legal, accounting, tax and other advisors, as applicable, to the extent it deems appropriate.

(e) In connection with the City's compliance with any continuing disclosure undertakings (each, a "Continuing Disclosure Agreement") entered into by the City pursuant to SEC Rule 15c2-12 promulgated pursuant to the Securities and Exchange Act of 1934, as amended (the "Rule"), the Lender acknowledges that the City may be required to file with the Municipal Securities Rulemaking Board's Electronic Municipal Market Access system, or its successor (in either case, "EMMA"), notice that the City has incurred financial obligations hereunder and notice of the occurrence of certain subsequent events reflecting financial difficulties in connection with the 2023 Bonds. The City agrees that it shall not file or submit, or permit to be filed or submitted, to EMMA, any documentation that includes the following unredacted sensitive or confidential information about the Lender or its affiliates: address and account information of the Lender and its affiliates, and email addresses, telephone numbers, fax numbers, names and signatures of officers, employees and signatories of the Lender or its affiliates, unless otherwise required for compliance with the Rule or otherwise required by law. The City acknowledges that the Lender is not responsible for the City's compliance or non-compliance with the Rule or any Continuing Disclosure Agreement.

**SECTION 11. BE IT FURTHER ENACTED AND ORDAINED** that:

(a) The entire principal amount of each 2023 Bond shall be disbursed upon the date of issuance at the direction of the appropriate City official or officials. Such disbursements shall be paid directly to the City and/or to such other party or parties as directed by the City. Any

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disbursements directly to the City shall be deposited by the City Administrator or other appropriate official in the proper City accounts and may be invested within the limits of any applicable Maryland or federal law.

(b) Subject to the provisions of Section 2(b) of this Ordinance, any par amount of the Series 2023A Bond not needed for Costs of the Tax-Exempt Projects (including costs of issuance of the Series 2023A Bond) and any investment earnings on the Series 2023A Bond may be spent on debt service payable or prepayable on the Series 2023A Bond, as determined by the Council in accordance with applicable budgetary procedures or applicable law, subject to the provisions of Section 13 below.

(c) Subject to the provisions of Section 2(d) of this Ordinance, any par amount of the Series 2023B Bond not needed for Costs of the Taxable Projects (including costs of issuance of the Series 2023B Bond) and any investment earnings on the Series 2023B Bond may be spent on debt service payable or prepayable on the Series 2023B Bond, as determined by the Council in accordance with applicable budgetary procedures or applicable law

(d) Nothing in this Ordinance shall be construed to authorize the expenditure of any moneys except for a proper public purpose.

**SECTION 12. BE IT FURTHER ENACTED AND ORDAINED that:**

(a) For the purpose of paying the principal of and interest on the 2023 Bonds when due, the City shall impose or cause to be imposed in all fiscal years in which either 2023 Bond is outstanding, upon all real and tangible personal property in the City that is subject to assessment for unlimited municipal taxation, ad valorem taxes at a rate and in an amount sufficient to provide for the payment of the maturing principal of and interest on the 2023 Bonds due in each such fiscal year. If the proceeds from the taxes so imposed in any such fiscal year are inadequate for such payment, additional taxes shall be imposed in the succeeding fiscal year to make up such deficiency.

(b) The full faith and credit and unlimited taxing power of the City are pledged to the prompt payment of the maturing principal of and interest on the 2023 Bonds as and when they become due and payable and to the imposition of the taxes hereinabove described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the 2023 Bonds. The City hereby covenants and agrees with the registered owners, from time to time, of the 2023 Bonds to impose the taxes hereinabove described and to take any further action that lawfully may be appropriate from time to time during the period that either 2023 Bond remains outstanding and unpaid to provide the funds necessary to pay promptly the maturing principal thereof and the interest due thereon.

(c) Subject to the provisions of Sections 13 and 14 hereof with respect to the Series 2023A Bond, the foregoing provisions shall not be construed so as to prohibit the City from paying the principal of and interest on either 2023 Bond from the proceeds of the sale of any other obligations of the City or from any other funds legally available for that purpose. Subject to the provisions of Sections 13 and 14 hereof with respect to the Series 2023A Bond, the City may apply to the payment of the principal of or interest on either 2023 Bond any funds received by it from the State of Maryland

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or the United States of America, or any governmental agency or instrumentality, or from any other source, if the funds are granted or paid to the City for the purpose of assisting the City in accomplishing the costs of the type or types of projects which the applicable 2023 Bond is issued to finance or reimburse or are otherwise available for such purpose, and to the extent of any such funds received or receivable in any fiscal year, the taxes hereby required to be levied may be reduced proportionately.

