



ORDER

City Council Order

IN CITY COUNCIL

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

Be It Ordered by the Auburn City Council, following a public hearing duly called and held as required by Article 8, Section 8.13 of the Auburn City Charter, that there be and hereby is authorized the issuance and sale of the City's general obligation bonds and notes in anticipation thereof, on either a taxable or a tax-exempt basis, in the principal amount not to exceed \$7,100,000, the proceeds of which, including original issue premium, if any, and investment earnings thereon, are hereby appropriated to finance the following capital equipment and capital improvements (including costs of issuance for the bonds)(the "Projects"), all constituting part of the City's FY23 Capital Improvement Program:

CAPITAL IMPROVEMENT PLAN FY 23 BONDS

Description		TOTAL
Econ Dev & Planning	Dangerous Building Demolition	\$ 120,000
Econ Dev & Planning	Downtown Parking and Walkability-Grant Match	\$ 148,000
Facilities	Public Safety Facilities Master Plan	\$ 300,000
Facilities	Auburn Hall Lighting LED/Lighting Control conversion	\$ 60,000
City Wide Vehicles	Police Vehicle Replacement	\$ 165,000
Police	Mobile Printers & Fingerprint Readers	\$ 50,000
Engineering	Reclamation	\$ 1,800,000
Engineering	Reconstruction	\$ 1,200,000
Engineering	Major Drainage	\$ 500,000
Engineering	MDOT Match	\$ 1,100,000
Engineering	Resurfacing	\$ 600,000
Engineering	Sidewalks	\$ 100,000
Public Works	Replace 12 yard plow trucks	\$ 520,000
Public Works	Replace Street Sweeper	\$ 265,000
Public Works	Portable Flagging Station w/Trailer	\$ 50,000
Public Works	Replace Tractor (Haul)	\$ 75,000
Administration	Contingency	\$ 47,000
TOTAL BOND CIP		\$ 7,100,000

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THAT the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City, to prepare, issue, and sell the bonds and notes authorized hereby, at one time, or from time to time, as one or more separate issues, and to determine the date, form, minimum denomination, interest rates (as term bonds or serial bonds or some combination thereof), maturities (with the last maturity not to exceed the maximum term permitted by law) and all other details, terms and provisions of such bonds and notes, not inconsistent herewith, including the form and manner of their sale and award as she may approve, such approval to be conclusively evidenced by the execution thereof.

THAT the Finance Director be and hereby is authorized, in the name of and on behalf of the City, to provide that any of the bonds and notes authorized hereby may be made subject to call for redemption, with or without premium, prior to their stated dates of maturity, as provided in 30-A M.R.S.A. §5772(6), as amended.

THAT the Finance Director be and hereby is authorized, in the name of and on behalf of the City, to designate the bond or notes authorized hereby, or a portion thereof, as qualified tax-exempt obligations under and as permitted by Section 265 of the Internal Revenue Code of 1986, as amended.

THAT the bonds and notes authorized hereby shall be signed by the City's Finance Director and its Treasurer, attested by the City Clerk under the seal of the City.

THAT the Finance Director be and hereby is authorized, in the name of and on behalf of the City, to prepare, negotiate, execute, and deliver such contracts, agreements, certificates, instruments and other documents as may be necessary or advisable, as determined and approved by the Finance Director, in connection with the issuance delivery of the bonds and notes authorized hereby, the investment of the proceeds thereof, and the financing of the Projects, including but not limited to a bond purchase agreement, a preliminary official statement and official statement, an escrow agreement, a continuing disclosure agreement, a tax compliance agreement and an investment agreement (the "Bond Documents"), which Bond Documents may be in such form and contain such terms, conditions 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, as may be approved by the Finance Director, such approval to be conclusively evidenced by the execution thereof.

THAT if the bonds or notes authorized hereby, or any part of them, are issued on a tax-exempt basis, the Finance Director be and hereby is authorized and directed, in the name of and on behalf of the City, to covenant and certify that no part of the proceeds of such bonds or notes shall be used directly or indirectly to acquire any securities or obligations or property, the acquisition or use of which would cause the bonds or notes to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended, and to further authorize and provide that the City will file any required reports and take any other action that may be necessary to insure that interest

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on the bonds or notes will remain exempt from federal income taxation, and will refrain from any action that would cause interest on the bonds or notes to be subject to federal income taxation.

THAT if the actual cost of any Project differs from the estimated cost, whether due to completion, delay or abandonment of such Project or for any other reason, the Finance Director is authorized, in the name of and on behalf of the City, in her discretion, to reallocate proceeds of the bonds or notes to any other listed Project, or to any other project or improvement that the City Council has approved or may in the future approve as part of the City's annual capital improvement plan.

THAT in order to finance temporarily the Projects described above, the Finance Director be and hereby is authorized to expend up to \$7,100,000 either from available funds of the City or from the proceeds of bond anticipation notes which would be reimbursed or refinanced from bond proceeds.

THAT to the extent not payable from other funds, an amount sufficient for the payment of the annual payments of principal and interest on the bonds and notes authorized hereby shall be included in the tax levy each year until the debt represented by said bonds or notes is extinguished.

THAT the City's Finance Director, Treasurer, Clerk, and other proper officials of the City be and hereby are authorized and empowered, in the name of and on behalf of the City, to do or cause to be done all such acts and things as may be necessary or advisable to carry out the provisions of this order.

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

THAT the authority to issue the bonds or notes authorized hereby shall automatically expire 2 years from the date of approval of this Order.

THAT this order is a declaration of official intent pursuant to Treas. Reg. § 1.150-2 and shall be kept available for public inspection during reasonable business hours at the office of the City Clerk.

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A Public Notice describing the general purpose of the borrowing and the terms thereof was published on or before April 16, 2022, in the Sun Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

NOTE: Must be approved by roll call vote.

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