



City Council Order

IN CITY COUNCIL

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

Following a public hearing duly called and held as required by Article 8, Section 8.13 of the City Charter, **by the Auburn City Council BE IT ORDERED:**

THAT, pursuant to Title 30-A, §5772 of the Maine Revised Statutes, as amended, the City Charter, as amended, and all other authority thereto enabling, there is hereby authorized the issue and sale of the City's general obligation bonds (the "Bonds") and notes in anticipation thereof (the "Notes"), in the principal amount not to exceed \$16,565,750, the proceeds of which, including original issue premium, if any, and investment earnings thereon, are hereby appropriated to finance the capital equipment and capital improvements listed in Schedule 1 hereto (including costs of issuance for the Bonds)(the "Projects"), all constituting a part of the City's FY25 Capital Improvement Program.

THAT the Bonds and Notes shall be signed by the manual or facsimile signatures of the City's Finance Director and its Treasurer (provided that at least one of such signatures shall be a manual signature), attested by the City Clerk under the seal of the City.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to establish, determine and approve the time of the sale, award and settlement of the Bonds and Notes, which may be issued at one time, or from time to time, through a public offering or a private placement, on a competitive or negotiated basis, in serial form or as term bonds, or some combination of any of the foregoing, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to establish, determine and approve the date, form, denominations, interest rates, maturities (not to exceed the maximum term authorized by law), provisions for early redemption, and all other details of such Bonds and Notes, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

THAT to the extent not payable from other funds, each year that any of the Bonds remain outstanding, the City shall levy a tax in an amount sufficient to pay the annual installment of principal and the annual interest on such 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 necessary and expedient in respect in connection with the financing of the Projects and the issuance the Bonds and Notes, and the investment of the proceeds thereof, including to select a financial advisor, underwriter, or paying agent/registrars with respects to the Bonds and Notes, and to execute, deliver and approve all agreements, investment agreements, bond purchase agreements, preliminary and final official statements or other offering documents, escrow agreements, continuing disclosure agreements, tax compliance agreements, or arbitrage certificates, and all other closing certificates and documents (collectively referred to as the "Bond Documents"), which Bond Documents

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Adam R. Platz, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Belinda A. Gerry, At Large
Phillip L. Crowell, Jr., City Manager



City Council Order

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, which waiver of sovereign or governmental immunity is hereby authorized, confirmed and approved, as the Finance Director shall establish, determine and approve, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

THAT to the extent the Bonds or Notes are issues on a tax-exempt basis, the Finance Director is hereby authorized, in the name of and on behalf of the City:

- To covenant, agree and certify (A) that no part of the proceeds of such Bonds and 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 (B) that the City will file any required reports and take any other action that may be necessary to insure that interest on the Bonds or Notes will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the Bonds and Notes to be subject to federal income taxation; and
- To designate the Bond or Notes, or a portion thereof, as qualified tax-exempt obligations under and as permitted by Section 265(b)(3) of the Code, to the extent such designation is available and permissible under said Section 265(b)(3).

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, in an interim or acting capacity, is hereby authorized, in the name of and on behalf of the District, to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT if any authorized representative of the City who has 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 issued, delivered and authenticated 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 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 hereby authorized, in the name of and on behalf of the City, in her discretion, to reallocate proceeds of the Bonds and 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.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Adam R. Platz, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Belinda A. Gerry, At Large
Phillip L. Crowell, Jr., City Manager



ORDER 82-06032024

City Council Order

THAT the authority to issue any Bonds or Notes not issued within 2 years of the date of approval of this Order shall automatically expire 2 years from the date of approval of this Order.

THAT notwithstanding the foregoing paragraph, during the term any of the Bonds issued pursuant to this Order remain outstanding, the Finance Director is hereby authorized, in the name of and on behalf of the City, to issue refunding bonds on either a current or advance refunding basis, to refund some or all of the Bonds then outstanding, and to establish, determine and approve the time of the sale, award and settlement of such refunding bonds, the date, form, denominations, interest rates, maturities (not to exceed the maximum term authorized by law), provisions for early redemption, and all other details of such refunding bonds, such establishment, determination and approval to be conclusively evidenced by the execution thereof, and to execute and deliver, in the name of and on behalf of the City, such additional Bond Documents as may be reasonable or necessary with respect to such refunding, and each refunding bond issued hereunder shall be signed in the same manner as the Bonds.

