MAYOR	COUNCIL
Brian K. Grim	Nicole Alt-Myers
	Seth D. Bernard
CITY ADMINISTRATOR	David Caporale
Jeff Rhodes	Richard J. "Rock" Cioni
CITY SOLICITOR	**CITY CLERK**
Michael Scott Cohen	Marjorie A. Woodring

MINUTES

Mayor and City Council of Cumberland
City Hall Council Chambers
Room 212
6:15 P.M.

DATE 7/5/2016

***Pledge of Allegiance**

I. ROLL CALL

PRESENT: Brian K. Grim, President; Council Members Seth Bernard, David Caporale, and Richard J. Cioni, Jr.

ABSENT: Councilwoman Nicole Alt-Myers

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie A. Woodring, City Clerk

II. DIRECTOR'S REPORT

(A) Administrative Services

1. Administrative Services monthly report for May, 2016

Item Action: Approved

Motion to approve the report was made by Councilman Caporale, seconded by Councilman Bernard, and passed on a vote of 4-0.

(B) Public Works

1. Utilities Division & Central Services monthly report for May, 2016

Item Action: Approved

Motion to approve the report was made by Councilman Caporale, seconded by Councilman Bernard, and passed on a vote of 4-0.

III. APPROVAL OF MINUTES

(A) Routine

1. Approval of the Work Session Minutes of May 17, 2016

Item Action: Approved

Motion to approve the minutes was made by Councilman Caporale, seconded by Councilman Bernard, and passed on a vote of 4-0.

(B) Administrative / Executive

1. Approval of the Closed Session Minutes of June 7, 2016

Item Action: Approved

Motion to approve the report was made by Councilman Caporale, seconded by Councilman Bernard, and passed on a vote of 4-0.

Closed Meeting - June 7, 2016

PRESENT: Brian K. Grim, President; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale, and Richard J. Cioni, Jr.; Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk

MOTION to enter into closed session to discuss personnel issues and union negotiations was made by Councilman Cioni, seconded by Councilman Bernard, and was passed on a vote of 5-0.

AUTHORITY to close the session was provided by the Annotated Code of Maryland, State Government Section 10-508 (a) (1) and (9).

TOPICS: Personnel issues and union negotiations

IV. UNFINISHED BUSINESS

(A) Ordinances

1. Ordinance *(2nd and 3rd readings)* - providing for the closure of a portion of an alley between lands owned by Sean B. D'Atri and known as Willison Place, and authorizing the execution of a deed effecting the conveyance of the closed portion of the alley to Mr. D'Atri

Mr. Rhodes reviewed details of the Ordinance. He advised that the requestor, Mr. Sean D'Atri, owns both sides of the public right-of-way in consideration, therefore, once the closure is complete, the entire portion will be deeded to Mr. D'Atri.

SECOND READING: The Ordinance was presented in Title only for its second reading. The reading was interrupted and motion to suspend the second reading and move to the third after comment was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 4-0.

Mayor Grim entertained questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was approved on a vote of 4-0.

ORDINANCE NO. 3805

2. Ordinance *(2nd and 3rd readings)* - authorizing the execution of a Contract of Sale and Deed to transfer surplus property at 316 Baltimore Avenue to Edward M. and Frances L. Cook for the sum of $1,500

Mr. Rhodes reviewed details of the Ordinance.

SECOND READING: The Ordinance was presented in Title only for its second reading. The reading was interrupted and motion to suspend the second reading and move to the third after comment was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 4-0.

Mayor Grim entertained questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was approved on a vote of 4-0.

ORDINANCE NO. 3806

3. Ordinance *(2nd and 3rd readings)* - amending Section 2-176 of the City Code to increase the local preference for City Bidders from 7% to 8% and clarify the manner in which the local preferences are applied

Mr. Rhodes reviewed details of the Ordinance. He stated that a recent Charter Amendment Resolution had raised the maximum limits allowable for local preferences, and this Ordinance would set the actual rates that will be given to city and county businesses. Both the Ordinance and the Charter Amendment will become effective July 6, 2016.

SECOND READING: The Ordinance was presented in Title only for its second reading. The reading was interrupted and motion to suspend the second reading and move to the third after comment was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 4-0.

Mayor Grim entertained questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was approved on a vote of 4-0.

ORDINANCE NO. 3807

V. <u>NEW BUSINESS</u>

(A) Ordinances

1. Ordinance *(1st reading)* - authorizing the issuance and sale of 1) General Obligation Bonds and General Bond Anticipation Notes each in an aggregate principal amount not to exceed $5,388,000, and 2) General Obligation Refunding Bonds which shall not exceed 130% of the aggregate principal amount of the bonds refunded therefrom, by private sale to the MD Water Quality Financing Administration (MWQFA), to finance costs of the Combined Sewer Overflow (CSO) Storage Facility Project and related costs

Mr. Rhodes advised that bond amount represented the maximum portion of funding the City may be responsible for in the construction of an underground CSO storage facility. The State would also be providing an estimated $24 million in a Bay Restoration Fund grant. The bonds would be sold through private sale to the Maryland Water Quality Financing Administration (MWQFA).

FIRST READING: The Ordinance was presented in Title only for its first reading. Motion to approve the first reading and table for two weeks was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 4-0.

2. Ordinance *(1st reading)* - authorizing the issuance and sale of 1) General Obligation Bonds and

General Obligation Bond Anticipation Notes, each in an aggregate principal amount not to exceed $477,000, and 2) General Obligation Refunding Bonds which shall not exceed 130% of the aggregate principal amount of the bonds refunded therefrom, by private sale to the MD Water Quality Financing Administration (MWQFA) to finance costs of Phase III of the Evitts Creek CSO Upgrade Project and related costs

Mr. Rhodes advised that this bond funding would finance pre-construction costs associated with the City's combined sewer overflow (CSO) efforts. The bonds would be sold through private sale to the Maryland Water Quality Financing Administration (MWQFA). Project specifics involved engineering work on the large interceptor line that runs under CSX property.

FIRST READING: The Ordinance was presented in Title only for its first reading. Motion to approve the first reading and table for two weeks was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 4-0.

(B) Resolutions

1. Resolution approving the form and execution of written post-issuance continuing disclosure undertaking compliance procedures

Mr. Rhodes discussed details of the Resolution and Mayor Grim called for questions or comments. Motion to approve the Resolution was made by Councilman Caporale, seconded by Councilman Bernard, and approved on a vote of 4-0.

RESOLUTION NO. R2016-07

2. Resolution approving the application and receipt of funding for 2016 Community Legacy Projects in the amount of $405,000 from the MD Department of Housing and Community Development

Mr. Rhodes reviewed the Community Legacy project recommendations for 2016 and Mayor Grim called for questions or comments. Motion to approve the Resolution was made by Councilman Caporale, seconded by Councilman Bernard, and approved on a vote of 4-0.

RESOLUTION NO. R2016-08

3. Resolution supporting the YMCA's application to the Maryland Community Investment Tax Credit Program for funding support for the YMCA Young Adult Center

Mr. Rhodes discussed details of the Resolution and Mayor Grim called for questions or comments. Motion to approve the Resolution was made by Councilman Caporale, seconded by Councilman Bernard, and approved on a vote of 4-0.

RESOLUTION NO. R2016-09

(C) Orders (Consent Agenda)

Item Action: Approved

Mr. Rhodes discussed details of each item on the Consent Agenda and Mayor Grim entertained questions or comments. Motion to approve Consent Agenda Items 1-4 was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 4-0.

1. Order accepting the sole source proposal of System Integration Technologies, Inc. to provide programming and hardware upgrades to Combined Sewer Overflow (CSO) and Water Filtration Plant (WFP) sites for the not-to-exceed amount of $24,541.73

ORDER NO. 25,999

2. Order authorizing the Chief of Police to accept a GOCCP New Body Armor Grant for FY17 in the amount of $2,175 requiring 50% match money from the City for the replacement of outdated body armor vests

ORDER NO. 26,000

3. Order authorizing the Chief of Police to accept a GOCCP STOP Gun Violence Reduction Grant titled "Gun Violence Reduction Initiative" for FY17 in the amount of $4,000 to be used for overtime to perform gun-related investigations and specialized gun interdiction patrols and to assist in the execution of search warrants to proactively combat street-level violent crime

ORDER NO. 26,001

4. Order authorizing Change Order No. 1 to the sole source proposal from Marshall Ruby & Sons to provide replacement doors for the Mill Race Pump Station for the increased amount of $6,680, bringing the revised total proposal amount to $51,680

ORDER NO. 26,002

(D) Letters, Petitions

1. Letter from Lt. Chuck Ternent, Cumberland Police Department (CPD), advising of the CPD's intent to use Edward Byrne Memorial Justice Assistant Grant Funds to purchase tasers or conducted electrical weapons for use by the CPD and the Allegany County Sheriff's Office. The public will be offered the opportunity to comment on the proposed use of these funds.

The letter was acknowledged and entered into public record. The Mayor and Council expressed no concerns with the proposed use of funding.

VI. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

Cory Kuhn, 237 Gleason Street, submitted a petition from concerned residents of Gleason Street and New Hampshire Avenue to take aggressive action to rid the neighborhood of blighted and environmentally hazardous property at 233 Gleason Street, owned by Gary Hartell. Mr. Kuhn discussed past interaction with the City regarding the nuisance property. Mayor Grim stated he had knowledge of the situation and discussed several attempts that had been made to get a dumpster to the site and offers from neighbors to help.

Stacy Mackereth, 232 Gleason Street, also discussed the conditions of 233 Gleason Street, owned by Gary Hartell. Ms. Mackereth stated that, as a nurse, she was concerned with the possible health hazards breeding at the property. Offers to help from the neighbors have not been accepted by Mr. Hartell. Mayor Grim encouraged staff to take steps to involve the Health Department and animal control.

VII. ADJOURNMENT

With no further business at hand, the meeting adjourned at 6:58 p.m.

Minutes approved on August 16, 2016

Mayor Brian K. Grim

ATTEST: Marjorie A. Woodring, City Clerk

June 22, 2016

Honorable Mayor and City Council
City Hall
Cumberland, Maryland 21502

Re: Administrative Services Monthly Report for May, 2016

Dear Mayor and City Council Members:

The following report is submitted by the Department of Administrative Services for the month of May, 2016.

Management Information Systems

Management Information Systems reports the following activities for the month of May, 2016:

Statistics

126 completed help desk requests
257 open help desk requests

Activities

Major department initiatives in the past month include:

- Continued working with public works on combined vehicle maintenance software solution
- Continue to work with state on fiber connection to main city buildings (WWTP, Service Center, Public Safety Building)
- Continue implementing downtown WiFi solution
- Work with Tyler Technologies/New World Systems on ERP modules
- Analyze bids for Voice Over IP Phone System
- Renew maintenance on copiers
- Created Fire Department Supply Inventory System and Pre-Inspection Checklist web-based programs

Parks and Recreation

Parks and Recreation reports the following information for the month of May, 2016:

Reservations for the six covered Pavilions at Constitution Park continue to be taken for the 2015 season. Rental Fees are $ 100.00 for the Large Pavilion and $ 75.00 for the Small Pavilion. 28 reservations were made in the month of May.

Usage of the Pavilions – Month of May– 34 pavilions reserved and used

Day of Caring and Sharing Friday May 13, 2016 – Parks & Recreation Department was able to participate by providing facilities for the program. The Constitution Park

playgrounds received new mulch, the garden area within the park and cleaning the Day camp buildings and the concession building were all completed as part of the Day of Caring and Sharing. Volunteers from the Finan Center, Western MD. Correctional Center and the Cumberland Garden club worked at the facilities.

City Marble Tournament play was held on May 9th – Girls and May 10th - Boys. Summer Ashton won the girls championship and Samira Napper was the runner up. Aaron Sands won the boy's championship and Kodi Wright was the runner up. All four champions are eligible to participate in the 90th National Marble tournament in Wildwood NJ, June 19 - 24, 2016.

Students from the following school participated in the program: Braddock Middle School, Washington Middle School, South Penn Elementary, John Humbird Elementary, Flintstone Elementary, and Northeast Elementary. The Lions Club continues to Sponsor the Boys attending the National Tournament. The Cumberland Hot Stove League donates to the girl's tournament. Private donations and additional fund raising covered the cost of the trip to Wildwood NJ for the National Tournament. The City Tournaments were attended by approximately 100 spectators and participants.

Cleaning of Park Pool – The pool manager along with lifeguards assisted maintenance in the cleaning and preparation of the Constitution Park Pool for the season opening. The opened for Memorial Day Weekend this year, Saturday May 28, 29 &30. It opened for daily operation on the last day of School (Allegany County) Wednesday June 1, 2016. Health Department inspection and Blue water slide inspections took place prior to opening. Three employees attended the CPO class for certification class held at FSU. Staff meeting and training were held at the pool Saturday May 22.

77th Season - Constitution Park Pool – Opened for the Season Saturday May 28, 2016

3 Days of Operation – paid Attendance: 744

Admissions using pre purchased swim cards or season passes - 30

197 YMCA members

The Park Pool is open daily 12 noon to 7:00 p.m. in June & July, 12 noon to 6:00 p.m. in August

Sunday in the Park series began on May 29 with the Potomac concert Band scheduled to perform its traditional Memorial Day concert at Constitution Park Amphitheater. The City of Cumberland is scheduling and funding this program, previously supported by the Arts Council.

Seasonal Services: Amusement Park ticket sale, Park pool passes, registration and fees for the summer day camp, picnic kits and sport supplies

Baseball/ Softball League play and practices for May utilizing city fields and facilities:

- Pee Wee League/ T Ball began at Cavanaugh
- Girls Softball League
- Dapper Dan Little League Baseball
- Church League Softball
- Industrial League
- Co-ed League
- Spring Soccer
- School Tennis Teams/ Mason and Park Tennis Courts

Constitution Park – Park watchman began work on weekends May 1 and continued in the month of May including the Memorial Day Holiday. Park Restrooms are open and closed, and Pavilion reservations are monitored along with other activities at the park.

School visits – Begin to visit local school to promote Constitution Park Day Camp program. Camp applications were distributed to seven elementary schools.

68th Annual Battie Mixon Fishing Rodeo was held on Saturday May 30, 2015

The event is Co-Sponsored by CSX Railroad, Wal-Mart, the City P&R, Oldtown VFW, Oldtown VFD, National Park Service – C&O Canal, Oldtown Lions Club, MD Department of Natural Recourses, and various local businesses and organizations. Attendance was estimated at 1,500 with 610 children registered for the event. Approximately 811 fish were caught during the three hour event. 28 trophies were awarded – "Casting for Kids" contest awarded 7 trophies, sponsored by the Cooper Family in memory of John W. Cooper IV. Mike Cornachia and the Oldtown Catfish Club organized the event with assistance from a large number of volunteers.

Note I had Jury Duty for the Month of May, taking me away from work

Meetings attended:

- Fishing Rodeo Meeting with Mike Cornachia
- Pool Staff meetings
- Day or Caring and Sharing
- May Recreation Advisory Board meeting – May 2, 2016

Upcoming:

- Park pool daily operations to begin June 1.
- Seasonal Day Camp personnel training – June 8 - 10
- Constitution Park Day Camp, Summer Lunch program,
- Summer Swimming lessons at the park pool on Monday June 13, 2016 – continues for nine weeks
- Weekly Sunday in the park concert series continue
- National Marbles tournament in Wildwood NJ – Local winners will represent Cumberland, June 19-24, 2016. Renee Mahwinney will serve as coach and hold practice each evening at the Constitution Park Marble Rings.
- June Recreation Advisory Board meeting & picnic – Monday June 6
- First Movie and Swim night at the Park Pool is scheduled for Friday June 18, -

Continued areas of work

- Coordinate league and field usage between leagues, maintenance, and department office.
- Park Pool season operations
- Summer Day camp program planning and opening
- Summer Lunch program coordination
- Daily Pavilion reservation
- Other seasonal work
- Outdoor movies in the park schedule
- July 4th Fireworks program
- Continue coordination of Park Concert series

Community Development

The Community Development Department reports the following activities for the month of May, 2016:

CDBG Activity

- Attended and participated in research for Bridges to Opportunity-transportation and policy committees
- Submitted completed 2016 CDBG Annual Plan to HUD on time
- Completed May 2 Timeliness test : positive results on the first test, program income issues are being corrected and spent down

- Completed several Environmental Reviews for 2016 Annual Plan and project list to finance. Began file completion for projects as well.
- Began 2015 CDBG CAPER development in the new system in IDIS

Community Services Activity

- National Night Out – Cumberland planning continues with CPD and community partners. Next meeting is June 13.
- Finalized projects with homeowners and contractors on MD Community Legacy – Neighborhoods Matter code compliance grant. $43,542.78 was dispersed with $2,700.00 in owner contribution.
- Monthly update the Neighborhood Advisory Commission web and Facebook pages. Prepared minutes, agenda and handouts for June 13 NAC meeting featuring and held inWestside neighborhood. Prepared NAC promo info for NNO-Cumberland. Promoted www.nextdoor.com .
- Monthly updates to City website on NAC and Community Development/Permits & Rental Licensing webpages.
- Monthly upkeep to NAC and NNO Facebook pages,
- Monthly upkeep to City wide www.nextdoor.com utility app.
- Issued 1 Citation for FY16 past due rental license.
- Attended SCBCA meeting, May 10, 2016. Attendance 38. Senator George Edwards spoke on the state of the State of MD.
- Attended 2 National Association of Town Watch webinars related to NNO.
- Final code compliance project finished using MD Community Legacy-Neighborhoods Matter's façade grant program. Summary prepared for reporting to the State of MD that $43,542.78 was dispersed with $2,700 owner contribution.
- Researched /prepared spreadsheet on Baltimore Ave/Waverly Terrace - City vs. CEDC owned properties and same on several years of Residential vs. Commercial building permit totals.

Code Enforcement

Nuisance & Junk Vehicle Complaints		Property Maintenance Complaints		Building Code Complaints	
Received:	01	Received:	00	Received:	0
Corrected:	00	Corrected:	00	Corrected:	0

Housing Code Complaints		Zoning Complaints	
Received:	01	Received:	01
Corrected:	01	Corrected:	01

Permits, Applications, and Licenses

Building Permits		Residential Rental License		Plan Reviews	
Received:	03	Received:	42	Received:	0
Issued:	02	Issued:	42	Issued:	0

Occupancy Permit
Received: 07
Issued: 03

Housing Inspections
Conducted: 37
Passed: 37

Revenue

Building Permits:	$1,344.00
Miscellaneous Permits:	165.00
Occupancy Permits:	195.00
Utility Permits:	3,370.00
Reviews, Amendments, and Appeals:	00.00
Rental Licenses:	625.00
Paid Inspections:	00.00
Municipal Infractions:	00.00
TOTAL	$5,699.00

Demolition Permit (Bonds) 00.00

Code Enforcement Activity

- Delivered 48 Door Hangers
  - 44 Successes
  - 92 % success rate

- 26 Newly Opened Cases
  - 15 Nuisance
  - 11 Property Maintenance

- Action Plans Received to Resolve Property Maintenance Issues
  - 8

- 13 Citations Issued
  - Nuisance Numbers not reported by staff
  - Property Maintenance

- 8 Cases Adjudicated to District Court
  - Nuisance Numbers not reported by staff
  - Property Maintenance

- 15 Cases Heard in District Court
  - 7 Nuisance
  - 8 Property Maintenance

- 2 Bi-weekly Community Development Coordination meeting were conducted
  - Gearing up for the new billing cycle to begin. Rental license bill will be sent by the end of June

- 2 Bi-weekly Code Enforcement meeting were conducted

- Concentrating on focus and monitor groups
- Focusing on the resolutions to problem cases
- Continuing to attempt motivation of Code Enforcement staff
- Working with MIS to develop an interim in-field computerized tool for code enforcement staff

- Continuing to concentrate code enforcement efforts in targeted neighborhoods. Completion of sectioning code enforcement neighborhoods into quadrants for better intimacy by enforcement personal
- Continued door hangers as an initial form of contact with citizen
- One (1) demolition was conducted this month – 3 Altamont Terrace, fire damaged
- Several commercial projects in various stages of development
- Three(3) new single family home under construction at "The Pointe",
- Sleep Inn continues progressing, completion June
- Permit issued for new Sheetz on Green, construction underway with site work.
- Allegany High School construction to beginning
- Expansion of South Cumberland Library in the works awaiting bidding process and contractor information
- Roy Rogers under construction
- Entrance canopy under construction for Schwab Cancer Center

Historic Planning/Preservation

The Cumberland Historic Preservation Commission met on Wednesday May 11, 2016 at 4 p.m. in the City Hall Council Chambers. One amended review to an existing Certificate of Appropriateness at 183 North Centre Street was approved.

The were no Section 106 reviews processed in May.

A Community Legacy compliance review was prepared and submitted to DHCD for 183 North Centre Street.

A very successful Cumberland Historic Preservation Youth Summit event took place on Friday, May 13th. Braddock Middle School's eighth grade class arrived at Canal Place at the beginning of the school day and participated in Service Learning by planting trees, landscaping, and touring the Footer's Dye Works. Next they boarded the Western Maryland Scenic Railroad while continuing to interpret the history of their community. Upon returning to Cumberland at 2:00 p.m., the core project group were able to participate in hands-on preservation trades activity at the Footer's Dye Works building thanks to the staff and employees of JLD Construction/Footer Building Development LLC and Glass Services who provided training in masonry and historic window rehabilitation.

On May 17th, the Youth Summit met again to tour 55 Baltimore Street, led by the building's owners Margaret and Dave Romero. The core group presented their neighborhood research of their group selected projects to the Mayor and City Council during the public meeting that evening. The presentations included the neighborhoods of White Oaks, Decatur Heights, and the Dingle.

At the request of several of the students, the Youth Summit mentors helped to arrange a tour of the Footer Mansion on Decatur Street on May 26th. Although the overall Youth Summit project has now ended for this school year, staff and the HPC are trying to plan an additional educational opportunity for additional students for the upcoming school year.

Routine grant administration reports were submitted to the Maryland Historical Trust, and Department of Housing and Community Development.

Comptroller's Office

The Comptroller's office reports the following information for the month of May, 2016:

Cash Flow:
Attached for your review is a Cash Flow Summary for the month of May 2016.

On May 1, 2016 the City had a cash balance of $2,939,523. Disbursements exceeded deposits by approximately $328,000 in May leaving the City with a cash balance of $2,611,901 at May 31, 2016.

As of May 31, 2016, the significant balances were:

Taxes receivable (General Fund) $ 1,739,825

	April Balance	May Balance	Collections
FY 2016	$ 991,891	$ 859,957	$ 131,934
FY 2015	490,678	417,832	72,846
FY 2014	70,035	44,904	25,131
FY 2013	35,710	35,099	611
FY 2012	36,343	36,071	272
FY 2011	51,771	51,509	262
Prior FY's	294,458	294,454	4
	$ 1,970,886	$ 1,739,826	$ 231,060

The current year tax receivable balance is comprised of the following:

Real property (non-owner occupied)	$ 462,583
Non-Corp Personal Property	7,638
Corporate Personal Property	54,818
Real Property (semiannual payments)	334,918
Real Property (Half Year)	-
	$ 859,957

Accounts Payable: $ 36,057
(This excludes upcoming debt service payments and payroll.)

Payroll expenses for the upcoming month are an estimated $1,100,000.

The City cash position remains strong as illustrated in the cash and investments table below. Restricted cash and investments are comprised primarily of invested bond proceeds restricted to associated capital projects and expenditures.

Cash and Investment Summary
May 2016

	Cash	Investments
Balance 4/30/2016	$ 2,939,523	$ 6,163,665
Add:		
Cash Receipts	3,202,848	1,911
Investment Transfer	-	-
Less:		
Disbursements	(3,530,470)	
Balance 5/31/2016	$ 2,611,901	$ 6,165,576
Restricted	$ 899,697	$ 288,808

Capital Projects and Associated Debt

The table below illustrates balances of invested and available bond proceeds associated with capital projects.

Restricted Cash

	4/30/2016	Interest	Utilization	5/31/2016
Police Seizures	$ 279,031	$ -	$ 60,388	$ 218,643
Bowers Trust	91,395	-	-	91,395
Restricted Lenders	106,341	-	-	106,341
GOB 2008	470,637	40	-	470,677
Other	12,641	-	-	12,641
	$ 960,045	$ 40	$ 60,388	$ 899,697

Restricted Investments

	4/30/2016	Interest	Utilization	5/31/2016
DDC	$ 6,591	$ 6	$ -	$ 6,597
GOB 2008	203,476	176	-	203,652
GOB 2013	78,471	88	-	78,559
	$ 288,538	$ 270	$ -	$ 288,808

Available Bond Proceeds

	4/30/2016	New	Utilization	5/31/2016
CDA 2014	$ 2,323,912	$ -	$ 272,780	$ 2,051,132
CDA 2015	2,883,167	-	74,808	2,808,359
	$ 5,207,079	$ -	$ 347,588	$ 4,859,491

The GOB 2008 restricted cash is restricted for street improvement capital projects. The balance of restricted cash accounts are to be utilized for a variety of purposes.