**SECTION 13. BE IT FURTHER ENACTED AND ORDAINED** that:

(a) The Series 2023A Bond is being issued with the expectation that interest thereon shall be excludable from gross income of the registered owner thereof for purposes of the Internal Revenue Code of 1986, as amended (the “Code”), and the U.S. Treasury Regulations promulgated thereunder (the “Treasury Regulations”). The Mayor and the City Administrator are the officials of the City responsible for the issuance of the Series 2023A Bond within the meaning of Section 1.148-2(b)(2) of the Treasury Regulations. The Mayor and the City Administrator also shall be the officials of the City responsible for the execution and delivery (on the date of the issuance of the Series 2023A Bond) of a certificate of the City (the “Section 148 Certificate”) that complies with the requirements of Section 148 of the Code and the Treasury Regulations, and such officials are hereby authorized and directed to execute and deliver the Section 148 Certificate to counsel rendering an opinion on the validity and tax-exempt status of the Series 2023A Bond on the date of the issuance thereof.

(b) The City shall set forth in the Section 148 Certificate its reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of the Series 2023A Bond or of any monies, securities or other obligations to the credit of any account of the City which may be deemed to be proceeds of the Series 2023A Bond pursuant to Section 148 of the Code or the Treasury Regulations (collectively, the “Series 2023A Bond Proceeds”). The City covenants with the registered owner of the Series 2023A Bond that the facts, estimates and circumstances set forth in the Section 148 Certificate will be based on the City’s reasonable expectations on the date of issuance of the Series 2023A Bond and will be, to the best of the certifying officials’ knowledge, true and correct as of that date.

(c) The City covenants with the registered owner of the Series 2023A Bond that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the Series 2023A Bond Proceeds that would cause the Series 2023A Bond to be an “arbitrage bond” within the meaning of Section 148 of the Code and the Treasury Regulations, and that it will comply with those provisions of Section 148 of the Code and the Treasury Regulations as may be applicable to the Series 2023A Bond on its date of delivery and which may subsequently lawfully be made applicable to the Series 2023A Bond as long as the Series 2023A Bond remains outstanding and unpaid.

(d) In connection with their execution and delivery of the Section 148 Certificate, the officials identified in this Section 13 are hereby authorized and empowered, on behalf of the City, to make any designations, elections, determinations or filings on behalf of the City provided for in or permitted by the Code and the Treasury Regulations and to reflect the same in the Section 148 Certificate and/or the IRS Form 8038-G filed in connection with the issuance of the Series 2023A

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Bond or any other documentation deemed appropriate by bond counsel to the City; provided that, only one of such identified officials must sign the IRS Form 8038-G.

**SECTION 14. BE IT FURTHER ENACTED AND ORDAINED** that:

The City specifically covenants that it will comply with the provisions of the Code applicable to the Series 2023A Bond, including, without limitation, compliance with provisions regarding the timing of the expenditure of the proceeds of the Series 2023A Bond, the use of such proceeds and the facilities financed with such proceeds, the restriction of investment yields, the filing of information with the Internal Revenue Service, and the rebate of certain earnings resulting from the investment of the proceeds of the Series 2023A Bond or payments in lieu thereof. The City further covenants that it shall make such use of the proceeds of the Series 2023A Bond, regulate the investment of the proceeds thereof and take such other and further actions as may be required to maintain the exemption from federal income taxation of interest on the Series 2023A Bond. All officials, officers, employees and agents of the City are hereby authorized and directed to provide such certifications of facts and estimates regarding the amount and use of the proceeds of the Series 2023A Bond as may be necessary or appropriate.

**SECTION 15. BE IT FURTHER ENACTED AND ORDAINED** that:

For purposes of Section 148(f)(4)(D) of the Code (relating to the exception for small governmental units from the arbitrage rebate requirement) the City represents and certifies that (i) the City has general taxing powers, (ii) the Series 2023A Bond is not a “private activity bond” within the meaning of Section 141 of the Code, (iii) at least ninety-five percent (95%) of the proceeds of the Series 2023A Bond are to be used for local governmental activities of the City, and (iv) the aggregate face amount of all tax-exempt bonds (other than private activity bonds) issued by the City (and all on-behalf-of issuers and subordinate entities of the City) during calendar year 2023 is not reasonably expected to exceed Five Million Dollars (\$5,000,000.00).