THAT prior to the issuance of the Bonds or Notes, the Finance Director is hereby authorized to expend available funds of the City to pay costs of the Projects (referred to as "original expenditures") which would be reimbursed from proceeds of the Bonds or Notes; to that end, the City hereby declares its official intent to reimburse itself for such original expenditures from the proceeds of such Bonds or Notes, and this Order shall constitute a Declaration of Official Intent pursuant to Treasury Regulation §1.150-2, and shall be kept available for public inspection during reasonable business hours at the office of the City Clerk.

A notice describing the above borrowing and the general purpose of such borrowing was published on or before June 3, 2024, in the *Sun Journal*, a daily newspaper of general circulation published in the City of Auburn and in Androscoggin County.

NOTE: Must be approved by roll call vote.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Adam R. Platz, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Belinda A. Gerry, At Large
Phillip L. Crowell, Jr., City Manager



ORDER 82-06032024

City Council Order

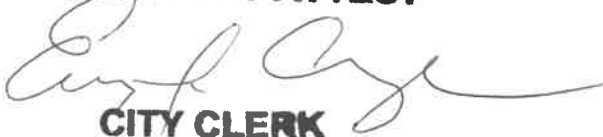
Schedule 1

CAPITAL IMPROVEMENT PLAN FY 25 BONDS

Description		Total
Airport	Annual Pavement Management Program	\$ 150,000
Airport	Congressionally Directed Spending (CDS) Hangar Project	\$ 68,750
Clerk	Record Restoration	\$ 50,000
Fire	Engine 2 Reconditioning	\$ 250,000
IT	Security Camera Project	\$ 90,000
LA 911	Server Infrastructure Replacement	\$ 150,000
Planning & Permitting	Dangerous Buildings and Junkyard Cleanups	\$ 150,000
Planning & Permitting	Comprehensive Plan Program	\$ 220,000
Police	Mobile Data Terminal Replacement	\$ 135,000
Engineering	Merrow Road Reconstruction	\$ 3,000,000
Engineering	Whitman Spring Repair	\$ 150,000
Engineering	Reconstruction	\$ 1,800,000
Engineering	Reclamation	\$ 1,500,000
Engineering	Major Drainage	\$ 500,000
Engineering	MDOT Match	\$ 1,500,000
Engineering	Resurfacing	\$ 1,600,000
Engineering	Pavement/Retaining Wall Assessment	\$ 125,000
Engineering	Sidewalk Repairs	\$ 100,000
Engineering	Downtown Parking and Walkability-Grant Match	\$ 400,000
Facilities & Energy	Auburn Hall Boiler/Mechanical Upgrades	\$ 550,000
Facilities & Energy	Engine 2 Station Reconstruction	\$ 2,000,000
Facilities & Energy	Public Library Building Envelope, Repairs & Design Cost Analysis	\$ 75,000
Facilities & Energy	Public Library Boilers Replacement	\$ 575,000
Public Works	Replace Vector Truck	\$ 590,000
Public Works	Replace Boom Lift School and Public Works	\$ 77,000
Public Works	Annual Park & Walkway Light Replacement	\$ 100,000
Public Works	Replace 7yd plow truck (plowing/sanding and roadway maintenance)	\$ 325,000
Public Works	Recreation Mini Bus replacement/upgrade	\$ 110,000
Transportation	Traffic Calming & Pedestrian Safety	\$ 175,000
Transportation	LATC Bus Replacement	\$ 50,000
TOTAL BOND CIP		\$ 16,565,750

A TRUE COPY ATTEST

Passage on 6/17/2024, 6-1 (Gerry opposed).


CITY CLERK

Richard S. Whiting, Ward One
 Benjamin J. Weisner, Ward Four
 Adam R. Platz, At Large

Timothy M. Cowan, Ward Two
 Leroy G. Walker, Sr., Ward Five
 Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
 Belinda A. Gerry, At Large
 Phillip L. Crowell, Jr., City Manager