The DDC restricted investment was funded through donations and is restricted for the purpose of maintenance of the Wes Han Fountain in the Downtown Mall.

The GOB 2008 bond proceed investments are earmarked for street repair projects and should be fully utilized by June 30, 2016.

The GOB 2013 bond proceed investments were originally intended for the demolition of Memorial Hospital, with any remaining proceeds earmarked for street repairs. Ordinance # 3794 authorized the temporary use of up to $1,746,000 of the unexpended proceeds of the City's the GOB 2013 proceeds to meet temporary cash requirements of the "Maryland Avenue Redevelopment Project" (MARP). $1.5M was available after the completion of the Memorial Hospital demo project. Through the end of April the City transferred $1.42M of these funds to the Cumberland Economic Development Corp (CEDC) for the MARP. An additional $500K was transferred out of operating cash to the CEDC for MARP requirements with another $155K needed in mid-June.

Ordinance #3795 authorizing the issuance of up to $3.5 million in a Bond Anticipation Note for MARP was passed on May 17th and was effective on June 16th. We expect to have the funding in-place by June 30, 2016. The funds associated with this new debt will be utilized to replenish the GOB 2013 proceed investments for street repairs, offset the $655K in additional General Fund project transfers and provide funds for continuance of the project.

CDA 2014 and 2015 bond proceeds are intended for a variety of General, Water and Sewer Fund projects and are available to be drawn as required. The May draws were utilized to fund several capital expenditures including fire department equipment, a street department dump truck and various capital improvements to the Municipal Service Center, Frederick Street Garage, McMullen Bridge, Water Filtration Plant and various water lines.

Respectfully submitted,

Jeff Rhodes
City Administrator

Regular Council Agenda
July 5, 2016

Description
Administrative Services monthly report for May, 2016

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

Regular Council Agenda
July 5, 2016

Description
Utilities Division & Central Services monthly report for May, 2016

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

Mayor and City Council of Cumberland

Work Session Minutes

2nd Floor Conference Room
City Hall
57 N. Liberty Street
Cumberland, MD 21502

Tuesday, May 17, 2016
4:30 p.m.

PRESENT: Brian K. Grim, President; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale, Richard J. Cioni

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Kenneth Tressler, City Comptroller; Marjorie Woodring, City Clerk; media and guests

MOTION: Councilwoman Alt-Myers motioned to convene the meeting, Councilman Cioni seconded and the motion passed on a vote of 5-0.

I. FY 2017 BUDGET REVIEW

Mr. Rhodes advised that he and Mr. Tressler would be presenting a balanced budget for Council's consideration, but it had been a difficult process and a tight year.

Mr. Tressler reviewed the attached presentation detailing the proposed FY17 budget for the city with updated numbers from the draft budget that had been presented to Council in April. A $700,000 deficit in the general fund had been worked through and, as Mr. Rhodes stated, a balanced budget was being presented to Council.

The following points were highlighted:

1. A minimal tax base increase would be received in FY17 of approximately $152K over FY16 numbers.

2. Substantial increases in health care costs would occur; costs would be lowered by $100,000 with the addition of deductibles for the employees.

3. Capital expenditures – An additional $400,000 in cuts were made from the last budget presentation and consisted mainly of vehicles and elevator costs. Generally speaking, all that was needed in the water and sewer fund was approved, and it was felt that everyone could get through the year with the other cuts that were made.

4. Street and sidewalk projects – Street projects budgeted in the capital projects fund have been moved to the street improvement fund to allow the data to be better accessed. Additionally, the intent is to "memorialize" the street department fund by shifting expenses there and

looking for ways to sustain funding from year to year in order to maintain a lasting focus on street improvements.

5. CSO Projects - Two major projects would commence in FY17, those being 1) Phase III of the Evitts Creek CSO Upgrades and 2) the WWTP Combined Storage Overflow (CSO) Storage Facility Project. Of these projects, 25% would be completed in 2017 and 75% by the end of 2018. Substantial assistance would be received through the Bay Restoration Fund, and the balance of the cost would be addressed through State financing. It was intended that $5.9M of new debt will be taken on by users of the system, not just the City taxpayers.

6. Debt service – Excluding the American Reinvestment and Recovery Act (ARRA) debt of $6M, the City debt at 6/30/17 will be $58.5M. The $6M in ARRA deb will be forgiven in 2020 and the Maryland Avenue debt of $3.5M will be repaid in 2019.

7. An Employee Count showed 258.6 full-time employees, 40 seasonal employees, and 7.7 new and replacement positions.

8. Proprietary Funds – Enterprise Funds are profitable due primarily to capital contribution from the State Bay Restoration Fund ($7.1M). The Sewer and Water Funds were profitable and have a positive cash flow for FY17. The MPA and Trash Funds show a net loss and negative cash flow, but the funds are strong and can absorb the losses.
There is no water or sewer rate increase recommended for FY17, but the funds will continue to be monitored as debt is incurred for the CSO projects.

9. General Fund – shows a slight surplus of $18,000, but is generally a balanced budget. Real and personal property taxes provide half of the General Fund revenue.

In summary, the FY17 budget is very tight and several adjustments were made since the last budget presentation to allow for a balanced budget. These included capital expenditure reductions, delays of personnel replacement, the addition of health insurance deductibles and co-pays, revisions on budget estimates, and inter-fund transfers. Expected revenue from the sale of City properties were not budgeted, so those sales will be an additional to the general fund budget. This would allow for some leeway to add capital expenditures if Council so desired, but staff felt it was prudent not to budget those figures at this time.

Going forward, health costs currently showing a 17% increase will need to be monitored and managed. It was hoped that educating the employees on the insurance program and adding deductibles would help the situation.

The FY17 budget supported an aggressive blight removal program, significant street repairs, and supported pro-active projects designed to address the assessable base stagnation.

A public hearing on the Constant Yield would be held at tonight's public meeting. The tax rate would remain the same and would general about $152,000 more in tax revenue for the City. The public hearing was publicly advertised as required.

The various budget ordinances would be introduced at the June 7th public meeting.

VI. ADJOURNMENT

With no further business at hand, Councilwoman Alt-Myers motioned to adjourn the meeting, Councilman Caporale seconded, and the motion passed on a vote of 5-0.

The meeting adjourned at 4:55 p.m.

Respectfully submitted,

Marjorie A. Woodring
City Clerk

Minutes approved _____

City of Cumberland

FY 2017 Budget Request
May 17, 2016

FY 2017 Budget Highlights

- General fund balanced budget
- Minimal tax base increase
- Substantial increase in health care costs ($570K)
- Significant grant assistance for capital projects – including major new multi-year Sewer projects which will begin during FY 2017

Assessable Real Property Tax Base

Year	Assessable Base: Constant Yield Notice	Assessable Base: Actual	Tax Rate	Estimated Levy	Actual Levy
2012	$ 896,834,367	$ 887,587,321	$ 0.9654	$ 8,658,039	$ 8,568,768
2013	844,796,646	838,474,933	0.9654	8,155,667	8,094,637
2014	859,192,850	844,812,408	0.9654	8,294,648	8,155,819
2015	867,489,323	847,998,342	0.9654	8,374,742	8,186,576
2016 (1)	843,325,551	842,944,684	0.9654	8,141,465	8,137,788
2017	858,692,645		0.9654	8,289,819	

FY 2016 actual = FY 2017 CYN adjusted figure

Key Points

- Tax base has basically been flat last several years (4.3% lower than FY 2012 rate)
- FY 2017 tax levy will increase $152K (1.8%) over FY 2016

Capital Expenditures

City of Cumberland							
FY 2017 Capital Projects/Finanicng Analysis							
		Initial FY 2017 Request	FY 2017 Adjust	FY 2017 Balance	Existing Funding	New Funding	Funded Thru Operations
001	General Fund	$ 1,174,644	$ 903,136	$ 271,508	$ -	$ -	$ 271,508
002	Water Fund	781,000	175,000	606,000	426,000	-	180,000
003	Sewer Fund	10,483,072	10,000	10,473,072	1,666,964	8,711,000	95,108
020	MPA	30,000	30,000	-	-	-	-
111	CDBG	593,511	-	593,511	-	593,511	-
115	Capital Projects Fund	1,433,898	-	1,433,898	1,155,000	278,898	-
127	Street Improve Fund	2,486,400	-	2,486,400	1,359,000	1,127,400	-
Total		$ 16,982,525	$1,118,136	$ 15,864,389	$ 4,606,964	$10,710,809	$ 546,616

- $1.1M of request were determined non-critical and/or delayable – $400K more since initial budget review
- "Existing funding" represents previously received and available bond proceeds
- New funding is comprised of $1.6M debt and $9.1M grant proceeds

Capital Expenditure Detail

Fund		Equip	Infrast	Building	Paving	Vehicles	Software	Total
001	General	$ 143,409	$ -	$ -	$ -	$ 122,099	$ 6,000	$ 271,508
002	Water	15,000	526,000	-	-	65,000	-	606,000
003	Sewer	1,366,156	9,028,389	-	-	78,527	-	10,473,072
020	MPA	-	-	-	-	-	-	-
111	CDBG	-	287,325	-	306,186	-	-	593,511
115	Capital Projects	-	1,318,898	10,000	-	-	105,000	1,433,898
127	Street Improve	-	-	-	2,486,400	-	-	2,486,400
Total		**$ 1,524,565**	**$11,160,612**	**$ 10,000**	**$ 2,792,586**	**$ 265,626**	**$ 111,000**	**$15,864,389**

General	
Fire Mobile radio	$ 13,761
Fire Portable rabio	129,648
Police Sedans (2)	80,846
Police SUV	41,253
Teamview s/w	6,000
	$ 271,508

Water	
Generator	$ 15,000
Water lines	426,000
Lake Gordon imprv	85,000
Ft Hill ctrl vlve	15,000
Utility Vehicles	65,000
	$ 606,000

Sewer	
Digester Strainer	$ 1,321,000
Pump station doors	42,000
Snow blower	3,156
WWTP fence rep	5,000
Eichner Ave line rep	188,964
Flood Ctrl concrete	110,000
Evitts CSO	553,750
WWTP CSO	8,157,250
Algae clean sys	13,425
Utility Vehicles	73,200
Snow Plow attach	5,327
	$ 10,473,072

CDBG	
Misc Projects	$ 287,325
Paving Projects	306,186
	$ 593,511

Capital	
Const Park Pool	$ 278,898
Intersect traf lghts	40,000
City Hall fire alarm	10,000
MD Ave Redev Proj	1,000,000
Com Dev s/w	105,000
	$ 1,433,898

Street projects	**$ 2,486,400**

Street & Sidewalk Projects

N. Centre and Valley Street mill and pave	2016
Park Paving	2016
Parkview	2016
Valley Street/Road	2016
Maryland Avenue Sidewalk No. 22-09-M	2017
Harrison Mechanic Street Intersection	2017
Greene Street Traffic Signal)	2017
Additional SHA funds for Greene Street	2017
Nemacolin Dr.	2017
Eichner Ave	2017
Bikeways	2017
Bellevue Street Walks	2017
Chase Street	2017
End of Helen Street wall	2017
First Street	2017
W. First Street Paving	2017
Washington Street	2017
Washington Street Lighting Phase 1	2017
Mechanic Street	2017

CSO Projects

City of Cumberland			
CSO Projects			
	Capital	BRF Grant	Debt
FY 2016			
Evitts Creek CSO Phase 3 (CSX)	$ 100,000	$ -	$ 100,000
Wastewater Treatment CSO	$ -	$ -	$ -
Total FY 2016	**$ 100,000**	**$ -**	**$ 100,000**
FY 2017			
Evitts Creek CSO Phase 3 (CSX)	$ 553,750	$ 309,500	$ 244,250
Wastewater Treatment CSO	$ 8,157,250	$ 6,810,250	$ 1,347,000
Total FY 2017	**$ 8,711,000**	**$ 7,119,750**	**$ 1,591,250**
FY 2018			
Evitts Creek CSO Phase 3 (CSX)	$ 1,061,250	$ 928,500	$ 132,750
Wastewater Treatment CSO	$ 24,471,750	$ 20,430,750	$ 4,041,000
Total FY 2018	**$25,533,000**	**$ 21,359,250**	**$ 4,173,750**
Total			
Evitts Creek CSO Phase 3 (CSX)	**$ 1,715,000**	**$ 1,238,000**	**$ 477,000**
Wastewater Treatment CSO	**$32,629,000**	**$ 27,241,000**	**$ 5,388,000**
Total Projects	**$34,344,000**	**$ 28,479,000**	**$ 5,865,000**

- Projects are included in the Governor's budget
- Major multi-year projects
- Substantial assistance through Bay Restoration Fund but still requires $5.9M in new debt

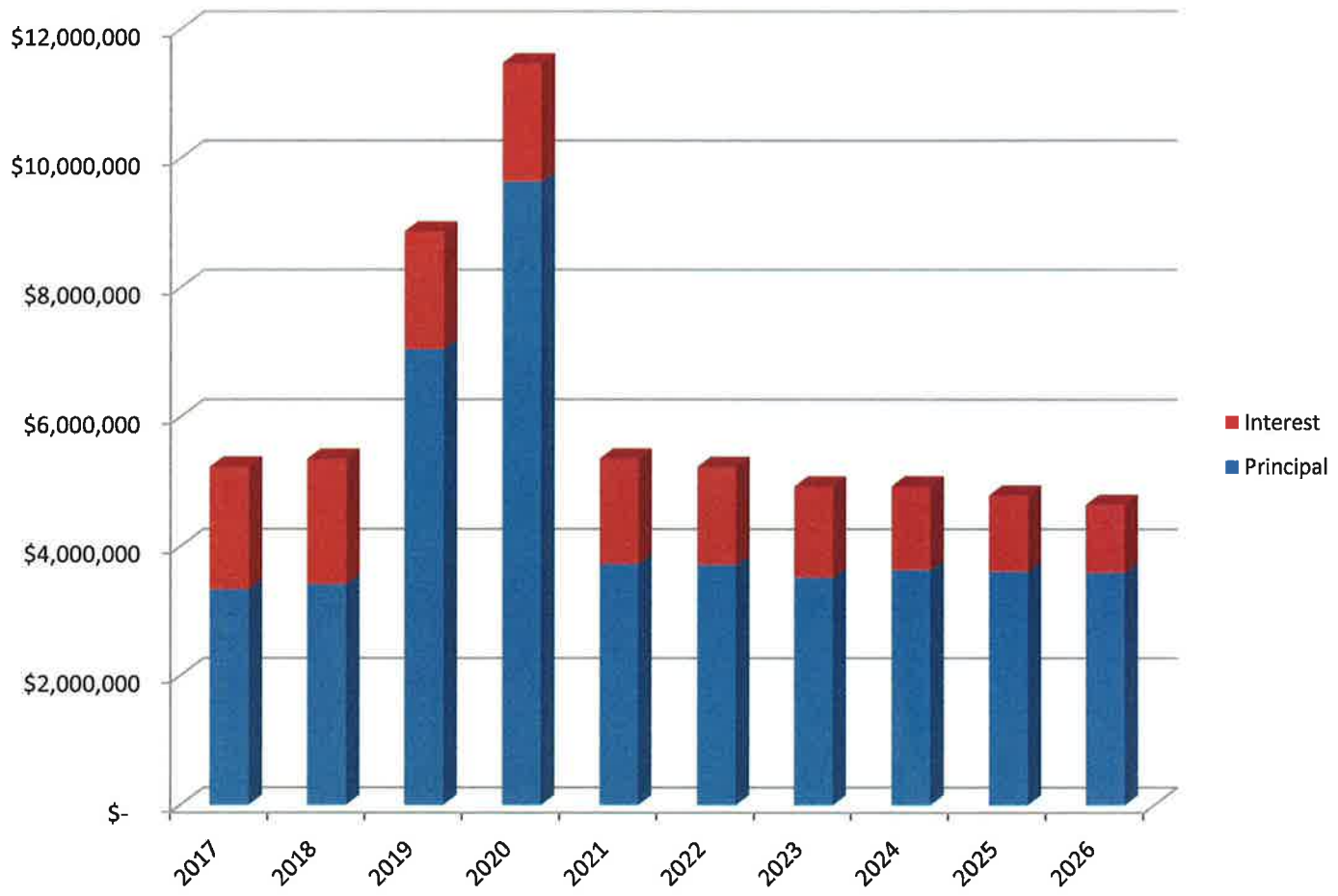
City-Wide Debt Service Requirements

(000's)

Year	Governmental Funds			Proprietary Funds			City-Wide		
	Principal	Interest	Total	Principal	Interest	Total	Principal	Interest	Total
2017	$ 1,491	$ 1,193	$ 2,684	$ 1,848	$ 700	$ 2,548	$ 3,339	$ 1,893	$ 5,232
2018	1,464	1,218	2,682	1,956	719	2,675	3,420	1,937	5,357
2019	4,974	1,066	6,040	2,076	753	2,829	7,050	1,819	8,869
2020	1,526	1,122	2,648	8,111	713	8,824	9,637	1,835	11,472
2021	1,563	963	2,526	2,168	664	2,832	3,731	1,627	5,358
2022-2026	8,461	3,845	12,306	9,626	2,599	12,225	18,087	6,444	24,531
2027-2031	6,917	1,964	8,881	7,375	1,330	8,705	14,292	3,294	17,586
2032-2036	3,808	584	4,392	3,792	405	4,197	7,600	989	8,589
2037-2041	-	-	-	719	26	745	719	26	745
2042-2044	-	-	-	-	-	-	-	-	-
Total	**$ 30,202**	**$11,955**	**$ 42,159**	**$ 37,671**	**$ 7,909**	**$ 45,580**	**$ 67,875**	**$19,864**	**$87,739**

- FY 2019 Governmental principal payment includes the repayment of the $3.5M bond anticipation note associated with the Maryland Avenue Revitalization project – likely repaid through new bond issue and project proceeds
- FY 2020 includes $6.0M in debt forgiveness associated with the 2009 American Recovery and Reinvestment Act (ARRA)
- Excluding the ARRA debt – City debt at 6/30/2017 will be $58.5M

City-Wide Debt Service Requirements



City Employee Count

Fund	Dept	New/Rep	FTE	Seasonals
General	City Clerk		2.3	
General	City Administrator		1.0	
General	Economic Development		3.0	
General	Comptroller		7.1	
General	Personnel	0.5	2.5	
General	Planning		1.0	
General	Management Infor. Systems		3.8	
General	Police	4.0	56.4	
General	Public Safety Grants		2.0	
General	Fire		54.0	
General	Public Works		2.3	
General	Vehicle Maintenance		4.0	
General	Engineering	1.7	7.9	
General	Street Maintenance		16.0	
General	Central Services		6.0	
General	Director of Parks & Rec		1.0	
General	Recreation Activities		0.0	18.0
General	Swimming Pool		0.0	17.0
General	Parks		4.0	2.0
General	Community Development		7.5	
General	C3I Narcotics		0.3	
General	Code Enforcement		1.3	
General	Shade Tree		-	2.0
Water	Water Distribution		22.4	
Water	Water Filt Plant		10.0	
Sewer	Wastewater Treatment	1.0	13.0	
Sewer	Sanitary Sewer		10.2	
Sewer	Flood Control		3.2	1.0
Water/Sewer	Utility Administration		4.9	
DDC			3.8	
MPA		0.5	4.8	
CDBG			3.0	
Total		**7.7**	**258.6**	**40.0**

Proprietary Funds FY 2017 Budget

			Non-Major Proprietary Funds		
	Water	Sewer	Trash	MPA	Total Proprietray Fund
Operating Revenue	$ 7,264,800	$ 10,386,500	$ 1,304,700	$ 428,973	$ 19,384,973
Operating Expense	6,798,098	8,104,498	1,359,797	547,381	16,809,774
Operating Income (Loss)	466,702	2,282,002	(55,097)	(118,408)	2,575,199
Non-Operating Revenue (Expense)	1,000	-	-	-	1,000
Net Income Before Special Items	467,702	2,282,002	(55,097)	(118,408)	2,576,199
Payment in Lieu of Taxes	(352,286)	(1,518,288)	-	-	(1,870,574)
Special Items & Transfers	(90,000)	6,044,750	-	-	5,954,750
Net Income (Loss)	**$ 25,416**	**$ 6,808,464**	**$ (55,097)**	**$ (118,408)**	**$ 6,660,375**
Add:					
Depreciation	1,188,000	1,688,000	-	139,319	3,015,319
Financing Proceeds	426,000	3,258,214	-	-	3,684,214
Less:					
Principal Payments	938,080	767,175	-	142,255	1,847,510
Captial Expenditures	606,000	10,473,072	-	-	11,079,072
Cash Flow	**$ 95,336**	**$ 514,431**	**$ (55,097)**	**$ (121,344)**	**$ 433,326**

Proprietary Funds FY 2017 Budget

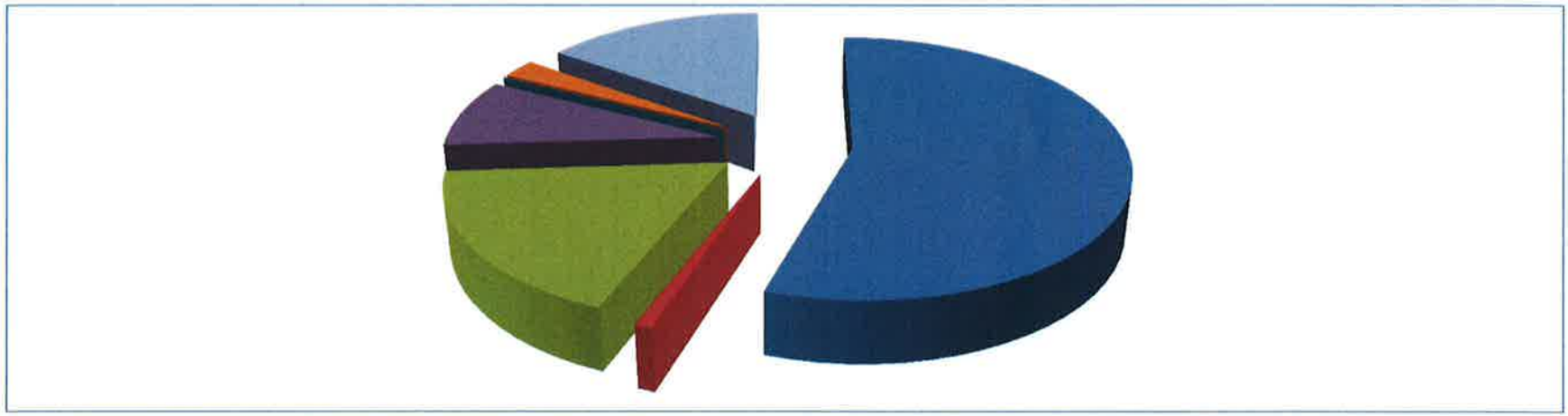
- Significant FY 2017 Proprietary net income primarily due to State BRF capital contribution of $7.1M associated with the Evitts Creek and WWTP CSO projects.
- Sewer and Water funds are profitable and have positive cash flow budgeted for FY 2017
- MPA and Trash Fund are showing a net loss and negative cash flow.
  - MPA is in transition period. Fund has sufficient cash ($330k) and net position ($180K expected) to absorb FY 2017 deficits.
  - Trash Fund has sufficient resources cash and net position (+$700K) to absorb FY 2017 deficits.