**SECTION 16. BE IT FURTHER ENACTED AND ORDAINED** that:

The City hereby designates the Series 2023A Bond as a “qualified tax-exempt obligation” within the meaning of Section 265(b)(3) of the Code (relating to the exception from the disallowance of the deduction for that portion of a financial institution’s interest expense which is allocable to tax-exempt interest), and, in connection therewith, represents and certifies that (i) the Series 2023A Bond is not a “private activity bond” within the meaning of Section 141 of the Code, (ii) the reasonably anticipated amount of tax-exempt obligations (excluding private activity bonds other than “qualified 501(c)(3) bonds” within the meaning of Section 145 of the Code), which will be issued by the City (and all on-behalf-of issuers and subordinate entities of the City) during calendar year 2023 does not exceed Ten Million Dollars (\$10,000,000.00), and (iii) not more than Ten Million Dollars (\$10,000,000.00) of obligations issued by the City (and all on-behalf-of issuers and subordinate entities of the City) during calendar year 2023, including the Series 2023A Bond, have been designated or, except as permitted by Section 265(b)(3) of the Code, will be designated, as qualified tax-exempt obligations of the City.

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**SECTION 17. BE IT FURTHER ENACTED AND ORDAINED** that:

Notwithstanding anything to the contrary contained in this Ordinance, the Mayor, in consultation with the City Administrator, the financial advisor to the City, and/or counsel to the City, as applicable, on behalf of the City, is hereby authorized and empowered to determine that the 2023 Bonds or either of them shall not be issued to the Lender in the event such City officials and professionals determine that the implementation of any provisions required by the Lender's proposal, or modifications required by the Lender to conform to the provisions of its proposal, are detrimental to and not in the best interests of the City, or if the Lender and such City officials cannot agree upon any such terms. Upon any such determination, the appropriate official or officials of the City are hereby authorized to take any and all action necessary to implement such decision, the applicable 2023 Bond or 2023 Bonds shall not be issued and delivered to the Lender, and the provisions of this Ordinance relating to the issuance and sale of such 2023 Bond or 2023 Bonds to the Lender shall be deemed to be inapplicable.

**SECTION 18. BE IT FURTHER ENACTED AND ORDAINED** that:

To the extent any provisions of this Ordinance and the transactions contemplated by or provided for by this Ordinance are not in conformity with any existing debt policy of the City, the provisions of this Ordinance shall control and the inconsistent or conflicting provisions of such existing debt policy shall be deemed to be overridden.

**SECTION 19. 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 20. BE IT FURTHER ENACTED AND ORDAINED** that:

This Ordinance shall become effective upon its approval by the Mayor or its passage by the Council over the Mayor's veto in accordance with the provisions of the Charter.

[CONTINUED ON FOLLOWING PAGE]

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**INTRODUCED** at a meeting of the Mayor and Council on \_\_\_\_\_, 2023.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by a vote of \_\_\_\_\_ for; \_\_\_\_\_ against; \_\_\_\_\_ abstaining; and \_\_\_\_\_ absent.

ATTEST:

COUNCIL OF THE CITY OF BRUNSWICK

\_\_\_\_\_  
Julie Martorana  
City Administrator

By: \_\_\_\_\_  
Name: Andy St. John  
Title: Mayor Pro Tem

\_\_\_\_\_ **APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023 or \_\_\_\_\_  
**VETOED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023 by the Mayor.

ATTEST:

\_\_\_\_\_  
Julie Martorana  
City Administrator

\_\_\_\_\_  
Nathan Brown  
Mayor

**EFFECTIVE** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

#231982;52041.007

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EXHIBIT A

(Form of [Series 2023A][Series 2023B] Bond)

*Note: This form shall be completed prior to delivery of each 2023 Bond to reflect matters determined in accordance with the provisions of this Ordinance, including, without limitation, Sections 3, 4, or 10(b) thereof. Brackets indicate certain (but not necessarily all) provisions of the following form of 2023 Bond that may be subject to modification in accordance with the provisions of such Sections and/or that apply only to the Series 2023A Bond or the Series 2023B Bond.*

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**THIS BOND IS SUBJECT TO THE TRANSFER RESTRICTIONS PROVIDED FOR IN THE ORDINANCE (AS DEFINED HEREIN).**

[TO BE USED FOR SERIES 2023A BOND ONLY: MAYOR AND COUNCIL OF BRUNSWICK HAS DESIGNATED THIS BOND A QUALIFIED TAX-EXEMPT OBLIGATION WITHIN THE MEANING OF SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.]

