

**THE COMMISSIONERS OF RISING SUN, MARYLAND**  
**CHARTER AMENDMENT RESOLUTION NO. 2010 - 08**

**A Resolution** concerning amendments to Section C-17 of the Charter of the Town of Rising Sun, Maryland,

**For** the purpose of providing for alternate provisions to borrow money pursuant to Sections 31 through 39 of Article 23A of the Annotated Code of Maryland, as amended.

**Recitals**

The Commissioners of Rising Sun, Maryland (the "Town" or "town") is a municipal corporation duly organized and existing under the laws of the State of Maryland pursuant to a charter adopted in accordance with Article XI-E of the Constitution of Maryland and Article 23A of the Annotated Code of Maryland, as amended ("Article 23A"). Pursuant to Sections 31 to 39, inclusive, of Article 23A, the Town has the power to borrow money for any proper public purpose and to evidence such borrowing by the issue and sale of its general obligation bonds in the manner prescribed in Article 23A, unless the charter of the Town provides otherwise. Sections 11 to 18, inclusive, of Article 23A prescribes the manner in which the Charter of the Town may be amended and authorizes the legislative body of the Town to initiate a proposed amendment or amendments by a resolution which, except as otherwise specified in Sections 11 to 18, inclusive, of Article 23A is ordained or passed in the usual course of considering resolutions by a majority of all the persons elected to the legislative body.

The Town has determined to propose an amendment to its charter to provide for alternate provisions to borrow money pursuant to Sections 31 through 39 of Article 23A in lieu of the provisions and limitations prescribed by Sections 31 through 39 of Article 23A.

**Now, Therefor, Be It Resolved By the Board of Commissioners of the Town of Rising Sun, Maryland, that:**

**Section 1.** It is hereby found and determined to be in the best interests of the Town to amend the Charter of the Town to provide for additional and supplemental provisions and procedures for the issue and sale of its bonds, including the private negotiated sale of bonds of the Town, sale of bonds of the Town at, above or below par value, and issuance and sale of the Town's bonds payable as to principal and interest solely from the revenues of one or more revenue-producing projects of the Town, all as the Board of Commissioners shall determine to be in the best interests of the Town.

**Section 2.** Section C-17 of the Charter of the Town of Rising Sun, Maryland is amended by amending and reenacting Section C-17 in its entirety to read, as follows:

Section C-17. General: sewers, grading, paving and lighting of streets; water

(c) Financing

(1) They shall have the power to finance for the aforementioned improvements by levying and assessing the same generally upon the whole of the assessable property of said Town, or specifically upon assessable property of persons benefited thereby.

(2) They are further authorized and empowered to borrow in the manner prescribed in the laws of Maryland on either its faith and credit or upon the security of the revenues of sewerage and water supply systems of the town (or both) from any banking or financial institution, state agency or instrumentality, or any agency, department or program of the United States within the State of Maryland, a sum or sums of money, to be used for the construction and establishment, extension, alteration, improvement, and modification of the existing sewerage system or existing water supply system, or both; or for the construction, or repair of the streets, sidewalks, buildings, stormdrains, parks or other properties or responsibilities of the Town, and to evidence such indebtedness by the issuance of its promissory notes, bonds, or other evidence of indebtedness, whichever in the judgement of said Commissioners of Rising Sun shall best suit their interests and whichever may be acceptable by the such banking or financial institution, state agency or instrumentality, or any agency, department or program of the United States or other financial institutions from which said sum or sums of money may be borrowed, provided no notes or bonds shall be issued as evidence of such indebtedness which shall mature later than 30 40 years from their respective date of issue.