Governmental Funds FY 2017 Budget

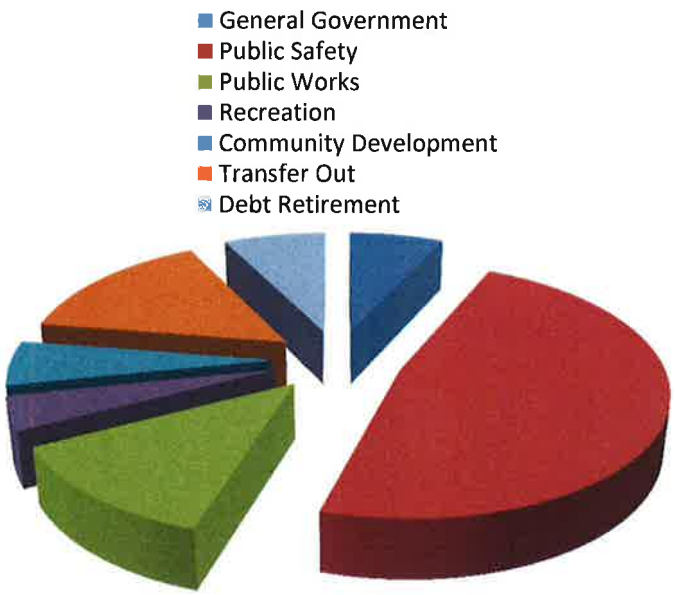
			Non-Major Governmental Funds							
	General Fund	Housing Assistance	DDC	Capital Projects	CDBG	Police Grants	TIF District	Community Legacy	Street Improve	Total
Revenues										
Taxes	$ 11,012,145	$ -	$ 190,931	$ -	$ -	$ -	$ 16,737	$ -	$ -	$ 11,219,813
Licenses & Permits	180,000	-	-	-	-	-	-	-	-	180,000
Intergovernmental	3,615,168	1,922,905	12,000	278,898	926,340	220,000	-	200,000	1,127,400	8,302,711
Service Charges	1,695,576	-	-	-	-	-	-	-	-	1,695,576
Fines, Forfeitures & Interest	7,700	-	-	-	41,842	-	-	-	-	49,542
Misc	465,700	-	22,545	-	-	-	-	-	-	488,245
	16,976,289	1,922,905	225,476	278,898	968,182	220,000	16,737	200,000	1,127,400	21,935,887
Expenditures										
General Government	1,544,527	-	306,042	-	-	-	-	-	775	1,851,344
Public Safety	10,762,846	-	-	-	-	220,000	-	-	-	10,982,846
Public Works	2,759,388	-	-	-	-	-	-	-	-	2,759,388
Recreation	973,552	-	-	-	-	-	-	-	-	973,552
Community Development & Housing	1,299,313	1,922,905	-	-	876,340	-	-	200,000	-	4,298,558
Capital Outlay	-	-	-	1,433,898	-	-	-	-	2,486,400	3,920,298
Debt Service	1,775,176	-	-	-	91,842	-	35,900	-	780,438	2,683,356
	19,114,802	1,922,905	306,042	1,433,898	968,182	220,000	35,900	200,000	3,267,613	27,469,342
Revenue in Excess of (less than) expenditures	(2,138,513)	-	(80,566)	(1,155,000)	-	-	(19,163)	-	(2,140,213)	(5,533,455)
Net Transfers In (Out)										
Payment in Lieu of Taxes	1,870,574	-	-	-	-	-	-	-	-	1,870,574
Other Transfers	(2,227,596)	-	80,566	1,155,000	-	-	16,817	-	2,140,213	1,165,000
Utilization Of Restricted Fund Balance	2,514,000	-	-	-	-	-	-	-	-	2,514,000
Unrestricted surplus (deficit)	**$ 18,465**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ (2,346)**	**$ -**	**$ -**	**$ 16,119**

General Fund Revenue FY 2017 Budget

Taxes	Licenses & Permits	Intergov	Charges for Services	Fines, Forfeitures & Interest	Miscellaneous	Financing / Transfers	Total
$ 11,012,145	$ 180,000	$ 3,615,168	$ 1,695,576	$ 7,700	$465,700	$3,035,574	$20,011,863



General Fund Expenditures FY 2017 Budget



General Government		
Mayors' Office	$ 11,255	
City Council	39,283	
City Clerk	89,543	
City Administrator	95,601	
Comptroller	363,990	
Personnel	92,336	
City Solicitor	112,982	
Planning	55,569	
City Hall	108,403	
Management Info Systems	312,033	
Vehicle Maintenance	108,476	
Building Maintenance - HRDC	7,230	
Municipal Service Center	87,715	
Insurance	60,111	
	$ 1,544,527	**6.9%**
Public Safety		
Police	$ 5,314,552	
C3I	19,717	
Federal Forteiture Fund	3,700	
C3I Narcotics	13,100	
DDC Code Enforcement	36,206	
Fire	5,233,576	
Public Safety Building	141,995	
	$ 10,762,846	**47.8%**

Public Works		
Public Works	$ 103,419	
Engineering Services	203,279	
Street Maintenance	1,594,053	
Snow Removal	281,643	
Street Lighting	436,000	
Central Services	250,865	
	$ 2,869,259	**12.7%**
Recreation		
Recreation Activities	$ 140,140	
Swimming Pool	124,402	
Parks	594,645	
	$ 973,552	**4.3%**
Community Development		
Economic Development	$ 350,000	
Community Development	760,120	
Comm Devel Special Projects	189,193	
	$ 1,299,313	**5.8%**
Transfers Out	**$ 3,392,596**	**15.1%**
Debt Retirement	**$ 1,665,305**	**7.4%**
Total Expenses & Outflows	**$ 22,507,398**	

City of Cumberland
General Fund

- General Fund - FY 2017 is very tight.
- Adjustments since initial presentation – Capital Expenditure reductions, personnel replacement delays, health insurance deductible and co-pays, estimate review/revisions, inter-fund transfers
- Have not budgeted any revenue from sale of property
- Health costs will have to be monitored and managed
- Aggressive blight removal program
- Significant street repair projects
- Proactive projects to address assessable base stagnation

Regular Council Agenda
July 5, 2016

Description
Approval of the Work Session Minutes of May 17, 2016

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

Mayor and City Council of Cumberland

Closed Session Minutes

City Hall, 57 N. Liberty Street, Cumberland, MD 21502
Second Floor Conference Room
Tuesday, June 7, 2016
5:30 p.m.

PRESENT: Brian K. Grim, President; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale, and Richard J. "Rock" Cioni

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk

MOTION: Motion to enter into closed session to discuss personnel issues and union negotiations pursuant to the provision of the Annotated Code of Maryland, State Government Article, Section 10-508 (a) (1) and (9) was made by Councilman Cioni, seconded by Councilman Bernard, and was passed on a vote of 5-0.

AUTHORITY TO CLOSE SESSION:
Annotated Code of Maryland, State Government

- Section 10-508 (a) (1): To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals
- Section 10-508 (a) (9): To conduct collective bargaining negotiations or consider matter that relate to negotiations

TOPICS: Personnel issues, union negotiations

Minutes approved on: _____

Brian K. Grim, Mayor: _____

ATTEST: Marjorie A. Woodring, City Clerk _____

Regular Council Agenda
July 5, 2016

Description
Approval of the Closed Session Minutes of June 7, 2016

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO PROVIDE FOR THE CLOSURE OF A PORTION OF AN ALLEY KNOWN AS WILLISON PLACE (AKA WILLISON ALLEY, FKA WINE ALLEY AND WEYAND'S ALLEY) LOCATED ADJACENT TO THE NORTHWEST SIDE OF MARYLAND AVENUE, SAID PORTION OF SAID ALLEY BEING CLOSED RUNNING IN A NORTHERLY DIRECTION FROM THE NORTHWEST SIDE OF MARYLAND AVENUE 203 FEET ON THE EAST SIDE OF THE ALLEY AND 211.51 FEET ON THE WEST SIDE OF THE ALLEY, THE PORTION OF THE ALLEY BEING CLOSED LYING ON BOTH SIDES BETWEEN THE LANDS OWNED BY SEAN B. D'ATRI (AS DESCRIBED IN THE DEED RECORDED AMONG THE LAND RECORDS OF ALLEGANY COUNTY, MARYLAND IN BOOK 1568, PAGE 120), THE PORTION OF SAID ALLEY BEING CLOSED BEING LOCATED IN THE CITY OF CUMBERLAND, MARYLAND."

WHEREAS, the Mayor and City Council of Cumberland received a petition from Sean B. D'Atri requesting the closure of the portion of Willison Place generally described in the titling of this Ordinance;

WHEREAS, the City Clerk served a personal notice in writing upon each property owner to be affected by the passage of the proposed Ordinance more than ten (10) days before July 5, 2016;

WHEREAS, in the opinion of the Mayor and City Council of Cumberland, the public welfare and convenience require that the aforesaid portion of the aforesaid alley be closed; and

WHEREAS, in that Sean B. D'Atri owns the parcels of property adjacent to each side of the portion of Willison Place being closed by this Ordinance, the entire portion of Willison Place being closed shall be conveyed to him.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND AS FOLLOWS:

SECTION 1: The portion of the Willison Place described in the metes and bounds description attached hereto as Exhibit A and as shown on the plat attached hereto as Exhibit B is closed. The said closure is not subject to any reservations or easements in favor of the City.

SECTION 2: The said Mayor and City Council of Cumberland shall ascertain whether any and what amount in value of damage shall be caused by the aforesaid closure for which the owners or possessors of any property located along Willison Place, or portions thereof, should be compensated, and shall assess and levy generally on the

property of the persons benefitted by the closure of the alley the whole or any part of the expense which shall be incurred in closing the same.

SECTION 3: The City Administrator or his designee shall, within fifteen (15) days of the passage of this Ordinance, submit a report to the City Clerk setting forth his findings regarding what amount of damages shall have been caused by the aforesaid closure of the portion of Willison Place described herein, and the names of the owners or possessors of such property along which said streets now pass, and the amount of damages for which they shall be compensated or benefits for which they shall be assessed, and whether said damages arising from the closure shall be assessed generally on the whole assessable property within the City of Cumberland or specially on the property of the person benefitted by the closure; and, in the event of any of said damages being assessed and levied in whole or in part on any property of the persons benefitted, the names of the owners of the property specially benefitted, with a description of said property by reference to the Land Records of Allegany County, and the amount so levied and assessed. The Mayor and City Council shall consider the matter of the City Administrator's/designee' report and shall make determinations regarding the subject matter of the said report at a meeting held no sooner than fifteen (15) days after the date of the passage of this Ordinance.

SECTION 4: Any person feeling aggrieved or injured by the decision of said Mayor and City Council of Cumberland regarding the subject matter of the aforereferenced report shall have the right of an appeal to the Circuit Court at a trial by jury, as provided in Section 128 of the Charter of the City of Cumberland (1991 Edition), upon filing a written notice of appeal with the City Clerk within thirty (30) days after the Mayor and City Council of Cumberland shall have made their return.

SECTION 5: The benefits assessed by said Mayor and City Council of Cumberland shall be liens upon the property of the persons benefitted to the extent of such assessment, and shall be payable within sixty (60) days after the date of the meeting at which the Mayor and City Council of Cumberland makes its determinations regarding the subject matter set forth in the City Administrator's report, and the collection of the same shall be enforced by *scire facias* in the same manner as paving liens are collected by the Mayor and City Council; and a written record of the said Mayor and City Council's determinations shall be filed for record and reported in the Mechanics' Lien Record in the Clerk's Office in the Circuit Court for Allegany County, and the assessment therein shall be liens upon the properties respectively assessed from the time of such recording, such recording to be effected no sooner than the expiration of the aforesaid sixty (60) day period.

SECTION 6: Upon the collection of all benefits assessed and the payment of the damages ascertained, or the waiver of this provision by the parties interested, if applicable the said portion of Willison Place particularly described in Section 1 hereof shall be closed and the Mayor shall be empowered to execute a deed effecting the conveyance of the property described in Exhibit A to Sean B. D'Atri.

SECTION 7: This Ordinance shall take effect from the date of its passage.

Passed, the _____ day of _____, 2016.

_____
Brian K. Grim, Mayor

ATTEST:

_____
Marjorie A. Woodring, City Clerk

EXHIBIT A

LEGAL DESCRIPTION FOR A PORTION OF WILLISON PLACE, 20 FEET WIDE, CONTAINING 0.1 ACRES TO BE CLOSED BY THE CITY OF CUMBERLAND. WILLISON PLACE LOCATED IN THE CITY OF CUMBERLAND, ELECTION DISTRICT NO. 4, ALLEGANY COUNTY, MARYLAND.

ALL that piece or parcel of land (Willison Place, 20 feet wide), located in the City of Cumberland, Election District No. 4, Allegany County, Maryland and more particularly described as follows: (Deed north meridian and horizontal measurements being used throughout) to wit:

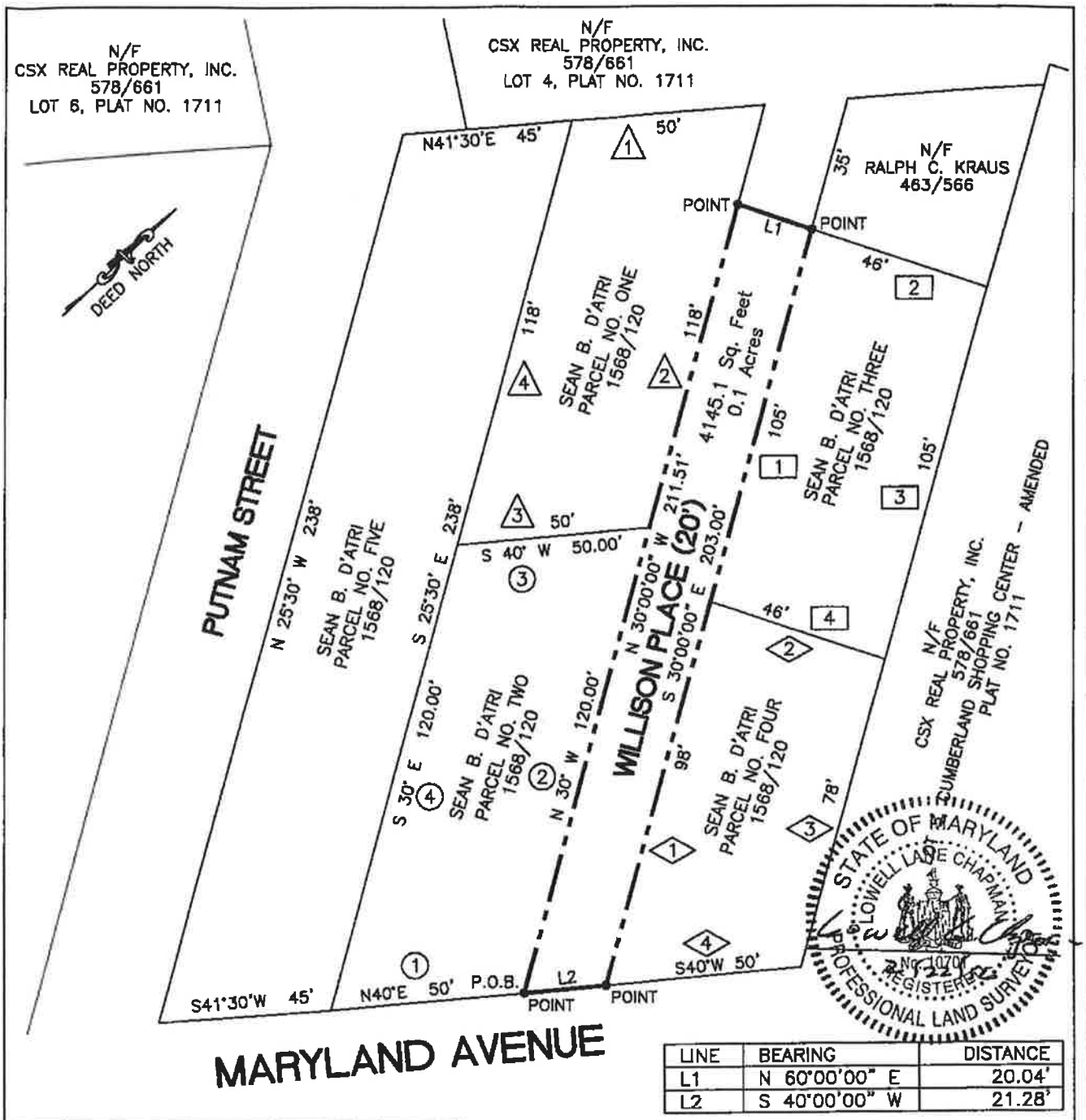
BEGINNING for the same at a point located on the northwesterly side of Maryland Avenue; said point also marks the end of the first line of Parcel No. 2 which is referenced in a deed dated February 24, 2009, Robert B. D'Atri and Chadwick R. Furstenberg to Sean B. D'Atri recorded in Deed Book 1568, page 120, one of the Land Records of Allegany County, Maryland; thence leaving the northwesterly side of Maryland Avenue for the first course and distance

1. North 30 degrees 00 minutes 00 seconds West 211.51 feet to a point; thence crossing Willison Place;
2. North 60 degrees 00 minutes 00 seconds East 20.04 feet to a point at the end of the first line of Parcel No. 3 which is referenced in the above mentioned deed; thence
3. South 30 degrees 00 minutes 00 seconds East 203.00 feet to a point on the northwesterly side of Maryland Avenue; said point also marks the beginning of Parcel No. 4 which is referenced in the above mentioned deed; thence following along Maryland Avenue for the next course and distance
4. South 40 degrees 00 minutes 00 seconds West 21.28 feet to the place of **BEGINNING**, containing 0.1 acres, more or less, all of which is shown on the accompanying plat and made a part thereof.

ALL of the above described portion of Willison Place containing 0.1 acres being closed by the City of Cumberland,

SUBJECT to all easements, covenants, restrictions, reservations, etc. as of record and as shown on the accompanying plat.

EXHIBIT B



LINE	BEARING	DISTANCE
L1	N 60°00'00" E	20.04'
L2	S 40°00'00" W	21.28'

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 10701 EXPIRATION DATE: 12-20-17

0' 40' 80' 120'

LOWELL CHAPMAN SURVEYING & ENGINEERING, INC.

11802 Old Legislative Rd
Frostburg, MD 21532
301-689-2072

DATE	12/30/15
SCALE	1" = 40'
DWG. BY	SAW
CHKD.BY	LLC
JOB NO.	14-015
CADD:	14-015-D'ATRI

REVISIONS

DEED COMPOSITE
Prepared for
SEAN B. D'ATRI
Property situate in
Election District No. 4
Willison Plaza
Cumberland
Allegany County
State of Maryland

Regular Council Agenda
July 5, 2016

Description

Ordinance *(2nd and 3rd readings)* - providing for the closure of a portion of an alley between lands owned by Sean B. D'Atri and known as Willison Place, and authorizing the execution of a deed effecting the conveyance of the closed portion of the alley to Mr. D'Atri

Approval, Acceptance / Recommendation

The first reading of this Ordinance was approved on June 21, 2016.

☐ Budgeted

☐ 1st Reading
☑ 2nd Reading
☑ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A CONTRACT OF SALE AND DEED FOR THE PURPOSE OF CONVEYING TO EDWARD M. COOK AND FRANCES L. COOK CERTAIN SURPLUS PROPERTY LOCATED AT 316 BALTIMORE AVENUE IN THE CITY OF CUMBERLAND, ALLEGANY COUNTY, MARYLAND."

WHEREAS, Mayor and City Council of Cumberland is the fee simple owner of a certain parcel of real property located at 316 Baltimore Avenue, in the City of Cumberland, Allegany County, Maryland;

WHEREAS, the said property was declared to be surplus property under the terms of Order No. 25,978 passed by the Mayor and City Council on May 17, 2016;

WHEREAS, Edward M. Cook and Frances L. Cook desire to purchase the said property for the sum of $1,500.00, said offer being set forth in under the terms of a Contract of Sale attached hereto as Exhibit A; and

WHEREAS, the Mayor and City Council of Cumberland deem it to be in the interest of the City to enter into said Contract of Sale and grant the said conveyance.

NOW, THEREFORE

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that the Mayor be and he is hereby authorized to execute the Contract of Sale attached hereto as Exhibit A, agreeing to convey the real property located at 316 Baltimore Avenue, Cumberland, Maryland 21502 to Edward M. Cook and Frances L. Cook for the purchase price of $1,500.00;

SECTION 2: AND BE IT FURTHER ORDAINED, that the Mayor and City Clerk be and they are hereby authorized to execute a deed effecting the conveyance of the aforesaid real property in accordance with the terms of the aforesaid Contract of Sale;

SECTION 3: AND BE IT FURTHER ORDAINED, that the City Solicitor be and he is hereby authorized to execute a HUD-1 or similar closing statement and such other documents as may be required or expedient for the purpose of facilitating and completing the closing for the sale of the property referenced herein in accordance with the terms of the aforesaid Contract of Sale and he is further authorized to deliver the deed executed by the Mayor and City Clerk to Edward M. Cook and Frances L. Cook at the said closing; and

SECTION 4: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this ____ day of _____, 2016.

_____
Brian K. Grim, Mayor

ATTEST:

_____
Marjorie A. Woodring, City Clerk

CONTRACT OF SALE

THIS CONTRACT OF SALE ("Contract") is made by and between **Mayor and City Council of Cumberland** ("Seller") and **Edward M. Cook and Frances L. Cook** ("Buyers") and is effective as of the date its execution is completed as shown in the signature provisions on the last page of this Contract.

1. Property Description. Seller does agree to sell to Buyers, and Buyers do agree to purchase from Seller, all of the following tract(s) or parcel(s) of land, together with the improvements thereon, if any, which are owned by Seller and are hereinafter referred to as the "Property": 316 Baltimore Ave, Cumberland, MD 21502, Allegany County Land Records Book 2168, Page 11, Tax Account No. 23-009633.

2. Purchase Price. The purchase price for the Property (the "Purchase Price") is One Thousand Five Hundred Dollars ($1,500.00), which Purchase Price includes the real property and improvements described in Section 1 above.

3. Payment Terms. The Purchase Price shall be paid at settlement.

4. Estate. The Property is being conveyed in fee simple.

5. Contingencies. There are no contingencies for this Contract other than those expressly set forth herein.

6. Representations & Warranties. The Property is being sold in as-is condition, without any express or implied warranties or representations made as to its condition, the status of its title or otherwise, and subject to all defects, if any, known and unknown. **IF THE BUYERS WISH TO ASCERTAIN WHETHER TITLE TO THE PROPERTY IS GOOD AND MARKETABLE, THEY WILL NEED TO OBTAIN A TITLE SEARCH AT THEIR EXPENSE.**

7. Risk of Loss. The Property is to be held at the risk of Seller until legal title has passed or possession has been given to Buyers.

8. Adjustments. All general or special taxes, rents, ground rents, public, private or community water and/or sewer charges, including any deferred sewer and water tap fees, homeowners association charges and all other public, private or governmental charges or assessments, excluding liens which must be paid prior to deed recordation, which may exist, whether such have been levied or not, are to be adjusted and apportioned as of the date of settlement, and will be assumed and paid thereafter by Buyer.

It is understood that the Property is presently exempt from real estate taxes, but will become subject to such taxation upon the date of settlement. Buyers will need to pay the real estate taxes for the present tax year from the date of settlement through the end of the current tax year.

9. Deed and Title. Upon payment of the Purchase Price, a quitclaim deed for the Property containing a covenant of further assurances shall be executed by Seller at its expense, which shall convey the Property to Buyer. Title to the Property shall be good and merchantable, free of liens and encumbrances, except as specified herein and except use and occupancy restrictions of public record which are generally applicable to properties in the immediate neighborhood or the subdivision in which the Property is located and publicly recorded easements for public utilities and any other easements which may be observed by an inspection of the Property.

10. Agency. Seller and Buyers agree that no real estate broker participated in the procurement or negotiation of this Contract.

11. Settlement. Settlement shall occur no later than thirty (30) days after Seller's passage of an Ordinance approving this Contract and the sale of the Property.

12. Documentary Stamps, Recordation, Transfer Taxes. All transfer and recordation taxes and fees payable in connection with the sale of the Property shall be paid by Buyers.

13. Assignability. This Contract may not be assigned without the written consent of Seller, which consent may be withheld for any reason or no reason at all. If Seller agrees in writing to an assignment of this Contract, the original Buyers shall remain obligated hereunder until settlement.

14. Captions. The marginal captions of this Contract are for convenience and in no way define or limit the intents, rights or obligations of the parties hereunder.

15. Entire Agreement. This Contract contains the final and entire agreement between the parties, and neither they nor their agents shall be bound by any terms, conditions, statements, warranties or representations, oral or written, not herein contained.

16. Maryland Law Applies. This Contract shall be governed and construed according to the laws of the State of Maryland without regard to principles of conflict of laws. It shall be enforceable by means of an action commenced in the Circuit Court for Allegany County, Maryland or the District Court of Maryland for Allegany County, and Buyers and Seller waive the right to claim that such a proceeding is commence in an inconvenient forum or one that lacks proper venue.

17. Breach of Contract and Default. Buyers and Seller are required and agree to make full settlement in accordance with the terms of this Contract and acknowledge that failure to do so constitutes a breach hereof. In the event of a breach, each of the parties hereto is entitled to pursue such rights and remedies as may be available, in law or in equity, including, without limitation, an action for specific performance of this Contract and/or monetary damages. If either party defaults, the party committing the default, whether Buyers or Seller, shall reimburse and be liable to the non-defaulting party for the reasonable attorneys' fees and costs that party incurs as a result of the default.

18. **Binding Effect.** This Contract shall be binding upon the parties hereto and each of their respective heirs, personal representatives, administrators, executors, successors, assigns, and guardians.

19. **Gender/Tense/Conjugation.** The use of any gender, tense, or conjugation herein shall be applicable to all genders, tenses and conjugations. The use of the singular shall include the plural and the plural shall include the singular.