No. R[A][B]-\_\_

\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF MARYLAND  
MAYOR AND COUNCIL OF BRUNSWICK

PUBLIC IMPROVEMENTS BOND,  
[SERIES 2023A (TAX-EXEMPT)][SERIES 2023B (FEDERALLY TAXABLE)]

Final Maturity Date

Interest Rate

Dated Date

\_\_\_\_\_

\_\_\_\_\_ %

October \_\_, 2023

Registered Owner:

IT CANNOT BE DETERMINED FROM THE FACE OF THIS BOND WHETHER ALL OR ANY PORTION OF THE PRINCIPAL AMOUNT HAS BEEN PAID OR PREPAID. EACH PAYMENT OR PREPAYMENT OF PRINCIPAL ON THIS BOND SHALL BE NOTED BY THE REGISTERED OWNER OF THIS BOND ON ITS BOOKS AND RECORDS, WHICH NOTATION WHEN MADE WILL BE PRESUMED CORRECT ABSENT MANIFEST ERROR. THE REGISTERED OWNER'S

FAILURE TO MAKE APPROPRIATE NOTATION OF ANY SUCH PAYMENT OR PREPAYMENT SHALL NOT LIMIT OR OTHERWISE AFFECT THE OBLIGATIONS OF THE CITY HEREUNDER AND SHALL NOT AFFECT THE VALID PAYMENT AND DISCHARGE OF SUCH OBLIGATION EFFECTED BY SUCH PAYMENT OR PREPAYMENT.

Mayor and Council of Brunswick, a municipal corporation organized and existing under the Constitution and laws of the State of Maryland and a municipality within the meaning of the Enabling Act identified below (the “City”), hereby acknowledges itself indebted for value received and promises to pay to the Registered Owner shown above, or registered assigns or legal representatives, the aggregate principal amount of this bond as provided herein, plus interest on the unpaid principal balance as set forth herein. The principal of this bond shall be paid in twenty (20) annual installments deemed to mature on October 1 in each of the years 2024 through and including 2043 until final maturity in the aggregate amount of the principal installments set forth on Schedule 1 hereto, subject to prior prepayment as hereinafter provided.

This bond shall bear interest on the unpaid outstanding principal balance from the date of its delivery at an annual rate which is equal to [*FOR SERIES 2023A BOND*—four and seventy-seven hundredths of one percent (4.77%)] [*FOR SERIES 2023B BOND*—six and twenty-six hundredths of one percent (6.26%)] per annum.

Interest on this bond shall be payable on April 1 and October 1 in each year until final maturity or prior prepayment in whole, commencing on April 1, 2024. This bond shall bear interest from the most recent date to which interest has been paid or, if no interest has been paid, from the Dated Date set forth above.

Interest shall be computed on the basis of a 360-day year comprised of 12 30-day months. For purposes of calculating the interest due on this bond, unpaid outstanding principal on any date shall be an amount equal to the original aggregate principal amount of this bond ([~~\$1,270,450.00~~][~~\$518,550.00~~]), less any principal paid in accordance with Schedule 1 hereto, and less any principal prepaid in accordance with the further provisions of this bond. The Registered Owner of this bond shall provide written notice to the City Administrator of the interest and any principal due on this bond on each interest payment date at least ten (10) days prior to such interest payment date, or such fewer number of days as is acceptable to the City Administrator, but failure to provide such notice shall not affect the amount of, or the City’s obligation to pay, principal or interest due on this bond.

This bond shall be subject to prepayment prior to maturity at the option of the City, in whole or in part on any semi-annual interest payment date occurring on or after October 1, 2028, at the following prepayment prices, expressed as a percentage of the principal amount of this bond or portion hereof being prepaid, plus interest accrued on the principal amount being prepaid to the date fixed for prepayment:

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<u>Prepayment Date (Both Dates Inclusive)</u>	<u>Prepayment Price</u>
October 1, 2028 – April 1, 2031	101%
October 1, 2031 and thereafter	100

Any partial prepayment of this bond (i) shall occur no more than once during any consecutive 12-month period, (ii) must be in a minimum principal amount of at least \$250,000 and (iii) shall be applied to the principal amounts maturing on this bond in inverse order of maturity.