In addition to the provisions of Sections 31 through 39 of Article 23A of the Annotated Code of Maryland and any other laws of Maryland, a resolution or ordinance authorizing any borrowing pursuant to Sections 31 through 39 of Article 23A of the Annotated Code of Maryland and any other laws of Maryland may (1) contain a statement of the public purpose upon which the proceeds of said bonds, notes or other evidences of indebtedness are to be expended, (2) prescribe an alternate manner in which to determine and specify the forms and provisions of bonds, notes or other evidences of indebtedness evidencing such borrowing, (3) determine and specify the manner in which such bonds, notes or other evidences of indebtedness shall be sold, including at a public or private (negotiated) sale for a price at, above or below par value, (4) set forth specific provisions for the appropriation and disposal of the proceeds of the bonds, notes or other evidences of indebtedness, the payment of the principal of and interest on such bonds, notes or other evidences of indebtedness, and the source or sources of payment therefor, including, without limitation, any specific revenues of one or more revenue-producing projects of the town or any specific revenues which may be derived the facilities or property financed with the proceeds of the bonds, notes or other evidences of indebtedness, (5) determine and specify any collateral or security for said borrowing, including a mortgage, deed of trust or lien on property or a pledge of specific revenues of one or more revenue-producing projects of the town or the proceeds of the bonds, notes or other evidences of indebtedness, and (6) determine and specify any other matters concerning such borrowing or the bonds, notes or other evidences of indebtedness, all as the Board of Commissioners shall determine to be in the best interests of the town.

(3) For the purpose of paying off said indebtedness occasioned by the cost of construction, extension, alteration or modification of the present water or sewerage system, the Commissioners of Rising Sun are hereby further authorized and empowered to levy annually

against all assessable property within the municipality so served, so long as said indebtedness is outstanding, a tax of sufficient amount to meet the interest as it may become due and such sums on account of principal as the Commissioners of Rising Sun shall be obligated to pay, the said tax to be determined, levied and collected in the same manner as other municipal taxes. Said taxes thus levied shall have the same priority right, bear the same interest and penalties, and in every respect be treated the same as other municipal taxes.

(4) For the purpose of providing funds to pay the principal and interest, in whole or in part, on the indebtedness incurred by the construction, extension, alteration or modification of said present water supply and sewerage system, in lieu of or in addition to the methods provided in section (3) above and for the purpose of maintaining, repairing and operating the said water supply and sewerage systems, including overhead expense and proper depreciation allowance, the Commissioners of Rising Sun shall have full power and authority to make such service rates as they may deem necessary to charge against all properties served by said water supply and sewerage systems. Service rates shall be subject to change from time to time as said authorities may deem necessary. Said rates shall be payable at such time, and shall be subject to such penalties for nonpayment as said authorities may determine, and they shall be collectible against the owner of the property served, in the same manner as other debts are collectible at law.

[**Note:** Additions are underlined, deletions are struck through.]

**Section 3.** The Mayor of the Town is authorized and directed, either as mayor or through a designee) to give notice of this Resolution and the amendment to the Charter being made by this Resolution, by posting and publication in accordance with Article 23A, Section 13, to register such amendment with the Department of Legislative Services as provided in Section 9A of Article 23A, and to comply with the provisions of Sections 11 to 18, inclusive, of Article 23A to cause such amendment to become effective.


**Section 4.** This Resolution shall effective upon its adoption by a majority of the members of the Board of Commissioners and its approval by the Mayor of the Town and the amendments to the Charter authorized by this Resolution shall become effective as provided by law.

**Read and Introduced** by The Commissioners of Rising Sun, Maryland, this 13th day of April, 2010.

**PASSED AND ADOPTED** by The Commissioners of Rising Sun, Maryland on this 13th day of April, 2010.

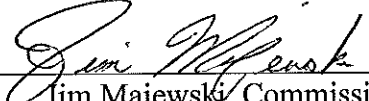
**ATTEST:**

**THE COMMISSIONERS OF RISING SUN,  
MARYLAND**

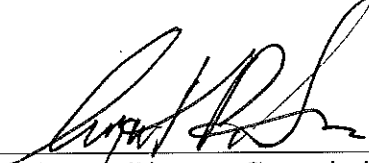
  
Calvin A Bonenberger Jr,  
Town Administrator/ Acting Clerk

  
Judith M. Cox, Mayor

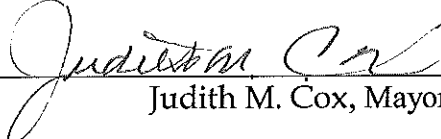
  
Clinton E. Bowers, Commissioner

  
Jim Majewski, Commissioner

  
Thomas S. Mumey, Commissioner

  
August Pierson, Commissioner

**APPROVED 4-0**

  
Judith M. Cox, Mayor

Date: April 13, 2010