20. **Jury Trial Waiver. THE PARTIES HERETO WAIVE TRIAL BY JURY IN ANY ACTION OR PROCEEDING TO WHICH ANY OF THEM MAY BE PARTIES ARISING OUT OF OR IN ANY WAY PERTAINING TO THIS CONTRACT. IT IS AGREED AND UNDERSTOOD THAT THIS WAIVER CONSTITUTES A WAIVER OF TRIAL BY JURY OF ALL CLAIMS AGAINST ALL PARTIES TO SUCH ACTIONS OR PROCEEDINGS, INCLUDING CLAIMS AGAINST PARTIES WHO ARE NOT PARTIES TO THIS CONTRACT.**

21. **Counterparts.** This Contract may be executed in one or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument. Confirmation of execution by electronic transmission of a facsimile signature page shall be binding upon any party so confirming.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures hereto as of the date written beneath those signatures.

WITNESS:

MAYOR AND CITY COUNCIL OF CUMBERLAND

_____

By: _____
Brian K. Grim

_____
Date

Sheri Nicol

Edward M. Cook
Edward M. Cook

5-9-16
Date

Sheri Nicol

Frances L. Cook
Frances L. Cook

5-9-16
Date

Regular Council Agenda
July 5, 2016

Description

Ordinance *(2nd and 3rd readings)* - authorizing the execution of a Contract of Sale and Deed to transfer surplus property at 316 Baltimore Avenue to Edward M. and Frances L. Cook for the sum of $1,500

Approval, Acceptance / Recommendation

The property at 316 Baltimore Avenue was declared surplus property by the City on May 17, 2016.

The first reading of this Ordinance was approved on June 21, 2016.

☐ Budgeted

☐ 1st Reading
☑ 2nd Reading
☑ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE TO REPEAL AND REENACT WITH AMENDMENTS SECTION 2-176 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION) PROVIDING FOR LOCAL PREFERENCES IN THE AWARDING OF CONTRACTS REQUIRING COMPETITIVE BIDDING FOR THE PURPOSE OF INCREASING THE LOCAL PREFERENCE FOR CITY BIDDERS AND CLARIFYING THE MANNER IN WHICH THE LOCAL PREFERENCES ARE APPLIED."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that Section 2-176 of the Code of the City of Cumberland (1991 Edition) be and is hereby repealed and reenacted to read as follows:

Sec. 2-176. - Local preference in the awarding of contracts requiring competitive bid.

(a) *Amount/application of local preference.* In any instance where competitive bidding is required pursuant to the provisions of sections 2-171(a) or 2-173 and the contract is completely funded by the city, without contribution, in whole or in part, from any third parties, unless preference percentages are otherwise established by the mayor and city council, a local preference of eight percent (8%) shall apply for bidders who reside in the City and a local preference of five percent (5%) shall apply for bidders who reside in Allegany County, Maryland but outside of the city. The preference shall be implemented by multiplying the applicable percentage by the lowest or best bid deemed to be reasonable and in the best interests of the City and subtracting the product from the applicable local bidder's bid. Notwithstanding the foregoing, the local preference for commission-based contracts shall be one-half (½) of a percent for city residents and one-quarter (¼) of a percent for county residents. The following examples illustrate the manner in which the preferences provided for herein are to be applied:

Example No. 1
County bid is deemed to be low bid

Bid Amount	Applicable Preference	Calculation
$100,000	County (5%)	$100,000 - $5,000 (5% of low bid of $100,000) = **$95,000**
$105,000	City (8%)	$105,000 - $8,000 (8% of low bid of $100,000) = $97,000
$110,000	No preference	$110,000

Example No. 2
City bid is deemed to be low bid

Bid Amount	Applicable Preference	Calculation
$100,000	No preference	$100,000
$105,000	City (8%)	$105,000 - $8,000 (8% of low bid of $100,000) = **$ 97,000**
$105,000	County (5%)	$105,000 - $5,000 (5% of low bid of $100,000) = $100,000

(b) *Eligibility for local preference.*

(1) *Eligibility for city preference.* A vendor shall be deemed to be a resident of the city if it maintains an active bona fide place of business within the city and, in the case of a corporation or other association which is required to register with the state of Maryland in order to do business therein, it is duly qualified to do business and is in good standing under the laws of the state.

(2) *Eligibility for county preference.* A vendor shall be deemed to be a resident of the county if it maintains an active bona fide place of business within the city and, in the case of a corporation or other association which is required to register with the state of Maryland in order to do business therein, it is duly qualified to do business and is in good standing under the laws of the state.

(3) *Written application required.* The preferences provided to residents of the city and county under this section shall be deemed to be waived unless a vendor seeking the benefit of those provisions certifies under the penalties of perjury that it is qualified as a resident vendor under the terms of subsections (b) (1) or (b) (2) above and said certification is included in the vendor's bid submissions.

(4) *Payment of taxes required.* In order to receive the preferences provided for in this section, city residents' City of Cumberland and Allegany County real and personal property taxes must be paid current through the date of the submission of bids and county residents' Allegany County real and personal property taxes must be paid current

through that date. Such taxes shall not be deemed to be current if they are unpaid, in whole or in part, as of the date interest begins to accrue on the unpaid balance thereof in accordance with Ann. Code of Md., art. Tax-Property, §§ 10-102 and 10-103.

(c) In any instance where a grant is utilized to fund a purchase which is required to be made upon competitive bidding pursuant to section 2-171(a) or 2-173, this section shall be of no effect if the terms and conditions applicable to such grant prohibit local preferences.

[Note: A text edited version showing the changes made is attached hereto as Exhibit A.]

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect on July 6, 2016.

Passed this ____ day of _____, 2016.

_____
Brian K. Grim, Mayor

ATTEST:

_____
Marjorie A. Woodring, City Clerk

EXHIBIT A

[Note: Additions to the Charter are underscored and deletions are stricken through.]

Sec. 2-176. - Local preference in the awarding of contracts requiring competitive bid.

(a) *Amount/application of local preference.* In any instance where competitive bidding is required pursuant to the provisions of sections 2-171(a) or 2-173 and the contract is completely funded by the city, without contribution, in whole or in part, from any third parties, unless preference percentages are otherwise established by the mayor and city council, a local preference of eight percent (8%) shall apply for bidders who reside in the City and a local preference of five percent (5%) shall apply for bidders who reside in Allegany County, Maryland but outside of the city. The preference shall be implemented by multiplying the applicable percentage by the lowest or best bid deemed to be reasonable and in the best interests of the City and subtracting the product from the applicable local bidder's bid. Notwithstanding the foregoing, the local preference for commission-based contracts shall be one-half (½) of a percent for city residents and one-quarter (¼) of a percent for county residents. The following examples illustrate the manner in which the preferences provided for herein are to be applied:

Example No. 1
County bid is deemed to be low bid

Bid Amount	Applicable Preference	Calculation
$100,000	County (5%)	$100,000 - $5,000 (5% of low bid of $100,000) = **$95,000**
$105,000	City (8%)	$105,000 - $8,000 (8% of low bid of $100,000) = $97,000
$110,000	No preference	$110,000

Example No. 2
City bid is deemed to be low bid

Bid Amount	Applicable Preference	Calculation
$100,000	No preference	$100,000
$105,000	City (8%)	$105,000 - $8,000 (8% of low bid of $100,000) = **$ 97,000**
$105,000	County (5%)	$105,000 - $5,000 (5% of low bid of $100,000) = $100,000

(b) *Eligibility for local preference.*

(1) *Eligibility for city preference.* A vendor shall be deemed to be a resident of the city if it maintains an active bona fide place of business within the city and, in the case of a corporation or other association which is required to register with the state of Maryland in order to do business therein, it is duly qualified to do business and is in good standing under the laws of the state.

(2) *Eligibility for county preference.* A vendor shall be deemed to be a resident of the county if it maintains an active bona fide place of business within the city and, in the case of a corporation or other association which is required to register with the state of Maryland in order to do business therein, it is duly qualified to do business and is in good standing under the laws of the state.

(3) *Written application required.* The preferences provided to residents of the city and county under this section shall be deemed to be waived unless a vendor seeking the benefit of those provisions certifies under the penalties of perjury that it is qualified as a resident vendor under the terms of subsections (b) (1) or (b) (2) above and said certification is included in the vendor's bid submissions.

(4) *Payment of taxes required.* In order to receive the preferences provided for in this section, city residents' City of Cumberland and Allegany County real and personal property taxes must be paid current through the date of the submission of bids and county residents' Allegany County real and personal property taxes must be paid current through that date. Such taxes shall not be deemed to be current if they are unpaid, in whole or in part, as of the date interest begins to accrue on the unpaid balance thereof in accordance with Ann. Code of Md., art. Tax-Property, §§ 10-102 and 10-103.

(c) In any instance where a grant is utilized to fund a purchase which is required to be made upon competitive bidding pursuant to section 2-171(a) or 2-173, this section shall be of no effect if the terms and conditions applicable to such grant prohibit local preferences.

Regular Council Agenda
July 5, 2016

Description

Ordinance *(2nd and 3rd readings)* - amending Section 2-176 of the City Code to increase the local preference for City Bidders from 7% to 8% and clarify the manner in which the local preferences are applied

Approval, Acceptance / Recommendation

The first reading of this Ordinance was approved on June 21, 2016.

☐ Budgeted

☐ 1st Reading
☑ 2nd Reading
☑ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED AN ORDINANCE TO AUTHORIZE AND EMPOWER MAYOR AND CITY COUNCIL OF CUMBERLAND (THE "CITY"), FOR THE PUBLIC PURPOSE OF FINANCING, REIMBURSING OR REFINANCING COSTS OF A PROJECT THAT THE CITY GENERALLY REFERS TO AS THE COMBINED SEWER OVERFLOW (CSO) STORAGE FACILITY PROJECT AND RELATED COSTS AS PROVIDED HEREIN, TO ISSUE AND SELL FROM TIME TO TIME, UPON ITS FULL FAITH AND CREDIT, ONE OR MORE SERIES OF (1)(A) GENERAL OBLIGATION BONDS AND (B) GENERAL OBLIGATION BOND ANTICIPATION NOTES, EACH IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $5,388,000, AND (2) GENERAL OBLIGATION REFUNDING BONDS, PROVIDED THAT THE AGGREGATE PRINCIPAL AMOUNT OF ANY SERIES OF REFUNDING BONDS SHALL NOT EXCEED ONE HUNDRED THIRTY PERCENT (130%) OF THE AGGREGATE PRINCIPAL AMOUNT OF THE BONDS REFUNDED THEREFROM; DETERMINING THAT ANY SUCH SERIES OF BONDS BE SOLD TO THE MARYLAND WATER QUALITY FINANCING ADMINISTRATION (THE "ADMINISTRATION") BY PRIVATE SALE, WITHOUT PUBLIC BIDDING; AUTHORIZING THE APPROVAL BY RESOLUTION OF ONE OR MORE LOAN AGREEMENTS WITH THE ADMINISTRATION AND, WITH RESPECT TO ANY SUCH LOAN AGREEMENT, ACKNOWLEDGING THE ADMINISTRATION'S RIGHTS THEREUNDER, MAKING A PLEDGE OF CERTAIN REVENUES RECEIVABLE FROM THE STATE OF MARYLAND, AND ACKNOWLEDGING

CERTAIN PAYMENT RESPONSIBILITIES OF THE CITY; PROVIDING THAT THE MAYOR AND CITY COUNCIL BY RESOLUTION SHALL DETERMINE OR PROVIDE FOR CERTAIN DETAILS OF ANY SUCH SERIES OF GENERAL OBLIGATION BONDS, BOND ANTICIPATION NOTES OR REFUNDING BONDS (EACH, A "SERIES OF OBLIGATIONS" OR "OBLIGATIONS"), INCLUDING WITH RESPECT TO ANY DEBT SERVICE RESERVE ACCOUNT REQUIRED BY THE ADMINISTRATION; PROVIDING THAT ANY SUCH SERIES OF GENERAL OBLIGATION BOND ANTICIPATION NOTES OR REFUNDING BONDS WILL BE SOLD BY PRIVATE SALE UNLESS THE MAYOR AND CITY COUNCIL BY RESOLUTION DETERMINES OTHERWISE; IDENTIFYING OR PROVIDING FOR THE DETERMINATION OF THE SOURCES FROM WHICH DEBT SERVICE ON ANY SUCH SERIES OF OBLIGATIONS WILL BE PAYABLE IN THE FIRST INSTANCE; PLEDGING THE CITY'S FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER TO PAYMENT OF ANY SUCH OBLIGATIONS AND PROVIDING FOR THE LEVY OF AD VALOREM TAXES UPON ALL REAL AND PERSONAL PROPERTY WITHIN THE CITY SUBJECT TO ASSESSMENT FOR UNLIMITED MUNICIPAL TAXATION TO PAY ANY SUCH OBLIGATIONS; AUTHORIZING THE MAYOR AND CITY COUNCIL BY RESOLUTION TO PROVIDE FOR POST-CLOSING MODIFICATIONS AFFECTING ANY SERIES OF BONDS OR REFUNDING BONDS; PROVIDING THAT ANY SUCH OBLIGATIONS MAY BE CONSOLIDATED WITH OTHER OBLIGATIONS OF THE CITY; AUTHORIZING AND DIRECTING OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE ANY AND ALL ACTION NECESSARY TO COMPLETE AND CLOSE THE

SALE, ISSUANCE AND DELIVERY OF ANY SUCH SERIES OF OBLIGATIONS AND TO CONSUMMATE THE TRANSACTIONS CONTEMPLATED BY THIS ORDINANCE; PROVIDING THAT THIS TITLE CONSTITUTES A FAIR SUMMARY OF THIS ORDINANCE; AND OTHERWISE GENERALLY RELATING TO THE SALE, ISSUANCE, DELIVERY AND PAYMENT OF AND FOR ANY SUCH SERIES OF OBLIGATIONS.

RECITALS

1. Mayor and City Council of Cumberland, 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, as replaced, supplemented or amended (the "Enabling Act"), and Sections 81 and 82A of the Charter of the City of Cumberland, as replaced, supplemented or amended (the "Charter"), to borrow money for any proper public purpose in connection with the wastewater system serving the City and surrounding areas and to evidence such borrowing by the issuance and sale of its general obligation bonds.

2. The City has determined to undertake activities relating to a project that the City generally refers to as the Combined Sewer Overflow (CSO) Storage Facility Project, and in connection with such activities and project, to acquire or pay for, as applicable, necessary property rights and equipment, related site and utility improvements and related architectural, engineering, planning, design, bidding, acquisition, construction, improvement, installation, modification, demolition, removal, renovation, reconstruction, rehabilitation, equipping, inspection, construction management and permitting expenses, costs of related activities, improvements and appurtenances, and related administrative, financial and legal expenses and

costs of issuance (collectively, the "Project"), and to borrow money for all or a portion of such purposes through the issuance and sale of one or more series of its general obligation bonds.

3. Title VI of the Federal Water Pollution Control Act (commonly known as the "Clean Water Act"), as amended by the Water Quality Act of 1987 ("Title VI"), authorizes the U.S. Environmental Protection Agency (the "EPA") to award grants to qualifying states to establish and capitalize state water pollution control revolving funds ("SRFs") for the purpose of providing loans and other forms of financial assistance to finance, among other things, the construction of publicly-owned wastewater treatment facilities, and the implementation of estuary conservation management plans and nonpoint source management programs.

4. As contemplated by Title VI, the General Assembly of Maryland at its 1988 session enacted the Maryland Water Quality Financing Administration Act, codified at Sections 9-1601 through 9-1622, inclusive, of the Environment Article of the Annotated Code of Maryland (as replaced, supplemented or amended, the "MWQFA Act"), establishing the Maryland Water Quality Financing Administration (the "Administration") and establishing an SRF designated the Maryland Water Quality Revolving Loan Fund (the "SRF Fund") to be maintained and administered by the Administration.

5. The MWQFA Act authorizes the Administration, among other things, to make a loan from the SRF Fund to a "local government" (as defined in the MWQFA Act) for the purpose of financing or refinancing all or a portion of the cost of a "wastewater facility" project (as defined in the MWQFA Act).

6. The City is a "local government" within the meaning of the MWQFA Act, and the Project is a "wastewater facility" project within the meaning of the MWQFA Act.

7. The MWQFA Act authorizes a local government to issue one or more bonds, notes or other evidences of obligation (each, a "loan obligation" as defined in the MWQFA Act) to evidence its indebtedness under a loan agreement with respect to a loan from the Administration, to sell any such bond, note or other evidence of obligation to the Administration at private sale, without public bidding, and to establish a dedicated source of revenues for repayment of such loan.

8. Pursuant to the authority of the MWQFA Act, the Enabling Act and the Charter, the City has determined to borrow money from the Administration for the public purpose of financing, reimbursing or refinancing costs of the Project or such components of the Project as the Administration shall approve.

9. In connection with the issuance and sale of any series of the general obligation bonds contemplated hereby, and pursuant to the MWQFA Act, the City will enter into one or more loan agreements with the Administration.

10. In connection with the issuance of any series of bonds contemplated by this Ordinance (and any series of refunding bonds contemplated hereby that are issued to the Administration), the Administration may require the City to establish, fund and maintain for a period of time acceptable to the Administration a debt service reserve account in a manner that satisfies the Administration's debt service coverage requirements.

11. Prior to issuing any such series of bonds to the Administration, the City may need to obtain interim financing in order to finance Project costs on a timely basis through the issuance of one or more series of its general obligation bond anticipation notes pursuant to the authority of Sections 19-211 to 19-223, inclusive, of the Local Government Article of the Annotated Code of

Maryland, as replaced, supplemented or amended (the "Bond Anticipation Note Act"), and the Charter.

12. Subsequent to the issuance to the Administration of any series of bonds provided for herein, the City may desire to currently refund or advance refund all or a portion of such series of bonds pursuant to the authority of Section 19-207 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the "Refunding Act").

13. The City has determined to pledge its full faith and credit and unlimited taxing power to the prompt payment of debt service on any such series of bonds, bond anticipation notes or refunding bonds contemplated hereby.

14. The City expects to pay the principal of, and interest on, as applicable, any such bonds, bond anticipation notes or refunding bonds in the first instance from revenues received by the City in connection with the operation of the wastewater system serving the City, including fees for use of or connection to such system and, to the extent required by the purchaser of any such series of obligations, from revenues received by the City in connection with the operation of the water system serving the City (referred to herein as the "water supply system"), including fees for use of or connection to such system, all to the extent lawfully available for such purpose.

15. The City, as authorized by the MWQFA Act, may pledge any moneys that the City is entitled to receive from the State of Maryland, including the City's share of the State income tax, to secure its obligations under any loan agreement with the Administration contemplated hereby.

16. Pursuant to the authority of the Charter, the City shall issue any series of bonds, bond anticipation notes or refunding bonds authorized hereby in accordance with the terms and conditions provided for in a resolution or resolutions to be adopted by the Mayor and City Council pursuant to the Charter and this Ordinance.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND:

SECTION 1. (a) The Recitals to this Ordinance are deemed a substantive part of this Ordinance and incorporated by reference herein. Capitalized terms used in this Ordinance and not otherwise defined in the Sections of this Ordinance 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 or other applicable law 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 capacity under the Charter or other applicable law, (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 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 code of City ordinances (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.

SECTION 2. Pursuant to the authority of the MWQFA Act, the Enabling Act and the Charter, the City hereby determines to borrow money and incur indebtedness for the public purpose of financing, reimbursing or refinancing costs of any one or more components of the Project, all to the extent permitted by the Administration. The total cost of the Project not otherwise payable from other sources is not expected to exceed Five Million Three Hundred Eighty-eight Thousand Dollars ($5,388,000).

SECTION 3. To evidence the borrowing and indebtedness authorized in Section 2 of this Ordinance, the City, acting pursuant to the authority of the MWQFA Act, the Enabling Act and the Charter, hereby determines to issue and sell from time to time, upon its full faith and credit, one or more series of its general obligation bonds in an aggregate principal amount not to exceed Five Million Three Hundred Eighty-eight Thousand Dollars ($5,388,000) (individually, a "Bond" and, collectively, the "Bonds"). Each such series may consist of one or more bonds and any Bond may be issued in installment form and/or draw-down form.

SECTION 4. Pursuant to the authority of the MWQFA Act, the Enabling Act and the Charter, the City hereby determines to sell each series of the Bonds to the Administration by private sale, without public bidding, due, in part, to the ability to issue any series of the Bonds as draw-down obligations and the beneficial interest rates offered by the Administration.

SECTION 5. The proceeds of each series of the Bonds shall be used and applied by the City exclusively and solely for the public purposes described in Section 2 of this Ordinance, unless, with the approval of the Administration, a supplemental ordinance is enacted by the Mayor and City Council to provide for the use and application of such proceeds for some other proper public purpose authorized by the MWQFA Act.

SECTION 6. (a) As required by the MWQFA Act, the City is hereby authorized to enter into one or more loan agreements with the Administration (each, a "Loan Agreement" and collectively, the "Loan Agreements") in connection with any series of the Bonds. The final or substantially final form of each Loan Agreement shall be approved by the Mayor and City Council pursuant to the Resolution (as defined in Section 8 hereof) and the execution and delivery of each Loan Agreement shall be authorized by the Mayor and City Council pursuant to the Resolution.

Underlining : Indicates material added to this Ordinance after introduction
~~Strike-through~~ : Indicates material deleted from this Ordinance after introduction

(b) The City hereby acknowledges that the provisions of each Loan Agreement may allow for, among other remedies, all payments on any series of the Bonds subject to such Loan Agreement to be declared immediately due and payable upon the occurrence of any event of default provided for in such Loan Agreement.

SECTION 7. As authorized by Section 9-1606(d) of the MWQFA Act, the City hereby pledges any moneys that the City is entitled to receive from the State of Maryland, including the City's share of the State income tax, to secure its obligations under the Loan Agreements. Such pledge shall be evidenced and detailed in each Loan Agreement.

SECTION 8. Pursuant to the authority of the Enabling Act and this Ordinance, the Mayor and City Council, prior to the issuance, sale and delivery of any series of the Bonds, shall adopt a resolution or resolutions (in each such case, the "Resolution") specifying, prescribing, determining or providing for the determination of, providing for, or approving or providing for the approval of, such matters, details, forms (including, without limitation, the complete form of the Bonds of such series), documents or procedures as may be required by the MWQFA Act, the Enabling Act, the Charter or this Ordinance or as the Mayor and City Council may deem appropriate for the authorization, sale, security, issuance, delivery, payment or redemption of or for such series of the Bonds. The Resolution shall or may set forth, determine or provide for the determination of, provide for, or approve or provide for the approval of, among other things, as applicable, the aggregate principal amount of such series of the Bonds; the principal installment or installments of, or the method of determining the principal installment or installments of, such series of the Bonds; the rate or rates of interest, or the method of determining the rate or rates of interest, which may be fixed or variable, payable on such series of the Bonds; provisions relating to the payment of any late fees or penalties with respect to such series of the Bonds; the components of the Project on which

proceeds of such series will be expended, if limited in any way; provisions for the appropriation and disposal of such proceeds; provisions relating to the prepayment of such series of the Bonds, if applicable; provisions for the application of unexpended proceeds of such series of the Bonds; the procedures for the sale of such series of the Bonds by private sale, without public bidding; provisions relating to the principal forgiveness of such series of the Bonds, if applicable; certifications, representations, determinations, designations or elections relating to the tax-exempt status of interest payable on such series of the Bonds, if applicable; and all other terms and conditions pursuant to which such series of the Bonds will be issued, sold and delivered. Any Resolution may specify, prescribe, determine or provide for the determination of, or approve or provide for the approval of, the details required or authorized by this Section 8 for more than one series of the Bonds.

(b) In the event the Administration requires the City establish a debt service reserve account to be funded from non-Bond proceeds in order to provide security for any series of the Bonds as a condition to the issuance of such series of the Bonds, provisions relating to the establishment, funding and maintenance of such debt service reserve account and the investment and application of moneys held in such debt service reserve account shall be determined, approved or provided for in the Resolution, and any such debt service reserve account may be identified in the applicable Loan Agreement as a dedicated source of revenues contemplated by the MWQFA Act.

SECTION 9. The City is hereby authorized and directed to pay any fees or costs provided for in any Loan Agreement which are not payable from Bond proceeds, including, without limitation, any administrative fees and any ongoing fees or costs. The obligation of the City to pay such amounts shall be absolute and unconditional as further provided in any Loan Agreement.

SECTION 10. Notwithstanding anything to the contrary contained in this Ordinance, the City shall use and apply proceeds of each series of the Bonds only as permitted by the related Loan Agreement, the Clean Water Act (as defined in such Loan Agreement) and the MWQFA Act (which may be referred to in each Loan Agreement as the "Act").