The City shall give the Registered Owner of this bond written notice of its election to prepay this bond in whole or in part at least thirty (30) days prior to the date fixed for prepayment (or such fewer number of days as is acceptable to the Registered Owner). Any such notice may be given by first class mail or email, any such notice may be conditional, and any such notice of prepayment in part shall identify the principal amount to be prepaid. In the event this bond is not prepaid on any date fixed for prepayment hereof in whole or in part, such prepayment notice shall be considered void and this bond shall continue in full force and effect.

Principal of and interest on this bond shall be payable in lawful money of the United States of America. The Registered Owner of this bond shall not be required to surrender this bond in order to receive payment hereon. Principal of and interest on this bond will be payable by check or draft mailed to the Registered Owner at the address designated by the Registered Owner in writing to the City Administrator of the City (the “City Administrator”), unless the City Administrator and the Registered Owner hereof agree on a different manner of payment. If an interest payment date falls on a Saturday, a Sunday or a day on which the City, banks in the State of Maryland and/or banks in the state in which the Registered Owner of this bond is located are not required to be open, payment may be made on the next succeeding day that is not a Saturday, a Sunday or a day on which the City, banks in the State of Maryland and/or banks in the state in which the Registered Owner of this bond is located are not required to be open, and no interest shall accrue on the amount owed as of such regularly scheduled interest payment date or with respect to a prepayment to be made on such interest payment date for the intervening period.

This bond is the duly authorized bond of the City, aggregating \$\_\_\_\_\_ in original principal amount, dated the date of its delivery and designated “Mayor and Council of Brunswick Public Improvements Bond, [Series 2023A (Tax-Exempt)][Series 2023B (Federally Taxable)].” This bond is issued pursuant to and in full conformity with the provisions of Sections 19-301 to 19-309, inclusive, of the Local Government Article of the Annotated Code of Maryland, as amended, Section 16.9-1 of the Charter of the City of Brunswick, as amended, and by virtue of due proceedings had and taken by the Council of the City (the “Council”), particularly Special Ordinance No. 600, which was passed by the Council on October \_\_, 2023, approved by the Mayor of the City (the “Mayor”) on October \_\_, 2023 and became effective on October \_\_, 2023 (the “Ordinance”).

This bond is transferable in whole only upon the books kept for that purpose at the office of the City Administrator, by the Registered Owner hereof in person, or by his duly authorized

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attorney, to (i) an affiliate of the Registered Owner hereof or (ii) banks, insurance companies, trusts, custodians or other financial institutions or their affiliates, upon surrender hereof, together with a written instrument of transfer in the form attached hereto and satisfactory to the City Administrator and duly executed by the Registered Owner or his duly authorized attorney, and evidence satisfactory to the City Administrator of compliance with Section 7 and 9(c) of the Ordinance.

Subject to the limitations provided for in Sections 7 and 9(c) of the Ordinance, this bond may be transferred or exchanged at the office of the City Administrator. Upon any such transfer or exchange, the City shall issue a new registered bond in denomination equal to the aggregate unpaid principal amount of the bond surrendered, and with the same final maturity date, principal payment dates and principal payment amounts and bearing interest at the same rate. In each case, the City Administrator may require payment by the Registered Owner of this bond requesting transfer or exchange hereof of any tax, fee or other governmental charge, shipping charges and insurance that may be required to be paid with respect to such transfer or exchange, but otherwise no charge shall be made to the Registered Owner hereof for such transfer or exchange.

The City may deem and treat the party in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal hereof and interest due hereon and for all other purposes.

The full faith and credit and unlimited taxing power of Mayor and Council of Brunswick are hereby pledged to the payment of the principal of and interest on this bond according to its terms, and the City does hereby covenant and agree to pay punctually the principal of and the interest on this bond, at the dates and in the manner mentioned herein, according to the true intent and meaning hereof.

This bond shall be governed by the laws of the State of Maryland, without giving effect to principles of conflicts-of-laws.

It is hereby certified and recited that each and every act, condition and thing required to exist, to be done, to have happened or to be performed precedent to and in the issuance of this bond, does exist, has been done, has happened and has been performed in full and strict compliance with the Constitution and laws of the State of Maryland and the Ordinance, and that this bond, together with all other indebtedness of the City, is within every debt and other limit prescribed by the Constitution and laws of the State of Maryland and that due provision has been made for the imposition of an annual ad valorem tax or taxes upon all the legally assessable property within the corporate limits of the City at a rate and in an amount sufficient to provide for the payment, when due, of the maturing principal of and interest on this bond.

