



City Council Order

IN CITY COUNCIL

TITLE: ORDER AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR

WHEREAS, pursuant to Order 119-09052023 (the "Bond Referendum Order"), the City Council submitted a referendum question to the voters of the City of Auburn to see if they would authorize the issuance of the City's general obligation bonds (and notes in anticipation thereof) in the principal amount not to exceed \$45,000,000 to finance a new public safety facility to house the headquarters of the City's Police Department and Fire Department (referred to as the "Public Safety Building Project"); and

WHEREAS, the City Council now desires to supplement the Bond Referendum Order to hold a public hearing with respect to the Public Safety Building Project and the bonds prior to the referendum vote and to establish certain details of the bonds, if approved by the voters;

NOW, THEREFORE, be it hereby ORDERED by the Auburn City Council, following a public hearing duly called and held as required by Section 8.13 of the Auburn City Charter:

THAT subject to and conditioned on an approving vote of the voters of the City pursuant to the Referendum Order and Section 8.13(C)(2) of the City Charter, there is hereby authorized the issuance and sale of the City's general obligation bonds and notes in anticipation thereof in the principal amount not to exceed \$45,000,000, the proceeds of which, including original issue premium and investment earnings thereon, if any, are hereby appropriated to finance the Public Safety Building Project.

Be It Further Ordered by the Auburn City Council:

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to prepare, issue, and sell the City's bonds and notes in the aggregate amount of \$45,000,000, which issuance and sale may be at one time or from time to time as one or more separate bond issues, or consolidated with any other issue of bonds and notes authorized to be issued by the City Council, as term bonds or serial bonds, through a public offering or a private placement, on a competitive or negotiated basis, or some combination of any of the foregoing, all as the Finance Director shall determine to be appropriate in her sole discretion.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to establish, determine and approve the form, dates, maturities (not to exceed the maximum term permitted by law), denominations, interest rates, place of payment, provisions for redemption prior to the stated maturity date(s), with or without a premium, as provided in Title 30-A, §5772(6) of the Maine Revised Statutes, as amended, and all other details of the bonds and notes.

THAT the bonds and notes shall be executed in the name of and on behalf of the City by the City's Finance Director and its Treasurer, either or both of whose signatures may be by facsimile to the extent permitted by law, and shall bear the City seal thereon, attested by its Clerk.

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Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

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Dana Staples, At Large
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THAT in each year the bonds remain outstanding, there shall be levied a tax in an amount that, with other revenues, if any, available for that purpose, shall be sufficient to pay the principal and interest then coming due on the bonds.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to do or cause to be done all such acts and things, including to approve, execute and deliver such contracts, agreements, loan agreements (including but not limited to one or more loan agreements with the Maine Municipal Bond Bank), investment agreements, bond purchase agreements, continuing disclosure agreements, official statements, certificates, tax certificates, instruments, a Letter of Representation or other agreement required to allow the bonds or notes to be issued through the Depository Trust Company Book-Entry Only System, and such other documents (all collectively, the "Bond Documents"), as may be necessary or advisable in order to accomplish the issuance of the bonds and notes and the investment of the proceeds thereof, to maintain the tax-exempt status of such bonds and notes, and, to the extent available under the Internal Revenue Code of 1986, as amended (the "Code"), to designate the bonds and notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code, which Bond Documents may be in such form and contain such terms and provisions including, without limitation, the waiving of the City's sovereign or governmental immunity with respect to the enforceability of any of the forgoing, and such other details as she shall approve, such approval to be conclusively evidenced by the execution thereof.

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the bonds, notes or any Bond Document, the person or persons then acting in any such capacity, whether on an interim or acting or temporary basis, as an assistant, a deputy, or otherwise, is authorized to act for such official, in the name of and on behalf of the City, with the same force and effect as if such official had himself or herself performed such act

THAT if any of the officers or officials of the City who have signed or sealed the bonds or notes shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such bonds or notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such bonds or notes, shall be the proper officers and officials of the City, although at the nominal date of such bonds or notes any such person shall not have been such officer or official.

THAT the City may pay certain costs of the projects prior to the issuance of the bonds and notes (referred to as "original expenditures"); to that end, the City hereby declares its official intent to reimburse itself for such original expenditures from the proceeds of such bonds and notes, and this Order shall constitute the City's declaration of official intent pursuant to Treasury Regulation §1.150-2.

THAT during the term any of the bonds are outstanding, the Finance Director and Treasurer of the City are hereby authorized, in the name of and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to

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determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds, which may be made callable, with or without premium, prior to their stated date(s) of maturity, and to determine the form and manner of their sale and award, which refunding bonds shall be signed in like manner as the bonds.

THAT during the term any of the bonds are outstanding, all authority granted pursuant to this Order shall be, remain, and continue in full force and effect without the necessity of any further action of the City Council.

THAT the referendum question submitted to the voters pursuant to the Referendum Order shall be substantially as set forth therein, but shall be accompanied by the financial statement required pursuant to Title 30-A, §5772(2-A) of the Maine Revised Statutes.

A public notice describing the general purpose of the borrowing and the terms thereof and the times and places where copies of the bond proposal were available for inspection by the public was published on or before October __, 2023, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on October 16, 2023.

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