SECTION 11. (a) Pursuant to the authority of the Bond Anticipation Note Act and the Charter, the City may issue and sell from time to time, upon its full faith and credit, one or more series of its general obligation bond anticipation notes in an aggregate principal amount not to exceed Five Million Three Hundred Eighty-eight Thousand Dollars ($5,388,000) (each, a "series of the BANs" and, collectively, the "BANs") prior to and in anticipation of the sale of any series of the Bonds in order to finance or reimburse costs of the Project on an interim basis, including paying costs of issuance and capitalized interest on such series of the BANs within the limitations of the Bond Anticipation Note Act. Any such series of the BANs may consist of one or more notes and any note may be issued in installment form and/or draw-down form. Prior to the issuance, sale and delivery of any series of the BANs, the Mayor and City Council shall adopt a resolution or resolutions pursuant to the authority of the Bond Anticipation Note Act, the Charter and this Ordinance authorizing such series of the BANs and specifying, prescribing, determining or providing for the determination of, or approving or providing for the approval of , the same types of matters, details, forms, documents, procedures or determinations detailed in Section 8 hereof that may be made or addressed with respect to any series of the Bonds, to the extent applicable with respect to such series of the BANs, and as otherwise may be authorized or required by applicable law. Unless the Mayor and City Council determines otherwise in a resolution providing for any series of the BANs, pursuant to the authority of the Bond Anticipation Note Act, each series of the BANs shall be sold by private negotiation. Any such sale by private negotiation is hereby

determined to be in the public interest due to the ability to time the market, negotiate with potential purchasers and thereby achieve a beneficial interest rate or rates and other beneficial terms by undertaking a private (negotiated) sale, and the lower costs of issuance typically incurred with a negotiated sale.

(b) As authorized by the Bond Anticipation Note Act, by resolution the Mayor and City Council may provide for the renewal of any series of the BANs at maturity with or without resale, as well as any amendments of or modifications to such series of the BANs and any related documentation.

SECTION 12. (a) Pursuant to the authority of the Refunding Act, the Enabling Act and the Charter, the City is hereby authorized and empowered to issue and sell from time to time, upon its full faith and credit, one or more series of general obligation bonds (each, a "series of the Refunding Bonds" and, collectively, the "Refunding Bonds") for the purpose of currently refunding or advance refunding any of the Bonds issued pursuant to the authority of this Ordinance then outstanding, including paying all or any portion of outstanding principal, prepayment premium and/or interest accrued or to accrue to the date of prepayment, purchase or maturity of the Bonds to be refunded, and paying costs and expenses in connection with the issuance, sale and delivery of such series of the Refunding Bonds, and, to the extent determined by the Mayor and City Council by resolution, interest on such series of the Refunding Bonds, for the public purpose of realizing savings to the City in the aggregate cost of debt service on either a direct comparison or present value basis or in order to accomplish any debt restructuring that is permitted by applicable law; provided that, the aggregate principal amount of any such series of the Refunding Bonds may not exceed one hundred thirty percent (130%) of the aggregate principal amount of the Bonds refunded therefrom. Any such series of the Refunding Bonds

may consist of one or more bonds and any bond may be issued in installment form and/or draw-down form. Prior to the issuance, sale and delivery of any series of the Refunding Bonds, the Mayor and City Council shall adopt a resolution or resolutions authorizing such series of the Refunding Bonds and specifying, prescribing, determining or providing for the determination of, or approving or providing for the approval of, such matters, details, forms, documents, procedures or determinations detailed in Section 8 hereof that may be made or addressed with respect to each series of the Bonds, to the extent applicable with respect to such series of the Refunding Bonds, and as otherwise may be authorized or required by applicable law. Unless the Mayor and City Council determines otherwise in a resolution providing for any series of the Refunding Bonds, pursuant to the authority of the Refunding Act, each series of the Refunding Bonds shall be sold at a private sale, without soliciting bids. Any such sale on a private basis is hereby determined to be in the public interest due to the ability to time the market, negotiate with potential purchasers and thereby achieve a beneficial interest rate or rates and other beneficial terms (including restructuring terms, if applicable) by undertaking a private (negotiated) sale, and the lower costs of issuance typically incurred with a negotiated sale.

(b) To the extent any series of the Refunding Bonds is sold to the Administration, the Mayor and City Council by resolution may specify, prescribe, determine or provide for the determination of, approve or provide for the approval of any determinations contemplated by in this Ordinance that may be made with respect to any series of the Bonds, including, without limitation, entry into a new loan agreement or any modification to an existing Loan Agreement, as applicable, provisions for the potential forgiveness of any such series of the Refunding Bonds, a pledge of the City's right to receive revenues from the State in the nature referred to in Section 7 above, the obligation of the City to pay any administrative fees or

ongoing fees and expenses in the nature of those referred to in Section 9 above, the identification of any source of dedicated revenues and provisions for any debt service reserve account with respect to such series of the Refunding Bonds required by the Administration.

SECTION 13. The Mayor and City Council is hereby authorized, by resolution, to make any further determinations or approvals or provide for any matters or actions deemed necessary or desirable in connection with the issuance of any series of the BANs or the Refunding Bonds, including, without limitation, (i) any determination authorized by the Bond Anticipation Note Act or the Refunding Act, as applicable, (ii) to commit or provide for the commitment of the City to pay to the purchaser or purchasers of any series of the BANs or the Refunding Bonds (A) any commitment fee or similar fee and any legal costs in connection with such purchaser's or purchasers' agreement to purchase such series of the BANs or the Refunding Bonds and/or (B) any breakage compensation or other amount that may be determined to be due to such purchaser or purchasers in the event the City fails to deliver such series of the BANs or the Refunding Bonds and, in connection therewith, to approve or provide for the approval of, and the execution and delivery of, any agreement relating to such payment or payments (which such agreement may, but shall not be required to be, contained within any purchase or similar agreement for such series of the BANs or the Refunding Bonds), and (iii) to approve or provide for any offering documents, credit enhancement, liquidity enhancement, ratings, or continuing disclosure undertakings relating to such series of the BANs or the Refunding Bonds.

SECTION 14. (a) The principal of and interest on each series of the Bonds, the BANs and the Refunding Bonds (each, a series of the "Obligations") will be payable in the first instance from revenues received by the City in connection with the operation of the wastewater system serving the City and surrounding areas, including charges for the use of or connection to such

wastewater system and, to the extent required by the purchaser of such series of the Obligations, from revenues received by the City from the operation of the water supply system serving the City, including charges for the use of or connection to such water supply system, all to the extent such revenues are lawfully available for such purpose. (Any such identification of water supply system revenues as a source of payment for the applicable series of the Obligations shall be provided for in the Resolution, any resolution relating to a series of the BANs or the Refunding Bonds or a Loan Agreement, as applicable.) In the event such moneys are insufficient in any fiscal year to provide for the payment of the principal of and interest on such series of the Obligations, the City shall levy or cause to be levied, for each and every fiscal year during which such series of the Obligations may be outstanding, ad valorem taxes on all real and tangible personal property within the City that is subject to assessment for unlimited municipal taxation in rate and amount sufficient to pay the principal of and interest on such series of the Obligations in each fiscal year in which any of the Obligations are outstanding and, in the event the proceeds from the collection of the taxes so levied may prove inadequate for such purposes in any fiscal year, additional taxes shall be levied in the subsequent fiscal year to make up any deficiency.

(b) The full faith and credit and unlimited taxing power of the City are hereby irrevocably pledged to the prompt payment of the principal of and interest on each series of the Obligations as and when the same are payable and to the levy and collection 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 such series of the Obligations. The City hereby covenants with the registered owner of each Obligation to take any action that may be lawfully appropriate from time to time during the period that such Obligation remains outstanding and unpaid to provide the funds necessary to pay promptly the principal and interest due thereon.

(c) The foregoing provisions shall not be construed so as to prohibit the City from paying the principal of and interest on any series of the Obligations from the proceeds of the sale of any other obligations of the City (including, without limitation, with respect to the Bonds, from the proceeds of the Refunding Bonds authorized hereby) or from any other funds legally available for that purpose. Within any applicable limitations of Maryland or federal law (including, without limitation, the Internal Revenue Code of 1986, as amended, and the regulations issued thereunder), the City may apply to the payment of the principal of or interest on any series of the Obligations any funds received by it from the State of Maryland 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 type of project or projects which such series of the Obligations are issued to finance or refinance 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.

(d) Any source of revenues referred to in this Section 14 may be identified as a dedicated source of revenue contemplated by the MWQFA Act in any Loan Agreement entered into by the City with the Administration in connection with a series of the Obligations. Any applicable Loan Agreement exhibits may describe such dedicated revenues by references that are similar but not identical to any references contained in this Ordinance, the Resolution or any resolution relating to Refunding Bonds.

SECTION 15. In addition to the refunding authority provided for in Section 12 of this Ordinance, subsequent to the sale, issuance and delivery of any series of the Bonds or the Refunding Bonds to the Administration, the Mayor and City Council by resolution may specify, prescribe, determine or provide for the determination of, or approve or provide for the approval

of, any amendments or modifications to such series of the Bonds or the Refunding Bonds and/or the related Loan Agreement or Loan Agreements and any other documents, agreements or instruments executed and delivered in connection with the sale, issuance and delivery of such series of the Bonds or the Refunding Bonds, and/or provide for the execution and delivery of additional documents, agreements, certificates or instruments relating to such amendments or modifications (including, without limitation, any bond or bonds to be issued and exchanged for one or more of such series of the Bonds or the Refunding Bonds originally issued and delivered and any new or restated Loan Agreement), whether or not such amendments or modifications constitute a refunding or reissuance for purposes of federal and/or Maryland law.

SECTION 16. The Mayor and City Council by resolution may determine that any series of the Obligations authorized hereby may be consolidated with any bond anticipation notes, bonds and/or refunding bonds authorized by the Mayor and City Council, as applicable, and issued as a single series of obligations.

SECTION 17. The following City officials: the Mayor, the City Administrator, the Comptroller, the Treasurer, the City Clerk, and all other appropriate officials and employees of the City, are hereby authorized and directed to take any and all action necessary to complete and close the sale, issuance and delivery of any series of the Obligations, including, without limitation, to negotiate, approve, execute and deliver all documents, certificates and instruments necessary or appropriate in connection therewith, and to consummate and carry out the transactions contemplated by this Ordinance.

SECTION 18. The title of this Ordinance shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 19. The provisions of this Ordinance shall be liberally construed in order to effectuate the transactions authorized or contemplated by this Ordinance.

SECTION 20. This Ordinance shall become effective thirty (30) days after its passage pursuant to the provisions of Section 82A of the Charter, subject to the petition-to-referendum provisions of Section 82A(c) of the Charter.

MAYOR AND CITY COUNCIL OF
CUMBERLAND

(SEAL)

_____
Brian K. Grim
Mayor

ATTEST:

_____
Marjorie A. Woodring, City Clerk

Introduced: _____, 2016

Passed: _____, 2016

Votes for passage:_____
Votes against passage: _____

Effective: _____, 2016

#188317;10002.064

Underlining : Indicates material added to this Ordinance after introduction
~~Strike-through~~ : Indicates material deleted from this Ordinance after introduction

Regular Council Agenda
July 5, 2016

Description

Ordinance *(1st reading)* - authorizing the issuance and sale of 1) General Obligation Bonds and General Bond Anticipation Notes each in an aggregate principal amount not to exceed $5,388,000, and 2) General Obligation Refunding Bonds which shall not exceed 130% of the aggregate principal amount of the bonds refunded therefrom, by private sale to the MD Water Quality Financing Administration (MWQFA), to finance costs of the Combined Sewer Overflow (CSO) Storage Facility Project and related costs

Approval, Acceptance / Recommendation

☐ Budgeted

☑ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED AN ORDINANCE TO AUTHORIZE AND EMPOWER MAYOR AND CITY COUNCIL OF CUMBERLAND (THE "CITY"), FOR THE PUBLIC PURPOSE OF FINANCING, REIMBURSING OR REFINANCING COSTS OF A PROJECT THAT THE CITY GENERALLY REFERS TO AS PHASE III OF THE EVITTS CREEK CSO UPGRADES AND RELATED COSTS AS PROVIDED HEREIN, TO ISSUE AND SELL FROM TIME TO TIME, UPON ITS FULL FAITH AND CREDIT, ONE OR MORE SERIES OF (1)(A) GENERAL OBLIGATION BONDS AND (B) GENERAL OBLIGATION BOND ANTICIPATION NOTES, EACH IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $477,000, AND (2) GENERAL OBLIGATION REFUNDING BONDS, PROVIDED THAT THE AGGREGATE PRINCIPAL AMOUNT OF ANY SERIES OF REFUNDING BONDS SHALL NOT EXCEED ONE HUNDRED THIRTY PERCENT (130%) OF THE AGGREGATE PRINCIPAL AMOUNT OF THE BONDS REFUNDED THEREFROM; DETERMINING THAT ANY SUCH SERIES OF BONDS BE SOLD TO THE MARYLAND WATER QUALITY FINANCING ADMINISTRATION (THE "ADMINISTRATION") BY PRIVATE SALE, WITHOUT PUBLIC BIDDING; AUTHORIZING THE APPROVAL BY RESOLUTION OF ONE OR MORE LOAN AGREEMENTS WITH THE ADMINISTRATION AND, WITH RESPECT TO ANY SUCH LOAN AGREEMENT, ACKNOWLEDGING THE ADMINISTRATION'S RIGHTS THEREUNDER, MAKING A PLEDGE OF CERTAIN REVENUES RECEIVABLE FROM THE STATE OF MARYLAND, AND ACKNOWLEDGING CERTAIN PAYMENT RESPONSIBILITIES OF THE CITY; PROVIDING THAT THE

MAYOR AND CITY COUNCIL BY RESOLUTION SHALL DETERMINE OR PROVIDE FOR CERTAIN DETAILS OF ANY SUCH SERIES OF GENERAL OBLIGATION BONDS, BOND ANTICIPATION NOTES OR REFUNDING BONDS (EACH, A "SERIES OF OBLIGATIONS" OR "OBLIGATIONS"), INCLUDING WITH RESPECT TO ANY DEBT SERVICE RESERVE ACCOUNT REQUIRED BY THE ADMINISTRATION; PROVIDING THAT ANY SUCH SERIES OF GENERAL OBLIGATION BOND ANTICIPATION NOTES OR REFUNDING BONDS WILL BE SOLD BY PRIVATE SALE UNLESS THE MAYOR AND CITY COUNCIL BY RESOLUTION DETERMINES OTHERWISE; IDENTIFYING OR PROVIDING FOR THE DETERMINATION OF THE SOURCES FROM WHICH DEBT SERVICE ON ANY SUCH SERIES OF OBLIGATIONS WILL BE PAYABLE IN THE FIRST INSTANCE; PLEDGING THE CITY'S FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER TO PAYMENT OF ANY SUCH OBLIGATIONS AND PROVIDING FOR THE LEVY OF AD VALOREM TAXES UPON ALL REAL AND PERSONAL PROPERTY WITHIN THE CITY SUBJECT TO ASSESSMENT FOR UNLIMITED MUNICIPAL TAXATION TO PAY ANY SUCH OBLIGATIONS; AUTHORIZING THE MAYOR AND CITY COUNCIL BY RESOLUTION TO PROVIDE FOR POST-CLOSING MODIFICATIONS AFFECTING ANY SERIES OF BONDS OR REFUNDING BONDS; PROVIDING THAT ANY SUCH OBLIGATIONS MAY BE CONSOLIDATED WITH OTHER OBLIGATIONS OF THE CITY; AUTHORIZING AND DIRECTING OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE ANY AND ALL ACTION NECESSARY TO COMPLETE AND CLOSE THE SALE, ISSUANCE AND DELIVERY OF ANY SUCH SERIES OF OBLIGATIONS

AND TO CONSUMMATE THE TRANSACTIONS CONTEMPLATED BY THIS ORDINANCE; PROVIDING THAT THIS TITLE CONSTITUTES A FAIR SUMMARY OF THIS ORDINANCE; AND OTHERWISE GENERALLY RELATING TO THE SALE, ISSUANCE, DELIVERY AND PAYMENT OF AND FOR ANY SUCH SERIES OF OBLIGATIONS.

RECITALS

1. Mayor and City Council of Cumberland, 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, as replaced, supplemented or amended (the "Enabling Act"), and Sections 81 and 82A of the Charter of the City of Cumberland, as replaced, supplemented or amended (the "Charter"), to borrow money for any proper public purpose in connection with the wastewater system serving the City and surrounding areas and to evidence such borrowing by the issuance and sale of its general obligation bonds.

2. The City has determined to undertake activities relating to Phase III of a project that the City generally refers to as the Evitts Creek CSO Upgrades, which activities include planning, design, engineering, evaluation, investigation, surveying, permitting and bid work relating to making a determination to rehabilitate or replace a combined sewer overflow line that passes under the CSX rail yard and, in connection therewith, to borrow money to finance, reimburse or refinance costs incurred in connection with the planning, design, investigatory and pre-construction phase of such undertaking, including, without limitation, costs of permits, training, insurance, flagging required by CSX and review fees, and related administrative,

financial and legal expenses and costs of issuance (collectively, the "Project"), and to evidence this borrowing by the issuance and sale of one or more series of its general obligation bonds.

3. Title VI of the Federal Water Pollution Control Act (commonly known as the "Clean Water Act"), as amended by the Water Quality Act of 1987 ("Title VI"), authorizes the U.S. Environmental Protection Agency (the "EPA") to award grants to qualifying states to establish and capitalize state water pollution control revolving funds ("SRFs") for the purpose of providing loans and other forms of financial assistance to finance, among other things, the construction of publicly-owned wastewater treatment facilities, and the implementation of estuary conservation management plans and nonpoint source management programs.

4. As contemplated by Title VI, the General Assembly of Maryland at its 1988 session enacted the Maryland Water Quality Financing Administration Act, codified at Sections 9-1601 through 9-1622, inclusive, of the Environment Article of the Annotated Code of Maryland (as replaced, supplemented or amended, the "MWQFA Act"), establishing the Maryland Water Quality Financing Administration (the "Administration") and establishing an SRF designated the Maryland Water Quality Revolving Loan Fund (the "SRF Fund") to be maintained and administered by the Administration.

5. The MWQFA Act authorizes the Administration, among other things, to make a loan from the SRF Fund to a "local government" (as defined in the MWQFA Act) for the purpose of financing or refinancing all or a portion of the cost of a "wastewater facility" project (as defined in the MWQFA Act).

6. The City is a "local government" within the meaning of the MWQFA Act, and the Project is a "wastewater facility" project within the meaning of the MWQFA Act.

7. The MWQFA Act authorizes a local government to issue one or more bonds, notes or other evidences of obligation (each, a "loan obligation" as defined in the MWQFA Act) to evidence its indebtedness under a loan agreement with respect to a loan from the Administration, to sell any such bond, note or other evidence of obligation to the Administration at private sale, without public bidding, and to establish a dedicated source of revenues for repayment of such loan.

8. Pursuant to the authority of the MWQFA Act, the Enabling Act and the Charter, the City has determined to borrow money from the Administration for the public purpose of financing, reimbursing or refinancing costs of the Project or such components of the Project as the Administration shall approve.

9. In connection with the issuance and sale of any series of the general obligation bonds contemplated hereby, and pursuant to the MWQFA Act, the City will enter into one or more loan agreements with the Administration.

10. In connection with the issuance of any series of bonds contemplated by this Ordinance (and any series of refunding bonds contemplated hereby that are issued to the Administration), the Administration may require the City to establish, fund and maintain for a period of time acceptable to the Administration a debt service reserve account in a manner that satisfies the Administration's debt service coverage requirements.

11. Prior to issuing any such series of bonds to the Administration, the City may need to obtain interim financing in order to finance Project costs on a timely basis through the issuance of one or more series of its general obligation bond anticipation notes pursuant to the authority of Sections 19-211 to 19-223, inclusive, of the Local Government Article of the Annotated Code of

Maryland, as replaced, supplemented or amended (the "Bond Anticipation Note Act"), and the Charter.

12. Subsequent to the issuance to the Administration of any series of bonds provided for herein, the City may desire to currently refund or advance refund all or a portion of such series of bonds pursuant to the authority of Section 19-207 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the "Refunding Act").

13. The City has determined to pledge its full faith and credit and unlimited taxing power to the prompt payment of debt service on any such series of bonds, bond anticipation notes or refunding bonds contemplated hereby.

14. The City expects to pay the principal of, and interest on, as applicable, any such bonds, bond anticipation notes or refunding bonds in the first instance from revenues received by the City in connection with the operation of the wastewater system serving the City, including fees for use of or connection to such system and, to the extent required by the purchaser of any such series of obligations, from revenues received by the City in connection with the operation of the water system serving the City (referred to herein as the "water supply system"), including fees for use of or connection to such system, all to the extent lawfully available for such purpose.

15. The City, as authorized by the MWQFA Act, may pledge any moneys that the City is entitled to receive from the State of Maryland, including the City's share of the State income tax, to secure its obligations under any loan agreement with the Administration contemplated hereby.

16. Pursuant to the authority of the Charter, the City shall issue any series of bonds, bond anticipation notes or refunding bonds authorized hereby in accordance with the terms and conditions provided for in a resolution or resolutions to be adopted by the Mayor and City Council pursuant to the Charter and this Ordinance.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND:

SECTION 1. (a) The Recitals to this Ordinance are deemed a substantive part of this Ordinance and incorporated by reference herein. Capitalized terms used in this Ordinance and not otherwise defined in the Sections of this Ordinance 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 or other applicable law 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 capacity under the Charter or other applicable law, (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 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 code of City ordinances (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.

SECTION 2. Pursuant to the authority of the MWQFA Act, the Enabling Act and the Charter, the City hereby determines to borrow money and incur indebtedness for the public purpose of financing, reimbursing or refinancing costs of any one or more components of the Project, all to the extent permitted by the Administration. The total cost of the Project not otherwise payable from other sources is not expected to exceed Four Hundred Seventy-seven Thousand Dollars ($477,000).

SECTION 3. To evidence the borrowing and indebtedness authorized in Section 2 of this Ordinance, the City, acting pursuant to the authority of the MWQFA Act, the Enabling Act and the

Charter, hereby determines to issue and sell from time to time, upon its full faith and credit, one or more series of its general obligation bonds in an aggregate principal amount not to exceed Four Hundred Seventy-seven Thousand Dollars ($477,000) (individually, a "Bond" and, collectively, the "Bonds"). Each such series may consist of one or more bonds and any Bond may be issued in installment form and/or draw-down form.

SECTION 4. Pursuant to the authority of the MWQFA Act, the Enabling Act and the Charter, the City hereby determines to sell each series of the Bonds to the Administration by private sale, without public bidding, due, in part, to the ability to issue any series of the Bonds as draw-down obligations and the beneficial interest rates offered by the Administration.

SECTION 5. The proceeds of each series of the Bonds shall be used and applied by the City exclusively and solely for the public purposes described in Section 2 of this Ordinance, unless, with the approval of the Administration, a supplemental ordinance is enacted by the Mayor and City Council to provide for the use and application of such proceeds for some other proper public purpose authorized by the MWQFA Act.

SECTION 6. (a) As required by the MWQFA Act, the City is hereby authorized to enter into one or more loan agreements with the Administration (each, a "Loan Agreement" and collectively, the "Loan Agreements") in connection with any series of the Bonds. The final or substantially final form of each Loan Agreement shall be approved by the Mayor and City Council pursuant to the Resolution (as defined in Section 8 hereof) and the execution and delivery of each Loan Agreement shall be authorized by the Mayor and City Council pursuant to the Resolution.

(b) The City hereby acknowledges that the provisions of each Loan Agreement may allow for, among other remedies, all payments on any series of the Bonds subject to such Loan

Agreement to be declared immediately due and payable upon the occurrence of any event of default provided for in such Loan Agreement.

SECTION 7. As authorized by Section 9-1606(d) of the MWQFA Act, the City hereby pledges any moneys that the City is entitled to receive from the State of Maryland, including the City's share of the State income tax, to secure its obligations under the Loan Agreements. Such pledge shall be evidenced and detailed in each Loan Agreement.

SECTION 8. Pursuant to the authority of the Enabling Act and this Ordinance, the Mayor and City Council, prior to the issuance, sale and delivery of any series of the Bonds, shall adopt a resolution or resolutions (in each such case, the "Resolution") specifying, prescribing, determining or providing for the determination of, providing for, or approving or providing for the approval of, such matters, details, forms (including, without limitation, the complete form of the Bonds of such series), documents or procedures as may be required by the MWQFA Act, the Enabling Act, the Charter or this Ordinance or as the Mayor and City Council may deem appropriate for the authorization, sale, security, issuance, delivery, payment or redemption of or for such series of the Bonds. The Resolution shall or may set forth, determine or provide for the determination of, provide for, or approve or provide for the approval of, among other things, as applicable, the aggregate principal amount of such series of the Bonds; the principal installment or installments of, or the method of determining the principal installment or installments of, such series of the Bonds; the rate or rates of interest, or the method of determining the rate or rates of interest, which may be fixed or variable, payable on such series of the Bonds; provisions relating to the payment of any late fees or penalties with respect to such series of the Bonds; the components of the Project on which proceeds of such series will be expended, if limited in any way; provisions for the appropriation and disposal of such proceeds; provisions relating to the prepayment of such series of the Bonds, if

applicable; provisions for the application of unexpended proceeds of such series of the Bonds; the procedures for the sale of such series of the Bonds by private sale, without public bidding; provisions relating to the principal forgiveness of such series of the Bonds, if applicable; certifications, representations, determinations, designations or elections relating to the tax-exempt status of interest payable on such series of the Bonds, if applicable; and all other terms and conditions pursuant to which such series of the Bonds will be issued, sold and delivered. Any Resolution may specify, prescribe, determine or provide for the determination of, or approve or provide for the approval of, the details required or authorized by this Section 8 for more than one series of the Bonds.