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IN WITNESS WHEREOF, Mayor and Council of Brunswick has caused this bond to be executed in its name by the manual signature of the Mayor and its corporate seal to be affixed hereto, attested by the manual signature of the City Administrator, all as of the Dated Date set forth above.

(SEAL)

ATTEST:

MAYOR AND COUNCIL OF BRUNSWICK

By: \_\_\_\_\_  
City Administrator

By: \_\_\_\_\_  
Mayor

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AMORTIZATION SCHEDULE FOR  
MAYOR AND COUNCIL OF BRUNSWICK  
PUBLIC IMPROVEMENTS BOND, [SERIES 2023A (TAX-EXEMPT)]  
[SERIES 2023B (FEDERALLY TAXABLE)]

[Amortization schedule to be inserted below or attached]

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(Form of Instrument of Transfer)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

PLEASE INSERT SOCIAL SECURITY OR OTHER  
IDENTIFYING NUMBER OF ASSIGNEE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(PLEASE PRINT OR TYPEWRITE NAME AND ADDRESS,  
INCLUDING ZIP CODE OF ASSIGNEE)

the within bond and all rights thereunder and does hereby constitute and appoint \_\_\_\_\_

attorney to transfer the within bond on the books kept for the registration thereof, with full power of  
substitution in the premises.

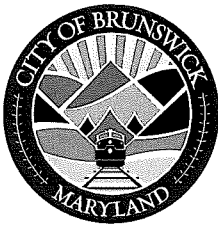
Dated: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_  
Notice: Signatures must be guaranteed by a  
member firm of the New York Stock  
Exchange or a commercial bank or trust  
company.

\_\_\_\_\_  
Notice: The signature to this assignment must  
correspond with the name as it appears upon  
the face of the within bond in every particular,  
without alteration or enlargement or any  
change whatsoever.

\_\_\_\_\_  
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# THE CITY OF BRUNSWICK MARYLAND

1 WEST POTOMAC STREET · BRUNSWICK, MARYLAND 21716 · (301) 834-7500

## Department of Public Works

### Mayor & Council Monthly Report for September 2023

#### **Water Line Repairs and Maintenance**

Replaced service line in Knoxville. Repaired a service line leak at 13<sup>th</sup> ave.

#### **Sewer Line Repairs**

Repaired sewer on Georgia ave.

#### **Water Valve Maintenance**

#### **Fire Hydrant Maintenance**

Every week we continue to flow hydrants that show low chlorine or sediment.

#### **Street Repair and Maintenance**

Filled in potholes and washouts.

#### **CIP Projects**

#### **Storm Drain Maintenance**

Clean storms drains & grates. Continued Georgia Ave storm drain install.

#### **Miscellaneous Tasks and Maintenance**

Repairing or replacing road signs, Continued Park checks and maintenance. Painted Martins Creek wall. Helped the WTP clean the springs.

#### **Construction and Contractor Support**

Sidewalk inspections, Review new plans. Final walkthroughs at B/C for curb and gutter.



THE  
CITY OF BRUNSWICK  
MARYLAND

1 WEST POTOMAC STREET · BRUNSWICK, MARYLAND 21716 · (301) 834-7500

## 2023 SEPTEMBER WATER METER/ SAFETY REPORT

### Meters:

Settlements – 19

Replacements – 3

Repairs – 8

High Bill Investigations from Leak Reports – 42

New Meter Installs – 3

Meter Inspections – 0

U&O Inspections – 0

Sub- Meter Inspections- 0

Cut-offs Due to Non-Payment - 17

Completed quarterly water meter reading for the City's October water/ sewer billing.



# Brunswick Police Department

## Monthly Report

Reporting Month and Year:  
September 2023

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<b>Traffic Enforcement Activity</b>				
	Month	YTD	PY Month	PY YTD
Maryland State Citations	16	174	26	225
Maryland State SEROS	0	17	0	9
Warning Citations	51	674	545	578
Parking Citations	4	47	12	102

<b>Crime Report</b>				
	Month	YTD	PY Month	PY YTD
Calls for Service	1068	9397	882	9051
Homicide	0	0	0	0
Rape	0	3	2	5
Robbery	0	0	0	3
Assault	14	124	5	68
B&E	3	8	1	11
Theft	4	21	8	44
Auto Theft	2	4	0	2
Motor Vehicle Accidents	8	84	5	80
Emergency Evaluations/Mental/Suicidal Persons	3	38		
Overdoses	0	4		
Adult Arrests	9	76	13	72
Juvenile Arrests	0	29	2	23