(b) In the event the Administration requires the City establish a debt service reserve account to be funded from non-Bond proceeds in order to provide security for any series of the Bonds as a condition to the issuance of such series of the Bonds, provisions relating to the establishment, funding and maintenance of such debt service reserve account and the investment and application of moneys held in such debt service reserve account shall be determined, approved or provided for in the Resolution, and any such debt service reserve account may be identified in the applicable Loan Agreement as a dedicated source of revenues contemplated by the MWQFA Act.

SECTION 9. The City is hereby authorized and directed to pay any fees or costs provided for in any Loan Agreement which are not payable from Bond proceeds, including, without limitation, any administrative fees and any ongoing fees or costs. The obligation of the City to pay such amounts shall be absolute and unconditional as further provided in any Loan Agreement.

SECTION 10. Notwithstanding anything to the contrary contained in this Ordinance, the City shall use and apply proceeds of each series of the Bonds only as permitted by the related Loan

Agreement, the Clean Water Act (as defined in such Loan Agreement) and the MWQFA Act (which may be referred to in each Loan Agreement as the "Act").

SECTION 11. (a) Pursuant to the authority of the Bond Anticipation Note Act and the Charter, the City may issue and sell from time to time, upon its full faith and credit, one or more series of its general obligation bond anticipation notes in an aggregate principal amount not to exceed Four Hundred Seventy-seven Thousand Dollars ($477,000) (each, a "series of the BANs" and, collectively, the "BANs") prior to and in anticipation of the sale of any series of the Bonds in order to finance or reimburse costs of the Project on an interim basis, including paying costs of issuance and capitalized interest on such series of the BANs within the limitations of the Bond Anticipation Note Act. Any such series of the BANs may consist of one or more notes and any note may be issued in installment form and/or draw-down form. Prior to the issuance, sale and delivery of any series of the BANs, the Mayor and City Council shall adopt a resolution or resolutions pursuant to the authority of the Bond Anticipation Note Act, the Charter and this Ordinance authorizing such series of the BANs and specifying, prescribing, determining or providing for the determination of, or approving or providing for the approval of , the same types of matters, details, forms, documents, procedures or determinations detailed in Section 8 hereof that may be made or addressed with respect to any series of the Bonds, to the extent applicable with respect to such series of the BANs, and as otherwise may be authorized or required by applicable law. Unless the Mayor and City Council determines otherwise in a resolution providing for any series of the BANs, pursuant to the authority of the Bond Anticipation Note Act, each series of the BANs shall be sold by private negotiation. Any such sale by private negotiation is hereby determined to be in the public interest due to the ability to time the market, negotiate with potential purchasers and thereby achieve

a beneficial interest rate or rates and other beneficial terms by undertaking a private (negotiated) sale, and the lower costs of issuance typically incurred with a negotiated sale.

(b) As authorized by the Bond Anticipation Note Act, by resolution the Mayor and City Council may provide for the renewal of any series of the BANs at maturity with or without resale, as well as any amendments of or modifications to such series of the BANs and any related documentation.

SECTION 12. (a) Pursuant to the authority of the Refunding Act, the Enabling Act and the Charter, the City is hereby authorized and empowered to issue and sell from time to time, upon its full faith and credit, one or more series of general obligation bonds (each, a "series of the Refunding Bonds" and, collectively, the "Refunding Bonds") for the purpose of currently refunding or advance refunding any of the Bonds issued pursuant to the authority of this Ordinance then outstanding, including paying all or any portion of outstanding principal, prepayment premium and/or interest accrued or to accrue to the date of prepayment, purchase or maturity of the Bonds to be refunded, and paying costs and expenses in connection with the issuance, sale and delivery of such series of the Refunding Bonds, and, to the extent determined by the Mayor and City Council by resolution, interest on such series of the Refunding Bonds, for the public purpose of realizing savings to the City in the aggregate cost of debt service on either a direct comparison or present value basis or in order to accomplish any debt restructuring that is permitted by applicable law; provided that, the aggregate principal amount of any such series of the Refunding Bonds may not exceed one hundred thirty percent (130%) of the aggregate principal amount of the Bonds refunded therefrom. Any such series of the Refunding Bonds may consist of one or more bonds and any bond may be issued in installment form and/or draw-down form. Prior to the issuance, sale and delivery of any series of the Refunding Bonds, the

Mayor and City Council shall adopt a resolution or resolutions authorizing such series of the Refunding Bonds and specifying, prescribing, determining or providing for the determination of, or approving or providing for the approval of, such matters, details, forms, documents, procedures or determinations detailed in Section 8 hereof that may be made or addressed with respect to each series of the Bonds, to the extent applicable with respect to such series of the Refunding Bonds, and as otherwise may be authorized or required by applicable law. Unless the Mayor and City Council determines otherwise in a resolution providing for any series of the Refunding Bonds, pursuant to the authority of the Refunding Act, each series of the Refunding Bonds shall be sold at a private sale, without soliciting bids. Any such sale on a private basis is hereby determined to be in the public interest due to the ability to time the market, negotiate with potential purchasers and thereby achieve a beneficial interest rate or rates and other beneficial terms (including restructuring terms, if applicable) by undertaking a private (negotiated) sale, and the lower costs of issuance typically incurred with a negotiated sale.

(b) To the extent any series of the Refunding Bonds is sold to the Administration, the Mayor and City Council by resolution may specify, prescribe, determine or provide for the determination of, approve or provide for the approval of any determinations contemplated by in this Ordinance that may be made with respect to any series of the Bonds, including, without limitation, entry into a new loan agreement or any modification to an existing Loan Agreement, as applicable, provisions for the potential forgiveness of any such series of the Refunding Bonds, a pledge of the City's right to receive revenues from the State in the nature referred to in Section 7 above, the obligation of the City to pay any administrative fees or ongoing fees and expenses in the nature of those referred to in Section 9 above, the identification

of any source of dedicated revenues and provisions for any debt service reserve account with respect to such series of the Refunding Bonds required by the Administration.

SECTION 13. The Mayor and City Council is hereby authorized, by resolution, to make any further determinations or approvals or provide for any matters or actions deemed necessary or desirable in connection with the issuance of any series of the BANs or the Refunding Bonds, including, without limitation, (i) any determination authorized by the Bond Anticipation Note Act or the Refunding Act, as applicable, (ii) to commit or provide for the commitment of the City to pay to the purchaser or purchasers of any series of the BANs or the Refunding Bonds (A) any commitment fee or similar fee and any legal costs in connection with such purchaser's or purchasers' agreement to purchase such series of the BANs or the Refunding Bonds and/or (B) any breakage compensation or other amount that may be determined to be due to such purchaser or purchasers in the event the City fails to deliver such series of the BANs or the Refunding Bonds and, in connection therewith, to approve or provide for the approval of, and the execution and delivery of, any agreement relating to such payment or payments (which such agreement may, but shall not be required to be, contained within any purchase or similar agreement for such series of the BANs or the Refunding Bonds), and (iii) to approve or provide for any offering documents, credit enhancement, liquidity enhancement, ratings, or continuing disclosure undertakings relating to such series of the BANs or the Refunding Bonds.

SECTION 14. (a) The principal of and interest on each series of the Bonds, the BANs and the Refunding Bonds (each, a series of the "Obligations") will be payable in the first instance from revenues received by the City in connection with the operation of the wastewater system serving the City and surrounding areas, including charges for the use of or connection to such wastewater system and, to the extent required by the purchaser of such series of the Obligations,

from revenues received by the City from the operation of the water supply system serving the City, including charges for the use of or connection to such water supply system, all to the extent such revenues are lawfully available for such purpose. (Any such identification of water supply system revenues as a source of payment for the applicable series of the Obligations shall be provided for in the Resolution, any resolution relating to a series of the BANs or the Refunding Bonds or a Loan Agreement, as applicable.) In the event such moneys are insufficient in any fiscal year to provide for the payment of the principal of and interest on such series of the Obligations, the City shall levy or cause to be levied, for each and every fiscal year during which such series of the Obligations may be outstanding, ad valorem taxes on all real and tangible personal property within the City that is subject to assessment for unlimited municipal taxation in rate and amount sufficient to pay the principal of and interest on such series of the Obligations in each fiscal year in which any of the Obligations are outstanding and, in the event the proceeds from the collection of the taxes so levied may prove inadequate for such purposes in any fiscal year, additional taxes shall be levied in the subsequent fiscal year to make up any deficiency.

(b) The full faith and credit and unlimited taxing power of the City are hereby irrevocably pledged to the prompt payment of the principal of and interest on each series of the Obligations as and when the same are payable and to the levy and collection 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 such series of the Obligations. The City hereby covenants with the registered owner of each Obligation to take any action that may be lawfully appropriate from time to time during the period that such Obligation remains outstanding and unpaid to provide the funds necessary to pay promptly the principal and interest due thereon.

(c) The foregoing provisions shall not be construed so as to prohibit the City from paying the principal of and interest on any series of the Obligations from the proceeds of the sale of any other obligations of the City (including, without limitation, with respect to the Bonds, from the proceeds of the Refunding Bonds authorized hereby) or from any other funds legally available for that purpose. Within any applicable limitations of Maryland or federal law (including, without limitation, the Internal Revenue Code of 1986, as amended, and the regulations issued thereunder), the City may apply to the payment of the principal of or interest on any series of the Obligations any funds received by it from the State of Maryland 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 type of project or projects which such series of the Obligations are issued to finance or refinance 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.

(d) Any source of revenues referred to in this Section 14 may be identified as a dedicated source of revenue contemplated by the MWQFA Act in any Loan Agreement entered into by the City with the Administration in connection with a series of the Obligations. Any applicable Loan Agreement exhibits may describe such dedicated revenues by references that are similar but not identical to any references contained in this Ordinance, the Resolution or any resolution relating to Refunding Bonds.

SECTION 15. In addition to the refunding authority provided for in Section 12 of this Ordinance, subsequent to the sale, issuance and delivery of any series of the Bonds or the Refunding Bonds to the Administration, the Mayor and City Council by resolution may specify, prescribe, determine or provide for the determination of, or approve or provide for the approval

of, any amendments or modifications to such series of the Bonds or the Refunding Bonds and/or the related Loan Agreement or Loan Agreements and any other documents, agreements or instruments executed and delivered in connection with the sale, issuance and delivery of such series of the Bonds or the Refunding Bonds, and/or provide for the execution and delivery of additional documents, agreements, certificates or instruments relating to such amendments or modifications (including, without limitation, any bond or bonds to be issued and exchanged for one or more of such series of the Bonds or the Refunding Bonds originally issued and delivered and any new or restated Loan Agreement), whether or not such amendments or modifications constitute a refunding or reissuance for purposes of federal and/or Maryland law.

SECTION 16. The Mayor and City Council by resolution may determine that any series of the Obligations authorized hereby may be consolidated with any bond anticipation notes, bonds and/or refunding bonds authorized by the Mayor and City Council, as applicable, and issued as a single series of obligations.

SECTION 17. The following City officials: the Mayor, the City Administrator, the Comptroller, the Treasurer, the City Clerk, and all other appropriate officials and employees of the City, are hereby authorized and directed to take any and all action necessary to complete and close the sale, issuance and delivery of any series of the Obligations, including, without limitation, to negotiate, approve, execute and deliver all documents, certificates and instruments necessary or appropriate in connection therewith, and to consummate and carry out the transactions contemplated by this Ordinance.

SECTION 18. The title of this Ordinance shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 19. The provisions of this Ordinance shall be liberally construed in order to effectuate the transactions authorized or contemplated by this Ordinance.

SECTION 20. This Ordinance shall become effective thirty (30) days after its passage pursuant to the provisions of Section 82A of the Charter, subject to the petition-to-referendum provisions of Section 82A(c) of the Charter.

MAYOR AND CITY COUNCIL OF
CUMBERLAND

(SEAL)

_____
Brian K. Grim
Mayor

ATTEST:

_____
Marjorie A. Woodring, City Clerk

Introduced: _____, 2016

Passed: _____, 2016

Votes for passage:_____
Votes against passage: _____

Effective: _____, 2016

#188317;10002.063

Underlining : Indicates material added to this Ordinance after introduction
~~Strike-through~~ : Indicates material deleted from this Ordinance after introduction

Regular Council Agenda
July 5, 2016

Description

Ordinance *(1st reading)* - authorizing the issuance and sale of 1) General Obligation Bonds and General Obligation Bond Anticipation Notes, each in an aggregate principal amount not to exceed $477,000, and 2) General Obligation Refunding Bonds which shall not exceed 130% of the aggregate principal amount of the bonds refunded therefrom, by private sale to the MD Water Quality Financing Administration (MWQFA) to finance costs of Phase III of the Evitts Creek CSO Upgrade Project and related costs

Approval, Acceptance / Recommendation

☐ Budgeted

☑ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

RESOLUTION NO. R2016-__

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED A RESOLUTION APPROVING THE SUBSTANTIALLY FINAL FORM OF, AND AUTHORIZING AND DIRECTING CERTAIN OFFICIALS OF MAYOR AND CITY COUNCIL OF CUMBERLAND (THE "CITY") TO FINALIZE AND EXECUTE, ON BEHALF OF THE CITY, WRITTEN POST-ISSUANCE CONTINUING DISCLOSURE UNDERTAKING COMPLIANCE PROCEDURES DESIGNED TO ENSURE COMPLIANCE WITH APPLICABLE POST-CLOSING PROVISIONS OF SEC RULE 15C2-12; AND DETERMINING VARIOUS MATTERS IN CONNECTION THEREWITH.

RECITALS

1. Rule 15c2-12, as promulgated under the Securities Exchange Act of 1934, as amended (as such Rule may be amended, modified or supplemented from time to time, the "Rule") in effect requires issuers of municipal securities that are "obligated persons" (both as contemplated by the Rule) in effect to enter into "continuing disclosure undertakings" (as contemplated by the Rule) that require such issuers to file or post annual audited financial statements, specified annual financial information and operating data, notices of certain failures to make timely filings, and notices of the occurrences of certain listed events specified in the Rule with respect to obligations covered by the Rule, which are typically publicly offered municipal securities.

2. In connection with the contemplated issuance of its Taxable Bond Anticipation Notes of 2016 (the "2016 BANs"), Mayor and City Council of Cumberland, a Maryland

municipal corporation (the "City"), as authorized by Resolution No. R2016-04, adopted by the Mayor and City Council of the City, the governing body of the City, on June 7, 2016, will enter into a continuing disclosure undertaking with respect to the 2016 BANs pursuant to the Rule.

3. The Securities and Exchange Commission has strongly recommended that issuers of obligations subject to the Rule put in place written procedures designed to ensure post-issuance compliance with the continuing disclosure undertaking provisions of the Rule.

4. Because the City has several series of general obligation bonds outstanding that are subject to continuing disclosure under the Rule, and in order to facilitate compliance with the Rule, bond counsel to the City has recommended that the City approve procedures designed to promote compliance with the continuing disclosure undertakings pertaining to the 2016 BANs, certain outstanding City municipal securities and any future issues of municipal securities that become subject to the Rule, including for issues where the City is an obligated person but not the issuer.

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CITY OF CUMBERLAND, THAT:

SECTION 1. The Recitals to this Resolution set forth above are incorporated by reference in and made a substantive part hereof. Capitalized terms used in the Sections of this Resolution and not otherwise defined herein shall have the meanings given to such terms in the Recitals to this Resolution.

SECTION 2. The substantially final form of the Post-Issuance Continuing Disclosure Undertaking Compliance Procedures attached hereto as Exhibit A (the "Procedures") are hereby

approved, and the Mayor, the City Administrator and the Comptroller, on behalf of the City, working with bond counsel to the City, are hereby authorized and directed to make and approve changes thereto in order to conform the same to actual or recommended City practices, to correct typographical or grammatical errors, to cure ambiguities and inconsistencies, or to conform to applicable law as advised by bond counsel to the City or the City Attorney, and to execute the final form of the Procedures on behalf of the City. The Mayor's, the City Administrator's and the Comptroller's approval of the final form of the Procedures shall be evidenced conclusively by their signatures thereon. The final Procedures shall be maintained in the records of the City but need not be filed in any court records. All appropriate officials and employees of the City are hereby authorized, directed and empowered to comply with the Procedures with respect to the 2016 BANs and any other obligations of the City that are, or become, subject to the Rule.

SECTION 3. Appropriate officials or employees of the City are hereby authorized from time to time to add appropriate detail to the job descriptions of City officials or employees who are charged with responsibility for complying with the final form of the Procedures.

SECTION 4. This Resolution shall become effective immediately upon its adoption.

[CONTINUED ON THE FOLLOWING PAGE]

MAYOR AND CITY COUNCIL OF
CUMBERLAND

(SEAL)

_____
Brian K. Grim, Mayor

ATTEST:

_____
Marjorie A. Woodring
City Clerk

Introduced: _____, 2016

Adopted: _____, 2016

Effective: _____, 2016

#188089;10002.001

EXHIBIT A

SUBSTANTIALLY FINAL FORM OF POST-ISSUANCE
CONTINUING DISCLOSURE UNDERTAKING COMPLIANCE PROCEDURES

MAYOR AND CITY COUNCIL OF CUMBERLAND

POST-ISSUANCE
CONTINUING DISCLOSURE UNDERTAKING COMPLIANCE PROCEDURES

Background

These Post-Issuance Continuing Disclosure Undertaking Compliance Procedures (these "Procedures") are approved on behalf of Mayor and City Council of Cumberland, a Maryland municipal corporation (the "City"), in accordance with Resolution No. R2016-__ of the Mayor and City Council of the City, the governing body of the City (the "Mayor and City Council"), adopted on _____, 2016, in an effort to ensure that the City meets its post-issuance continuing disclosure obligations under Rule 15c2-12 promulgated under the Securities Exchange Act of 1934, as amended (as such Rule may be amended, modified, supplemented or replaced from time to time, the "Rule").

As of the date of approval of these Procedures, the Rule in effect requires the City, when it is an "obligated person" with respect to "municipal securities" (both within the meaning of the Rule) that are subject to Rule, to make certain timely annual and event filings with the Electronic Municipal Market Access system maintained by the Municipal Securities Rulemaking Board. Each issue of obligations issued by the City must be examined (in conjunction with bond counsel to the City) to determine whether it is subject to the Rule. In addition, there may be instances in which the City qualifies as an obligated person with respect to an issue of municipal securities even if the City is not the issuer. For any issue of municipal securities subject to the Rule for which the City qualifies as an obligated person, the City is in effect required to enter into a continuing disclosure agreement or certificate (as referred to in the Rule, a "continuing disclosure undertaking") applicable to such issue of municipal securities.

As of the date of approval of these Procedures, the City is subject to continuing disclosure undertakings with respect to the following outstanding City bond issues: (i) Public Improvement Bonds of 2008, issued on November 25, 2008 in the original aggregate principal amount of $9,070,000 (the "2008 Bonds"), (ii) Taxable Pension Contribution Bonds of 2009, issued on May 21, 2009 in the original aggregate principal amount of $4,665,000 (the "2009 Bonds"), (iii) Taxable Redevelopment and Refunding Bonds of 2013, issued on July 2, 2013 in the original aggregate principal amount of $5,040,000, and (iv) Tax-Exempt Refunding Bonds of 2013, issued on July 2, 2013 in the original aggregate principal amount of $2,680,000 (together with the bonds identified in clause (iii), the "2013 Bonds"). The City anticipates entering into a Continuing Disclosure Certificate pursuant to the Rule in connection with the issuance of Mayor

and City Council of Cumberland Taxable Bond Anticipation Notes of 2016, anticipated to be issued on or about June 29, 2016.

Definitions

In addition to the definitions provided for under "Background" above, the following capitalized terms shall have the following meanings:

"Bond Counsel" means Funk & Bolton, P.A., or any other attorney or firm of attorneys whose opinions are generally accepted in the field of public finance who or that at the time in question is generally serving as bond counsel to the City or is selected by the City to provide bond counsel advice with respect to any matters contemplated by these Procedures.

"City Charter" means the Charter of the City of Cumberland, as the same may be amended, modified, supplemented or replaced from time to time.

"City Code" means the code of ordinances of the City, however known, as the same may be amended, modified, supplemented or replaced from time to time.

"City Administrator" means the official of the City known as the City Administrator as provided for in the City Charter and in accordance with applicable City law, or any official of the City, by whatever title known, who succeeds generally to the duties of the City Administrator as in effect as of the date of approval of these Procedures.

"Compliance Officer" means, initially, the Comptroller, and subsequently any other City official or employee designated as the Compliance Officer or acting as the default Compliance Officer as provided herein.

"Comptroller" means the official of the City known as the Comptroller as provided for in the City Charter and in accordance with applicable City law, or any other official of the City, by whatever title known, who succeeds generally to the duties of the Comptroller as in effect as of the date of approval of these Procedures.

"Continuing Disclosure Undertaking" means each written undertaking of the City (typically entitled a continuing disclosure agreement or a continuing disclosure certificate) to file on EMMA in accordance with the Rule annual audited financial statements, specified annual financial information and operating data and notice of the occurrence of certain events, executed by the City in connection with the primary offering of an issue of Obligations.

"EMMA" means the Electronic Municipal Market Access system of the MSRB, or any repository or repositories in addition to or that take the place of EMMA in accordance with amendments to the Rule. As of the date of approval of these Procedures, EMMA may be

accessed at www.emma.msrb.org and filings made on EMMA in accordance with the Rule are made through www.msrb.org.

"Financial Advisor" means Davenport & Company LLC, or any other individual or company recognized as a provider of financial advice with regard to public finance matters who or that at the time in question is generally serving as financial advisor to the City or is selected by the City to provide financial advisory advice with respect to any matters contemplated by these Procedures.

"MSRB" means the Municipal Securities Rulemaking Board or any other board or entity that succeeds to the functions delegated to the Municipal Securities Rulemaking Board as of the date of approval of these Procedures by the Rule.

"Obligations" means any municipal securities issued by, or whose payment is guaranteed by, the City, which are subject to the Rule and for which the City constitutes an "obligated person" within the meaning of the Rule.

"Senior Accountant" means the employee of the City known as the Senior Accountant, or any other employee of the City, by whatever title known, who succeeds generally to the duties of the Senior Accountant as in effect as of the date of approval of these Procedures.

Rules of Construction

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

References in these Procedures to "filing" or "posting" or similar words are used interchangeably to mean the electronic posting on EMMA of information specified by a Continuing Disclosure Undertaking. References to "filing", "posting" or similar words shall also be construed to apply to any required physical filing of information specified in a Continuing Disclosure Undertaking that is required under amendments to the Rule. (When the Rule was first promulgated, filings were required to be made physically with certain specified repositories. The Rule was subsequently amended to require electronic postings on EMMA.)

Determination of Compliance Officer

As of the date of approval of these Procedures, the Comptroller is the Compliance Officer with respect to existing Continuing Disclosure Undertakings, and the Comptroller shall be the Compliance Officer with regard to any Continuing Disclosure Undertakings entered into by the City subsequent to the date of approval of these Procedures.

If the position of Comptroller is vacant, no other official has the authority to act in the Comptroller's stead as determined in accordance with "Rules of Construction" above, and the duties of the Compliance Officer have not been delegated to another official or employee of the City in accordance with these Procedures, the Senior Accountant shall serve as the default Compliance Officer. In the event the positions of both the Comptroller and the Senior Accountant are vacant and no other officials or employees have the authority to act in such titled City representatives' stead as determined in accordance with "Rules of Construction" above, and the duties of the Compliance Officer have not been delegated to another official or employee of the City in accordance with these Procedures, the City Administrator shall be responsible for determining which City official or employee shall serve as the default Compliance Officer. In the event the positions of the City Administrator, the Comptroller and the Senior Accountant are vacant and no other officials or employees have the authority to act in such titled City representatives' stead as determined in accordance with "Rules of Construction" above, and the duties of Compliance Officer have not been delegated to another official or employee of the City in accordance with these Procedures, the Mayor and City Council shall be responsible for determining which City official or employee shall serve as the default Compliance Officer. In any of the scenarios described in this paragraph, upon the appointment of a new Comptroller, the duties of the Compliance Officer shall be transitioned to such newly appointed Comptroller unless any other official or employee of the City has been designated as the Comptroller in accordance with the succeeding paragraph.

Notwithstanding the foregoing, the City Administrator and the Comptroller may collectively determine from time to time that the duties of the Compliance Officer provided for in these Procedures should be delegated to some official or employee of the City other than the Comptroller. Any such delegation shall be made in writing and shall be maintained in the records of the City Administrator, the Finance Department and with the City Clerk. If the position of the City official or employee who is designated as the Compliance Officer becomes vacant and no other officials or employees have the authority to act in such official's or employee's stead in accordance with the "Rules of Construction" above, the default Compliance Officer shall be determined in accordance the preceding paragraph, with the Comptroller being the first default Compliance Officer. Once a new person assumes the vacant position to which the duties of the Compliance Officer were previously delegated, the duties of the Compliance Officer shall be transitioned to such newly appointed or employed official or employee.

Any default or designated Compliance Officer shall promptly review these Procedures to ensure that appropriate ticklers/reminders provided for herein are modified accordingly and all such ticklers/reminders (other than any of those provided through EMMA if the same will not accommodate multiple recipients) and notification of any filings made on EMMA shall be provided to the default or designated Compliance Officer simultaneously in addition to the other City officials and employees identified in these Procedures.

Maintenance of Lists and Files

The Compliance Officer shall maintain (i) a current list for each fiscal year identifying each issue of Obligations that is subject to a Continuing Disclosure Undertaking, including the CUSIP numbers for such Obligations, any rating agency or agencies maintaining a rating on such Obligations (including any rating agency that assigned a rating to such Obligations due to credit enhancement such as a letter of credit or a municipal bond insurance policy), and the identification of any provider of credit enhancement applicable to all or a part of such Obligations, and (ii) copies of the related Continuing Disclosure Undertakings. The 2008 Bonds and the 2009 Bonds are insured by separate financial guaranty insurance policies issued by Assured Guaranty Corp.

Annual Financial Statements

Annual audited financial statements of the City are required to be filed no later than the submission date established under each Continuing Disclosure Undertaking—generally no later than 275 days after the close of each fiscal year of the City (as such fiscal year may be changed—as of the date of approval of these Procedures each fiscal year ends on June 30). The Compliance Officer shall be knowledgeable and familiar with the specific timing requirements for filing annual audited financial statements and, if not available by the date(s) required, the provisions of each Continuing Disclosure Undertaking regarding the filing of unaudited annual financial statements (and the prompt filing when available of audited annual financial statements). The annual financial statement filing requirements are generally found in Section 3 of the Continuing Disclosure Undertakings.

Annual Financial Information and Operating Data Filing Requirements

The Compliance Officer shall be knowledgeable and familiar with the provisions of each Continuing Disclosure Undertaking as to the type, format and content of the financial information and operating data required to be filed annually with EMMA and the timing requirements for each such filing. Generally, the Continuing Disclosure Undertakings provide or are expected to provide for submission dates of no later than 275 days after the close of each fiscal year of the City (as such fiscal year may be changed. Any annual financial information and operating data filing requirements are generally found in Section 3 of the Continuing Disclosure Undertakings.

Provided that time permits, before making any annual financial information and operating data filing required under a Continuing Disclosure Undertaking, the Compliance Officer shall first have the City Administrator, the Comptroller (if the Compliance Officer is not the Comptroller), Bond Counsel or the Financial Advisor review such proposed filing.

For some obligated persons, particularly those that prepare comprehensive audited financial reports ("CAFRs"), the annual financial information and operating data required by a Continuing Disclosure Undertaking is frequently included in an obligated person's CAFRs. For an obligated person that does not prepare a CAFR, the obligated person may need to prepare one or more separate documents to be filed on EMMA in order to meet all of its specified annual financial information and operating data filing obligations. To date, the City has been preparing supplemental annual financial information and operating data to be posted on EMMA separate and apart from its CAFR, even though some of such annual financial information and operating data may also be contained in the City's CAFRs. Under the City's existing Continuing Disclosure Undertakings, the specified annual financial information and operating data required to be posted on EMMA corresponds to specific charts or tables in the Official Statements for such bond issues. In preparing each annual financial information and operating data filing, the Compliance Officer should determine whether narrative explanations should be included with the updated charts and tables in order to present an accurate picture of the provided information.

Notice of Failures to File Annual Filings

The Compliance Officer shall be knowledgeable and familiar with the specific requirements under each Continuing Disclosure Undertaking of the requirement to promptly file on EMMA notice of a failure to file any annual financial statements or annual financial information and operating data. Such notice obligations are generally found in Section 3 of the Continuing Disclosure Undertakings.

Use of Tickler System for Annual Filing Reminders

The Compliance Officer shall maintain an electronic tickler system to provide reminders of the City's annual filing obligations under each Continuing Disclosure Undertaking. Such tickler system shall provide prompts in sufficient time to ensure timely preparation and filing of the required annual financial statements and annual financial information and operating data, or notice of failure to timely file the same. As a means to ensure compliance and provide redundancy in the event of the absence of the Compliance Officer, such tickler system shall also provide for electronic prompts to be given to the City Administrator, the Comptroller (if the Comptroller is no longer the Compliance Officer), the Senior Accountant and any other officials or employees specified by the City Administrator or the Comptroller (any such specification shall be made in writing and filed (including by electronic means) with the City Administrator, the Comptroller, the Senior Accountant and the City Clerk). As of the date of approval of these Procedures, obligated persons may sign up for prompts through EMMA and the Compliance Officer may arrange for prompts to be given through EMMA (whether to just the Compliance

Officer or to the Compliance Officer and others depending on the capabilities of the EMMA tickler system).

Notification of Annual Filings/Notices Made

Upon making each required annual financial statement and annual financial information and operating data filing through EMMA, and any filing of a notice concerning a failure to timely make such a filing, the Compliance Officer shall notify (through e-mail or other appropriate written means) the City Administrator, the Comptroller (if the Comptroller is no longer the Compliance Officer), the Senior Accountant and any other officials or employees specified by the City Administrator or the Comptroller (any such specification shall be made in writing and filed (including by electronic means) with the City Administrator, the Comptroller, the Senior Accountant and the City Clerk) that such filing has been made. Note: the annual information required by Section 3 of each Continuing Disclosure Undertaking does not all need to be filed on the same day on EMMA; such information may be posted to EMMA as it becomes available.

Listed Events

The Rule requires filing of a notice with EMMA upon the occurrence of certain listed events described in each Continuing Disclosure Undertaking. The listed events are generally found in Section 4 of the Continuing Disclosure Undertakings.

The Rule was amended in 2010 to expand the types of listed events the occurrence of which must or may be required to be reported, and the Rule may be further amended in the future to expand, contract or modify the types of, and standards for reporting, various listed events (generally, Rule amendments are effective only prospectively). Accordingly, over time the City may be subject to multiple Continuing Disclosure Undertakings that have different reporting standards for listed events. Certain listed events are required to be disclosed only if a materiality standard is met; other listed events are required to be disclosed without regard to a materiality standard. The Compliance Officer shall be knowledgeable and familiar with the types of, and standards for reporting, the events listed in the various Continuing Disclosure Undertakings.

The listed events most likely to occur with respect to the City's Obligations that are general obligation bonds relate to ratings changes, bond redemptions and defeasances. Under the Rule, ratings changes apply not only to an obligated person's "underlying" rating but also to any rating change based on credit enhancement (including a municipal bond insurance policy or letter of credit) issued with respect to an issue of Obligations, including, with respect to the 2008 Bonds and the 2009 Bonds, ratings changes with regard to Assured Guaranty Corp. With regard to any revenue Obligations subject to the Rule for which the City is an obligated person within the meaning of the Rule, other of the listed events may be applicable to such issues.

Provided that time permits, before filing notice of a listed event on EMMA, the Compliance Officer will make a good faith attempt to have the City Administrator, the Comptroller (if the Comptroller is not the Compliance Officer), the Senior Accountant, Bond Counsel or the Financial Advisor review the proposed filing.

The EMMA system also allows for obligated persons to post notice of their failure to timely file notices of the occurrence of listed events. With regard to any failure to timely file notice of the occurrence of a listed event, the Compliance Officer shall determine whether it is appropriate or required that notice of any such failure be posted on EMMA.

Ticklers/Reminders as to Listed Events

1. To the extent an obligated person may sign up with any of the rating agencies maintaining ratings of any Obligations or of providers of credit enhancement for any of the Obligations to receive electronic notice of rating changes with respect to the obligated person's municipal securities or providers of credit enhancement on a no-cost basis, the Compliance Officer will take advantage of such electronic notification service.

2. The Compliance Officer shall maintain an electronic tickler system that will prompt the Compliance Officer to consider on an at least monthly basis whether any listed event under the Continuing Disclosure Undertakings has occurred that may need to be reported. As a means to ensure compliance and provide redundancy in the event of the absence of the Compliance Officer, such tickler system shall also provide for electronic prompts to be given to the City Administrator, the Comptroller (if the Compliance Officer is not the Comptroller), the Senior Accountant and any other officials or employees specified by the City Administrator or the Comptroller (any such specification shall be made in writing and filed (including by electronic means) with the City Administrator, the Comptroller, the Senior Accountant and the City Clerk).

Notification of Listed Event Filings Made

Upon filing notice of the occurrence of a listed event through EMMA, the Compliance Officer shall notify (through e-mail or other appropriate means) the City Administrator, the Comptroller (if the Comptroller is not the Compliance Officer), the Senior Accountant and any other officials or employees specified by the City Administrator or the Comptroller (any such specification shall be made in writing and filed (including by electronic means) with the City Administrator, the Comptroller, the Senior Accountant and the City Clerk) that such filing has been made.

Actions Upon an Issuance of Obligations

Promptly following closing on an issue of Obligations, the Compliance Officer shall review these Procedures and make additions to the lists and files provided for herein and set up

or adjust any tickler reminders that relate specifically to an issue of Obligations or generally to compliance with these Procedures. (Promptly following approval of these Procedures, the Compliance Officer shall also undertake such activities, to the extent not already complied with, with regard to any existing Continuing Disclosure Undertaking.)

To the extent a particular issue of Obligations provides for a redemption, defeasance or other event that could mature into a listed event, and the applicable documents entered into by the City in connection with such issue delegate to a trustee, bond registrar and paying agent or escrow deposit agent responsibility to make any filing on EMMA on the City's behalf in connection therewith (e.g., pursuant to the provisions of an escrow deposit agreement), the Compliance Officer shall add such listed event to the tickler system to make sure notice of the event is timely filed by such third party.

Use of Other City Personnel

In performing the obligations set forth in these Procedures, the Compliance Officer shall be entitled to consult with other appropriate City personnel and to utilize the services of appropriate City personnel to prepare any required postings or to effect such postings, but the Compliance Officer shall remain primarily responsible for the content of such postings and performing the obligations set forth in these Procedures.

Consulting with Others

In performing the obligations provided for in these Procedures, the Compliance Officer shall be entitled to consult with counsel to the City (including Bond Counsel), the Financial Advisor and/or the City's auditors. The Compliance Officer may utilize the services of counsel to the City (including Bond Counsel), the Financial Advisor and/or the City's auditors to prepare any required postings or to effect such postings, or to confirm the City's compliance with its Continuing Disclosure Undertakings, but the Compliance Officer shall remain primarily responsible for the content of such postings and performing the obligations set forth in these Procedures.

Job Description

To the extent the City maintains written job descriptions for any officials or employees who have responsibilities under or are impacted by these Procedures, the appropriate officials of the City shall endeavor to add compliance or familiarity with these Procedures, as applicable, to such written job descriptions, and to modify the same accordingly to reflect any delegations provided for in these Procedures.

Use of EMMA

The Compliance Officer shall be knowledgeable and familiar with the process for making postings and filings on EMMA, and shall train other City officials and employees as to the process for posting filings on EMMA. The Compliance Officer or other appropriate City official or employee may take any necessary actions to allow others such as other appropriate City officials or employees, Bond Counsel, the Financial Advisor, or any trustee, bond registrar and paying agent or escrow agent to make postings and filings on EMMA on the City's behalf in appropriate circumstances. As of the date of approval of these Procedures, the Comptroller has created a master City account on EMMA that allows the Comptroller, the Senior Accountant and the City Clerk to post filings on EMMA on the City's behalf. The City has also taken the necessary steps to authorize Funk & Bolton, P.A. to make postings on EMMA on the City's behalf.

As of the date of approval of these Procedures, all postings on EMMA must be in word searchable PDF format. As long as such requirement remains in effect, the City may need to convert Word, Excel or PDF documents containing information to be posted on EMMA to word searchable format, and, with regard to audited financial statements that are electronically signed by the auditor, may need to ask the City's auditor to provide the same in word searchable PDF format in which any electronic signatures will be not be deleted when the financial statements are posted to EMMA.

The EMMA system requires that postings for particular municipal securities be made by CUSIP number. Each issue of municipal securities has a 6-digit base CUSIP number and each maturity of an issue has a unique 9-digit CUSIP number composed of the 6-digit base CUSIP number and 3 unique identifying numbers. (Different issues of municipal securities may have the same 6-digit base CUSIP number. For example, the 2008 Bonds and the 2013 Bonds share the same 6-digit base CUSIP number; the 2009 Bonds have a separate 6-digit base CUSIP number.) In filing postings on EMMA, the person undertaking such filings shall check to make sure that a posting is made with respect to all applicable CUSIP numbers. Typically a person can search for a particular municipal securities issue on EMMA by the issue designation or the base CUSIP number and all CUSIP numbers for such issue should be linked to the designated issue. As of June 13, 2016, that was not the case for the 2009 Bonds—a search by issue designation brought up only 5 of the 11 maturities for such issue by CUSIP number and a search by baes CUSIP number did not bring up all 11 maturities. (Searches may be made by individual 9-digit CUSIP numbers.) The EMMA system allows people making postings to input and create posting groups by CUSIP numbers.

Training

When attending seminars or conferences that provide training or updates on continuing disclosure compliance under the Rule, the Compliance Officer and other appropriate City officials and employees shall endeavor to take advantage of such training.

At least annually the Compliance Officer shall review the EMMA website to determine if training materials are available and take advantage of the same to the extent they would supplement the Compliance Officer's knowledge and efforts under these Procedures.

Postings

After making any postings or filings on EMMA, the Compliance Officer shall review the same for accuracy and to determine whether a particular posting or filing covers all the affected CUSIP numbers of outstanding Obligations.

To the extent an agreement with a trustee, bond registrar and paying agent or escrow deposit agent provides for such third party to make any filings on EMMA on behalf of the City (e.g., redemption notices, notices of defeasance or notice of a change in trustee), the Compliance Officer shall timely review EMMA to make sure such notice is timely filed by such third party.

Records Retention

The Compliance Officer shall maintain electronic and, to the extent not in violation of applicable City record retention policy, hard copy, records of all filings made on EMMA, including, but not limited to, EMMA posting receipts showing the dates and nature or contents of filings made. The Compliance Officer shall maintain other appropriate evidence (which may include written notes) of compliance with the provisions of these Procedures.

Periodic Review

At least annually, the City Administrator, the Comptroller (if the Comptroller is no longer the Compliance Officer) and the Compliance Officer shall review these Procedures to determine whether any modifications or delegations hereunder are warranted. The Compliance Officer shall maintain an electronic tickler system to provide reminders of such periodic review.

Scope of Procedures

As provided by the definition of Obligations, these Procedures apply only to "obligations" covered by the Rule for which the City is an "obligated person" within the meaning of the Rule. These Procedures are not intended to apply to "obligations" covered by the Rule for which the City is an issuer but not an "obligated person" (e.g. conduit revenue bonds issued by the City).

Notwithstanding the foregoing provisions of these Procedures, if as an "obligated person" the City is required to make only certain annual filings or listed event notice filings in accordance with the Rule and the applicable Continuing Disclosure Undertaking, these Procedures shall be construed to apply only to those reporting obligations for which the City has assumed responsibility in the applicable Continuing Disclosure Undertaking.

In the event any City official or employee complies with these Procedures in a particular instance due to the absence or disability of the Compliance Officer, such City official or employee shall use his or her best efforts to undertake the same duties delegated to the Compliance Officer under these Procedures that are applicable in such instance (e.g., to provide notification of any filings made in accordance with these Procedures and to facilitate record retention with respect to the same).

Liberal Construction

These Procedures shall be liberally construed in order to effectuate and facilitate compliance by the City with its Continuing Disclosure Undertakings and applicable provisions of the Rule.

[CONTINUED ON FOLLOWING PAGE]

The foregoing Procedures are approved on behalf of Mayor and City Council of Cumberland as of the _____ day of _____, 2016.

APPROVED:

_____ _____

Brian K. Grim, Mayor Jeffrey D. Rhodes, City Administrator

_____

Kenneth R. Tressler, Comptroller

Note: Copies of approved Procedures should be provided to:

City Administrator
Comptroller
Senior Accountant
City Clerk
Bond Counsel
Financial Advisor

Regular Council Agenda
July 5, 2016

Description

Resolution approving the form and execution of written post-issuance continuing disclosure undertaking compliance procedures

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

City of Cumberland

- Maryland -

RESOLUTION

NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND APPROVING THE APPLICATION AND RECEIPT OF FINANCING FOR COMMUNITY LEGACY PROJECT(S) (THE "PROJECT") FURTHER DESCRIBED IN THE COMMUNITY LEGACY APPLICATION ("THE APPLICATION"), TO BE FINANCED EITHER DIRECTLY BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (THE "DEPARTMENT") OF THE STATE OF MARYLAND OR THROUGH OTHER DEPARTMENTS OR AGENCIES OF THE STATE OF MARYLAND.

WHEREAS, the Mayor and City Council of Cumberland, Maryland recognizes that there is a significant need for reinvestment and revitalization of the communities in Allegany County; and,

WHEREAS, the Department, either through Community Legacy or through other Programs of the Department, or in cooperation with other State departments or agencies, may provide some or all of the financing for the Project (the "Project Financing") in order to assist in making it financially feasible; and

WHEREAS, the Project is located within a priority funding area under Section 5-7B-02 of the Smart Growth Act and the Project will conform to the local zoning code; and

WHEREAS, the applicable law and regulations require approval of the Community Legacy Project and the Project Financing by the Mayor and City Council of Cumberland, Maryland and, where appropriate, by the chief elected executive official of the local subdivision;

NOW, THEREFORE BE IT RESOLVED THAT, the Mayor and City Council of Cumberland, Maryland hereby endorses the Project; and, HEREBY approves the request for financial assistance in the form of a grant or loan, up to the amount of $405,000; and

BE IT FURTHER RESOLVED THAT, the chief elected executive official be, and is hereby requested to endorse this Resolution, thereby indicating his approval thereof; and,

BE IT FURTHER RESOLVED THAT, the City Administrator is hereby authorized to execute documents and take any action necessary to carry out the intent of these resolutions; and,

BE IT FURTHER RESOLVED THAT, copies of this Resolution are sent to the Secretary of the Department of Housing and Community Development of the State of Maryland.

GIVEN UNDER OUR HANDS AND SEALS THIS 5TH DAY OF JULY, 2016,
WITH THE CORPORATE SEAL OF THE CITY OF CUMBERLAND HERETO ATTACHED,
DULY ATTESTED BY THE CITY CLERK

Attest:

Mayor and City Council
Of Cumberland

_____

Marjorie A. Woodring
City Clerk

_____

Brian K. Grim
Mayor

Regular Council Agenda
July 5, 2016

Description

Resolution approving the application and receipt of funding for 2016 Community Legacy Projects in the amount of $405,000 from the MD Department of Housing and Community Development

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

City of Cumberland

- Maryland -

RESOLUTION

No. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND APPROVING THE YMCA OF CUMBERLAND, MD, INC.'S YOUNG ADULT CENTER PROJECT AND SUPPORTING THE YMCA'S APPLICATION FOR FUNDING TO THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S COMMUNITY INVESTMENT TAX CREDIT PROGRAM

WHEREAS, the Young Men's Christian Association (YMCA) of Cumberland, MD, Inc., a non-profit organization, proposes to create and staff the YMCA Young Adult Center; and

WHEREAS, the YMCA Young Adult Center provides a drop-in resource center designed to support young people, ages 16-25, who are struggling to achieve a path of success; and

WHEREAS, the YMCA Young Adult Center's goals are to provide a safe place where young adults are able to talk with YMCA staff and other young adults about immediate needs and reconnecting young adults with the education, work, and social support needed to reach their full potential; and

WHEREAS, the Young Men's Christian Association (YMCA) of Cumberland, MD, Inc. has applied to the Department of Housing and Community Development of the State of Maryland's Community Investment Tax Credit Program for approval of the project and an allocation of tax credits for business entities and individuals that contribute to the Project.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of Cumberland do hereby express approval of the Project as described above and do further support the Young Men's Christian Association of Cumberland, MD's application for said Project to the State of Maryland.

Given under our Hands and Seals this 5th day of July, 2016, with the Corporate Seal of the City of Cumberland hereto attached, duly attested by the City Clerk.

Attest:

Mayor and City Council
Of Cumberland

_____

Marjorie A. Woodring
City Clerk

_____

Brian K. Grim
Mayor

Regular Council Agenda
July 5, 2016

Description

Resolution supporting the YMCA's application to the Maryland Community Investment Tax Credit Program for funding support for the YMCA Young Adult Center

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

- ORDER -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _____ **DATE:** __July 5, 2016 _

ORDERED, By the Mayor and City Council of Cumberland, Maryland

THAT, the sole source proposal of System Integration Technologies, Inc., P.O. Box 72, Walkerton, VA 23177, to provide programming and hardware upgrades to CSO and Water Filtration Plant sites be and is hereby accepted in the amount not to exceed Twenty-four Thousand, Five Hundred Forty-one Dollars and Seventy-three Cents ($24,541.73).

_____

Mayor Brian K. Grim

Funds:

Regular Council Agenda
July 5, 2016

Description

Order accepting the sole source proposal of System Integration Technologies, Inc. to provide programming and hardware upgrades to Combined Sewer Overflow (CSO) and Water Filtration Plant (WFP) sites for the not-to-exceed amount of $24,541.73

Approval, Acceptance / Recommendation

It is the Water Filtration Department's recommendation to accept the sole source proposal of System Integration Technology (SIT) because of SIT's familiarity with the Water / Wastewater SCADA system and the specialized work involved in the repairs.

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

$24,541.73

Source of Funding (if applicable)

Unknown source at this time, to be given by City Comptroller

- Order -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _____ **DATE:** __July 5, 2016__

ORDERED, By the Mayor and City Council of Cumberland, Maryland

THAT the Chief of Police be and is hereby authorized to accept a GOCCP Grant for FY17 entitled "New Body Armor" in the amount of Two Thousand, One Hundred Seventy-five Dollars and No Cents ($2,175.00) for the period 07/01/2016 – 06/30/2017, requiring 50% matching funds from the City, for the replacement of outdated body armor vests.

_____

Brian K. Grim, Mayor

Funds: $1087.50 matching funds
Budget: 001.040.53100

Grant: BARM-2017-0013

GOVERNOR'S OFFICE OF CRIME CONTROL & PREVENTION

300 E. Joppa Road, Suite 1105
Baltimore, Maryland 21286-3016
410-821-2828 / Toll-free: 1-877-687-9004
Fax: 410-321-3116
dlinfo_goccp@maryland.gov
goccp.maryland.gov

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

V. Glenn Fueston, Jr.
Executive Director

June 21, 2016

Lieutenant Chuck Ternent
Accreditation Manager
Cumberland Police Department
20 Bedford Street
Cumberland, MD 21502

RE: BARM-2017-0013

Dear Lieutenant Ternent:

I am pleased to inform you that your grant application entitled, **"New Body Armor"**, in the amount of $2,175.00 has received approval under the 'Body Armor for Local Law Enforcement' program. Charles H Hinnant has received the Grant Award packet containing information and forms necessary to initiate the project.

Enclosed are the project commencement, special conditions, programmatic forms, and budget notice. The General Conditions for all GOCCP awards are located online, at http://www.goccp.maryland.gov/grants/general-conditions.php. A copy of the Grant Award letter is also included.

It is essential, as the Project Director, that you submit the **Notification of Project Commencement** to indicate the starting date of your project **within 30 calendar days** after receiving your grant award packet. **No Financial Forms can or will be processed** unless the Notification of Project Commencement has been signed and received. **Copies and faxes are not acceptable.**

Please be sure to review the Grant Award. As the Project Director you are responsible for the operation, administration, and the completion of the forms necessary to initiate and report project activities and comply with the special conditions. It is important that you understand all the Special Conditions attached to this award, as they are specific to your funding source. One General Condition that must be emphasized is that none of the principal activities of the project may be sub-awarded to another organization without written prior approval by the Governor's Office of Crime Control and Prevention.

Hard copies of your programmatic reporting questions are included with this award package but you are required to complete all reporting electronically, using the GOCCP web-based Grants Management System (GMS, http://www.goccp.maryland.gov/gms). Training videos and a downloadable GMS user's guide are available online at http://www.goccp.maryland.gov/gms-training.

Electronic *Financial reports* must be received within 30 calendar days after the end of each quarter. Revisions are allowed to be submitted up to 60 days after the end date of each quarter. Hard copies of financials, generated by the online software with an original signature in blue ink, also must be mailed to this Office. Electronic *Programmatic reports* must be received within 15 calendar days after the end of each quarter. Hard copies of programmatic reports are not required for this grant.

These revisions are **only** accepted if the initial quarterly report was submitted within the mandatory time frame noted above. Any requests for changes or modification to the project as awarded must be made **in writing**, using the Grant Modification Form, which is also available online. Copies and faxes are not acceptable.

If the purchase of furniture/equipment is part of this grant project and you are a governmental agency, it is required that such purchases are made by competitive bid or through your approved governmental procurement process and that inventory records be maintained.

Should you have any questions or need any clarification regarding this Award, **please have your award number when you call** so that you can be referred to the appropriate Regional Monitor **(Ellen Blonder)** or Fiscal Team Member **(Andrew Galarza)**. This will enable us to provide you with technical assistance and information in a timely manner.

Sincerely,

Linda Brookes

Linda Brookes

Funding Manager

cc: Chief Charles H Hinnant

Governor's Office of Crime Control & Prevention

Control Number: 31986
GOCCP Regional Monitor: Blonder, Ellen
GOCCP Fiscal Specialist: Galarza, Andrew

Notification of Project Commencement

Grant Award Number:	BARM-2017-0013
Sub-recipient:	Cumberland Police Department
Project Title:	New Body Armor
Implementing Agency:	Cumberland Police Department
Award Period:	**07/01/2016 - 06/30/2017**

CFDA: State

The verification section of this form must be completed. Additionally, this form must be signed by the project director and returned to the Governor's Office of Crime Control and Prevention (attention: Control Desk) within thirty (30) calendar days after receiving your grant award packet.

No Requests for Funds will be processed until this Notification of Project Commencement (and, if applicable, Grant Modification Form) has been signed and received. Copies and faxes are not acceptable.

Authorized Official:	Hinnant, Charles H charles.hinnant@cumberlandmd.gov Cumberland Police Department 20 Bedford Street Cumberland, MD 21502-2303 301-759-6475	Chief of Police FAX: 301-759-6544
Project Director:	Ternent, Chuck chuck.ternent@cumberlandmd.gov Cumberland Police Department 20 Bedford Street Cumberland, MD 21502-2303 301-759-6475	Accreditation Manager FAX: 301-759-6544
Fiscal Officer:	Tressler, Kenneth R. kenneth.tressler@cumberlandmd.gov City of Cumberland City Hall 57 North Liberty Street P.O. Box 1702 Cumberland, MD 21502- 301-759-6406	City Comptroller FAX: 301-759-6497

Award Information Verification - Please initial appropriate selection(s):

_____ All information on this form is correct and project will commence on time. **Project Director signs below.**

_____ The contact information for all the staff on this form is **not** correct. **You must attach a Grant Modification Form** that provides a justification and indicates all changes/revisions.

_____ The project will not commence within forty-five (45) days of the beginning of the award period 07/01/2016. **You must attach a Grant Modification Form.** Grant Modification Form must provide justification and indicate all changes.

Signed: [signature] **Date:** 6/27/16

Project Director - Ternent, Chuck (Project Director is Preferred, Fiscal Contact or Authorized Official if Project Director is unavailable)

Printed Name: TERNENT **Phone:** 301-759-6475

Governor's Office of Crime Control & Prevention

GOCCP Regional Monitor: Blonder, Ellen
GOCCP Fiscal Specialist: Galarza, Andrew

Grant Award - Special Conditions

Grant Award Number:	BARM-2017-0013	**Sub-Recipient:**	Cumberland Police Department
Award Period:	07/01/2016 - 06/30/2017	**Implementing Agency:**	Cumberland Police Department
Project Title:	New Body Armor		

1 Sub-recipient must revise and submit a detailed spending plan to include projected quarterly draw downs, within 30 calendar days of acceptance of the grant award.

2 Sub-recipient must revise and submit a detailed budget justification for each line item, to include matching funds as appropriate, within 30 calendar days of acceptance of the grant award.

3 Sub-recipient must provide detailed information on the selected vendor, when the vests will be ordered, and when delivery is expected, within 30 calendar days of acceptance of the grant award.

4 The 50% cash match must reflect for every vest that is purchased with grant funds.

5 FINAL quarterly programmatic and financial reports for this award must be submitted no later than 30 calendar days from the End Date of the sub-award and must be signed in BLUE INK.

Financial reports received after this date may not be honored and the Governor's Office of Crime Control & Prevention reserves the right to perform an administrative close out, de-obligating all remaining funds.

FINAL quarterly programmatic reports for this award indicating progress towards the attainment of each program/project objective must be submitted by the 15th. Financial reports submitted with Programmatic reports cannot be processed for payment unless programmatic reports are in "Submitted" status online.

6 The sub-recipient is reminded that this award represents the ONLY year of funding for this project.

7 Receipts and/or back-up documentation reflecting actual expenditures must be submitted with each quarterly Financial Report form. Reimbursements to sub-recipients will not exceed actual costs.

Governor's Office of Crime Control & Prevention

GOCCP Regional Monitor: Blonder, Ellen
GOCCP Fiscal Specialist: Galarza, Andrew

Budget Notice

Grant Award Number: BARM-2017-0013
Sub-recipient: Cumberland Police Department
Project Title: New Body Armor
Implementing Agency: Cumberland Police Department
Award Period: **07/01/2016 - 06/30/2017**

CFDA: State

Funding Summary			
	Grant Funds	50.0 %	**$2,175.00**
	Cash Match	50.0 %	**$2,175.00**
	In-Kind Match	0.0 %	**$0.00**
	Total Project Funds		**$4,350.00**

Equipment

Description	Funding	Quantity	Unit Cost	Total Budget
Body Armor	Cash Match	3	$725.00	$2,175.00
Body Armor	Grant Funds	3	$725.00	$2,175.00
			Equipment Total:	$4,350.00

Approved: Zina Weemo

GOCCP Authorized Representative

Effective Date: 7/1/2016

BARM-2017-0013

Governor's Office of Crime Control & Prevention

31986

GOCCP Regional Monitor: Blonder, Ellen

GOCCP Fiscal Specialist: Galarza, Andrew

Grant Modification Form

Grant Award Number: BARM-2017-0013
Sub-recipient: Cumberland Police Department
Project Title: New Body Armor
Implementing Agency: Cumberland Police Department
Award Period: **07/01/2016 - 06/30/2017**

CFDA: State

Budget Modifications Requested:

	Current Budget		Changes Requested		Proposed Budget	
Category	**Grant Funds**	**Match (Cash/In Kind)**	**Grant Funds**	**Match (Cash/In-Kind)**	**Grant Funds**	**Match (Cash/In-Kind)**
Equipment	$2,175.00	$2,175.00				
Total	$2,175.00	$2,175.00				

Other Changes:

Project Director: Ternent, Chuck

Fiscal Officer: Tressler, Kenneth R.

Project Dates: 07/01/2016 - 06/30/2017

Revisions:

_____

_____

_____/_____/_____ to _____/_____/_____

Justification:

(If needed, attach additional typed pages)

Approval Box - GOCCP Use Only
Initial Below

Monitor _____ Manager _____

Chief _____ Deputy Director (if applicable) _____

Signed: _____ **Date:** _____

Project Director - Ternent, Chuck

(Project Director is preferred, Fiscal Contact or Authorized Official if Project Director is unavailable)

Email: _____ **Phone:** _____ **FAX:** _____

Regular Council Agenda
July 5, 2016

Description

Order authorizing the Chief of Police to accept a GOCCP New Body Armor Grant for FY17 in the amount of $2,175 requiring 50% match money from the City for the replacement of outdated body armor vests

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

50% matching funds from City
Budget: 001.040.53100

- Order -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _____ **DATE:** __July 5, 2016__

ORDERED, By the Mayor and City Council of Cumberland, Maryland

THAT the Chief of Police be and is hereby authorized to accept a GOCCP Gun Violence Reduction Grant entitled "Gun Violence Reduction Initiative" for FY17 in the amount of Four Thousand Dollars and No Cents ($4,000.00) for the period 7/1/16 – 6/30/17 to provide overtime support, gun related investigations, and specialized gun interdiction patrols to assist in the execution of search warrants to proactively combat street-level violent crime.

_____

Brian K. Grim, Mayor

Grant: GVRG-2017-1906

GOVERNOR'S OFFICE OF CRIME CONTROL & PREVENTION

300 E. Joppa Road, Suite 1105
Baltimore, Maryland 21286-3016
410-821-2828 / Toll-free: 1-877-687-9004
Fax: 410-321-3116
dlinfo_goccp@maryland.gov
goccp.maryland.gov

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

V. Glenn Fueston, Jr.
Executive Director

June 27, 2016

Lieutenant Chuck Ternent
Accreditation Manager
Cumberland Police Department
20 Bedford Street
Cumberland, MD 21502

RE: GVRG-2017-1906

Dear Lieutenant Ternent:

I am pleased to inform you that your grant application entitled, **"Gun Violence Reduction Initiative"**, in the amount of $4,000.00 has received approval under the 'STOP Gun Violence Reduction Grant - Cease Fire Council' program. Charles H Hinnant has received the Grant Award packet containing information and forms necessary to initiate the project.

Enclosed are the project commencement, special conditions, programmatic forms, and budget notice. The General Conditions for all GOCCP awards are located online, at http://www.goccp.maryland.gov/grants/general-conditions.php. A copy of the Grant Award letter is also included.

It is essential, as the Project Director, that you submit the **Notification of Project Commencement** to indicate the starting date of your project **within 30 calendar days** after receiving your grant award packet. **No Financial Forms can or will be processed** unless the Notification of Project Commencement has been signed and received. **Copies and faxes are not acceptable.**

Please be sure to review the Grant Award. As the Project Director you are responsible for the operation, administration, and the completion of the forms necessary to initiate and report project activities and comply with the special conditions. It is important that you understand all the Special Conditions attached to this award, as they are specific to your funding source. One General Condition that must be emphasized is that none of the principal activities of the project may be sub-awarded to another organization without written prior approval by the Governor's Office of Crime Control and Prevention.

Hard copies of your programmatic reporting questions are included with this award package but you are required to complete all reporting electronically, using the GOCCP web-based Grants Management System (GMS, http://www.goccp.maryland.gov/gms). Training videos and a downloadable GMS user's guide are available online at http://www.goccp.maryland.gov/gms-training.

Electronic *Financial reports* must be received within 30 calendar days after the end of each quarter. Revisions are allowed to be submitted up to 60 days after the end date of each quarter. Hard copies of financials, generated by the online software with an original signature in blue ink, also must be mailed to this Office. Electronic *Programmatic reports* must be received within 15 calendar days after the end of each quarter. Hard copies of programmatic reports are not required for this grant.

These revisions are **only** accepted if the initial quarterly report was submitted within the mandatory time frame noted above. Any requests for changes or modification to the project as awarded must be made **in writing**, using the Grant Modification Form, which is also available online. Copies and faxes are not acceptable.

If the purchase of furniture/equipment is part of this grant project and you are a governmental agency, it is required that such purchases are made by competitive bid or through your approved governmental procurement process and that inventory records be maintained.

Should you have any questions or need any clarification regarding this Award, **please have your award number when you call** so that you can be referred to the appropriate Regional Monitor **(Ellen Blonder)** or Fiscal Team Member **(Tiffany Maclin)**. This will enable us to provide you with technical assistance and information in a timely manner.

Sincerely,

Danielle Whitestone

Danielle Whitestone

Funding Manager

cc: Chief Charles H Hinnant

Governor's Office of Crime Control & Prevention

Control Number: 31973
GOCCP Regional Monitor: Blonder, Ellen
GOCCP Fiscal Specialist: Maclin, Tiffany

Notification of Project Commencement

Grant Award Number: GVRG-2017-1906
Sub-recipient: Cumberland Police Department
Project Title: Gun Violence Reduction Initiative
Implementing Agency: Cumberland Police Department
Award Period: **07/01/2016 - 06/30/2017**

CFDA: State

The verification section of this form must be completed. Additionally, this form must be signed by the project director and returned to the Governor's Office of Crime Control and Prevention (attention: Control Desk) within thirty (30) calendar days after receiving your grant award packet.

No Requests for Funds will be processed until this Notification of Project Commencement (and, if applicable, Grant Modification Form) has been signed and received. Copies and faxes are not acceptable.

Authorized Official:	Hinnant, Charles H charles.hinnant@cumberlandmd.gov Cumberland Police Department 20 Bedford Street Cumberland, MD 21502-2303 301-759-6475	Chief of Police FAX: 301-759-6544
Project Director:	Ternent, Chuck chuck.ternent@cumberlandmd.gov Cumberland Police Department 20 Bedford Street Cumberland, MD 21502-2303 301-759-6475	Accreditation Manager FAX: 301-759-6544
Fiscal Officer:	Tressler, Kenneth R. kenneth.tressler@cumberlandmd.gov City of Cumberland City Hall 57 North Liberty Street P.O. Box 1702 Cumberland, MD 21502- 301-759-6406	City Comptroller FAX: 301-759-6497

Award Information Verification - Please initial appropriate selection(s):

_____ All information on this form is correct and project will commence on time. **Project Director signs below.**

_____ The contact information for all the staff on this form is **not** correct. **You must attach a Grant Modification Form** that provides a justification and indicates all changes/revisions.

_____ The project will not commence within forty-five (45) days of the beginning of the award period 07/01/2016. **You must attach a Grant Modification Form.** Grant Modification Form must provide justification and indicate all changes.

Signed: [signature] **Date:** 6/27/16

Project Director - Ternent, Chuck (Project Director is Preferred, Fiscal Contact or Authorized Official if Project Director is unavailable)

Printed Name: TERNENT **Phone:** 301-759-6475

Governor's Office of Crime Control & Prevention

GOCCP Regional Monitor: Blonder, Ellen
GOCCP Fiscal Specialist: Maclin, Tiffany

Grant Award - Special Conditions

Grant Award Number:	GVRG-2017-1906	**Sub-Recipient:**	Cumberland Police Department
Award Period:	07/01/2016 - 06/30/2017	**Implementing Agency:**	Cumberland Police Department
Project Title:	Gun Violence Reduction Initiative		

1 This grant award is subject to the General Conditions (POST AWARD INSTRUCTIONS) found on the GOCCP website (http://www.goccp.maryland.gov/grants/general-conditions.php). The aforementioned General Conditions/Post Award Instructions are REQUIRED to be reviewed, should be printed for your reference and are subject to change without written notice.

In addition, the Grantees Toolbox is provided as a resource on the GOCCP website (http://www.goccp.maryland.gov/grants/grantee-toolbox.php) to address frequently asked questions.

2 Final quarterly programmatic reports indicating progress towards the attainment of each program/project objective must be submitted no later than 15 calendar days from the End Date of the sub-award. Financial reports will not be processed unless Programmatic Reports are in "submitted" status in the GMS.

The FINAL Financial Report must be submitted no later than 30 calendar days from the End Date of this sub-award and must be signed in blue ink.

If the initial 30 calendar day submission is not your actual FINAL report, the sub-recipient must mark "NOT FINAL" in red ink on the initial 30 day report submission.

Submission of a "Not Final" report will require a "Final/Revised" report to be submitted no later than 60 calendar days after the End Date of the sub-award. Revised reports may only be submitted if an initial 30 calendar day report was submitted as required. ALL Final financials must be submitted within the 60 days or GOCCP reserves the right to complete an administrative closeout on this grant award and de-obligate all remaining funds.

Revisions are a manual process that requires hand written corrections on a copy of the previously submitted 30 day report, with the word "FINAL" written in red ink. The corrections must be actual expenditures, not the variance. New signatures and current dates are required in blue ink.

3 Any law enforcement sub-recipient that maintains a SWAT team(s) shall provide a semi-annual report to GOCCP, in the format provided by GOCCP, on: 1) The number of times SWAT teams were deployed; 2) The locations where the SWAT teams were deployed; 3) The reasons for deployments; 4) The legal authority, including the type of warrant, if any, for each deployment; and 5) The result of each deployment, including: number of arrests; whether a forcible entry was made; whether a weapon was discharged by a SWAT team member; and whether a person or domestic animal was injured or killed by a SWAT team member.

4 Any law enforcement sub-recipient shall ensure that the Maryland State Police receive UCR data within 30 days of the close of every quarter.

5 At the request of GOCCP, any law enforcement sub-recipient shall provide a report, in the format provided by GOCCP, which details the number of fingerprint and palm print matches received from DPSCS and the number of associated arrests arising from those matches.

6 As requested, any law enforcement sub-recipient agrees to provide information to GOCCP on any matches, or "hits", between crime scene DNA evidence samples and the DNA profiles of known offenders contained in either the convicted offender or charge DNA databases.

7 Any law enforcement sub-recipient shall provide an annual report, in the format provided by GOCCP, on DNA crime scene evidence samples. DNA crime scene evidence samples are defined as crime scene evidence that has been collected AND submitted to a crime laboratory for DNA analysis.

Governor's Office of Crime Control & Prevention

GOCCP Regional Monitor: Blonder, Ellen
GOCCP Fiscal Specialist: Maclin, Tiffany

Budget Notice

Grant Award Number: GVRG-2017-1906
Sub-recipient: Cumberland Police Department
Project Title: Gun Violence Reduction Initiative
Implementing Agency: Cumberland Police Department
Award Period: **07/01/2016 - 06/30/2017**

CFDA: State

Funding Summary			
	Grant Funds	100.0 %	**$4,000.00**
	Cash Match	0.0 %	**$0.00**
	In-Kind Match	0.0 %	**$0.00**
	Total Project Funds		**$4,000.00**

Personnel

Description of Position	Salary Type	Funding	Total Budget
Officer	Overtime	Grant Funds	$4,000.00
		Personnel Total:	$4,000.00

Approved: Zyna Weemo

GOCCP Authorized Representative

Effective Date: 7/1/2016

GVRG-2017-1906

Governor's Office of Crime Control & Prevention

31973

GOCCP Regional Monitor: Blonder, Ellen

GOCCP Fiscal Specialist: Maclin, Tiffany

Grant Modification Form

Grant Award Number: GVRG-2017-1906
Sub-recipient: Cumberland Police Department
Project Title: Gun Violence Reduction Initiative
Implementing Agency: Cumberland Police Department
Award Period: **07/01/2016 - 06/30/2017**

CFDA: State

Budget Modifications Requested:

	Current Budget		Changes Requested		Proposed Budget	
Category	**Grant Funds**	**Match (Cash/In Kind)**	**Grant Funds**	**Match (Cash/In-Kind)**	**Grant Funds**	**Match (Cash/In-Kind)**
Personnel	$4,000.00	$0.00				
Operating Expenses	$0.00	$0.00				
Travel	$0.00	$0.00				
Contractual Services	$0.00	$0.00				
Equipment	$0.00	$0.00				
Other	$0.00	$0.00				
Total	$4,000.00	$0.00				

Other Changes:

Project Director: Ternent, Chuck

Fiscal Officer: Tressler, Kenneth R.

Project Dates: 07/01/2016 - 06/30/2017

Revisions:

_____

_____

_____/_____/_____ to _____/_____/_____

Justification:

(If needed, attach additional typed pages)

Approval Box - GOCCP Use Only
Initial Below

Monitor _____ Manager _____

Chief _____ Deputy Director (if applicable) _____

Signed: _____ **Date:** _____

Project Director - Ternent, Chuck

(Project Director is preferred, Fiscal Contact or Authorized Official if Project Director is unavailable)

Email: _____ **Phone:** _____ **FAX:** _____

Regular Council Agenda
July 5, 2016

Description

Order authorizing the Chief of Police to accept a GOCCP STOP Gun Violence Reduction Grant titled "Gun Violence Reduction Initiative" for FY17 in the amount of $4,000 to be used for overtime to perform gun-related investigations and specialized gun interdiction patrols and to assist in the execution of search warrants to proactively combat street-level violent crime

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

- ORDER -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _____ **DATE:** __July 05, 2016 _

ORDERED, By the Mayor and City Council of Cumberland, Maryland

THAT, Change Order No. 1 to the sole source proposal of Marshall Ruby & Sons, 20501 Ruby Industrial Road, Frostburg, MD 21532, to provide replacement doors for the Mill Race Pumping Station, be and is hereby approved for the increased amount of Six Thousand, Six Hundred Eighty Dollars and No Cents ($6,680.00); and

BE IT FURTHER ORDERED, that the total revised amount of this proposal be and is hereby an amount not to exceed Fifty-one Thousand, Six Hundred Eighty Dollars and No Cents ($51,680.00).

_____

Mayor Brian K. Grim

Original Proposal	$45,000.00
Change Order No. 1	+ 6,680.00
New Total	$51,680.00

Source of funding: Sanitary Sewers 003.320.63000

Gmail by Google

Margie Woodring <margie.woodring@cumberlandmd.gov>

Something for agenda

1 message

Stephanie Wade <stephanie.wade@cumberlandmd.gov> Wed, Jun 29, 2016 at 11:25 AM
To: Margie Woodring <margie.woodring@cumberlandmd.gov>

Hi there,

Would you kindly put a change order for M&CC# 25931 on the next meeting agenda? I think Dave already talked to you about this. I need an additional $6,680 to pay Marshall Ruby's final invoice. So I'm requesting an increase of $6,680 which will bring the total to $51,680. If you need anything else, let me know.

Thanks so much!

Stephanie

MARSHALL RUBY & SONS

20501 Ruby's Industrial Rd., SW
20501 Rubys Industrial RD, SW
Frostburg, MD 21532

Invoice

Date	Invoice #
5/26/2016	90719

Bill To
City of Cumberland Attn: Finance Department 57 N. Liberty St. Cumberland, MD 21502

P.O. No.	Terms
Tim Murphy	Net 30

Description	Amount
Flood Control: Mill Race Pumping Station Flood Doors: Removed one pair of doors and framing from pumping station; Fabricated one pair of 5' x 13' insulated doors with (1) man door, 30" x 6' x 8" with new framing as needed with locking door handle and (4) interior locking slide bolts; Painted with epoxy paint; Installed units with new rubber weather seals; Fabricated, painted and installed cover plate above doors	16,500.00
V# 180594 PO# 2016-1409 M+CC 45,000 Spent <35,180>
Bal. 9,820 Need 6,680 16,500 Tim Murphy	
Tax Exempt	**Total** $16,500.00

Phone #	Fax #
301-689-9238	301-689-6121

Regular Council Agenda
July 5, 2016

Description

Order authorizing Change Order No. 1 to the sole source proposal from Marshall Ruby & Sons to provide replacement doors for the Mill Race Pump Station for the increased amount of $6,680, bringing the revised total proposal amount to $51,680

Approval, Acceptance / Recommendation

The original sole source proposal from Marshall Ruby & Sons was approved on March 1, 2016 for the amount of $45,000. Emergency repairs had to be made to the Mill Race Pump Station because of damage resulting from attempts at a forced entry into the building. It was determined that additional and unexpected work needed to be done on the pump station building before the doors could be replaced. The additional cost is $6,680, which brings the total project cost to $51,680.

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Original proposal	$ 45,000
Change Order No. 1	+ 6,680
Total	$51,680

Source of Funding (if applicable)

Sanitary Sewers 003.320.63000

City of Cumberland
Department of Police
20 Bedford Street, Cumberland, Maryland 21502
Tel: 301-777-1600 fax: 301-759-6544 cpd@cumberlandmd.gov

Charles H. Hinnant
Chief of Police

June 27, 2016

Honorable Mayor Grim and City Council of Cumberland
57 N. Liberty Street
Cumberland, MD 21502

Mayor and City Council:

The United States Bureau of Justice has recently made a grant award in the amount of $13,663.00 available to the Cumberland Police Department and the Allegany County Sheriff's Office through the Edward Byrne Memorial Justice Assistance Grant Formula Program. The Bureau of Justice makes these allocations based on calculations using uniform crime report statistics and population to determine award amounts. The purpose of this funding is to support local law enforcement programs.

The Cumberland Police plans on using the funding to purchase additional less lethal equipment in the form of tasers or conducted electrical weapons, to be utilized by the Cumberland Police Department and the Allegany County Sheriff's Office.

I would like to invite Mayor Grim and each council member to comment on the above project and give their input. I would also request that the above project be made public and an opportunity to comment be provided to the citizens of Cumberland at a public meeting. If you have any questions or would like to discuss the project please contact Lt. Chuck Ternent at 301-759-6475 or chuck.ternent@cumberlandmd.gov.

Thank you for your consideration.

Lt. Chuck Ternent

Regular Council Agenda
July 5, 2016

Description

Letter from Lt. Chuck Ternent, Cumberland Police Department (CPD), advising of the CPD's intent to use Edward Byrne Memorial Justice Assistant Grant Funds to purchase tasers or conducted electrical weapons for use by the CPD and the Allegany County Sheriff's Office. The public will be offered the opportunity to comment on the proposed use of these funds.

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)