

ORDER

Be it ORDERED by the City Council of the City of Bath as follows:

Pursuant to and in accordance with Chapter VIII, Section 1014, and Section 617 of the Bath City Charter, the following proposition for the enactment of an Ordinance funding the construction and equipping of a new Fire Station, said Ordinance being attached hereto or included with the minutes of this meeting as Attachment A, be submitted to the voters of the City of Bath at a municipal referendum election to be held on Tuesday, November 8, 2022:

“Shall a Bond Ordinance be Enacted Authorizing General Obligation Bonds in the Amount of \$13,050,000 to Finance the Construction and Equipping of a new Fire Station?”

The Bond question shall also contain a Treasurer’s Statement as required under 30-A MRS §5772(2-A).

BOND ORDINANCE

Authorizing General Obligation Bonds in the Amount of \$13,050,000 to Finance the Construction and Equipping of a new Fire Station

Be it ORDAINED by the City of Bath as follows:

- Section 1. That the City Treasurer is hereby authorized, in the name of and on behalf of the City, to borrow up to \$13,050,000 for the purpose of funding the construction and equipping of a new Fire Station, (the “Project”).
- Section 2. That under and pursuant the City Charter and 30-A MRSA §5772 and all other authority thereto enabling, to evidence such borrowing, there is hereby authorized the issue and sale of the City’s general obligation bonds, at one time and from time to time, in an amount not to exceed \$13,050,000, the proceeds of which, including premium, if any, and investment earnings thereon, may be used and are hereby appropriated to pay the costs of the Project.
- Section 3. That the City Treasurer is hereby authorized to issue temporary notes of the City in anticipation of the forgoing bond issue.
- Section 4. That any and all bonds or notes in anticipation thereof issued pursuant to this Ordinance are issued pursuant to Section 1014 and Chapter 8 of the City Charter and shall be signed by the City Treasurer and countersigned by the Chair of the City Council and the City Manager, sealed with the seal of the City, and attested by its Clerk.
- Section 5. That any and all bonds issued pursuant to this Ordinance shall be payable in annual installments, which need not be equal, pursuant to Section 807 of the City Charter.
- Section 6. That the term of any bonds issued pursuant to this Ordinance shall not exceed 26 years.
- Section 7. That the City Treasurer shall determine the date or dates, maturities (not to exceed the maximum term specified above), denominations, interest rate or rates and any other details of any bonds or any notes in anticipation thereof to be issued pursuant to this Ordinance, such approval to be conclusively evidenced by her execution thereof.
- Section 8. That the bonds or notes in anticipation thereof issued pursuant to this Ordinance shall be general obligations of the City, backed by the full faith and credit and taxing power of the City.
- Section 9. That pursuant to 30-A M.R.S.A. §5772(6), the City Treasurer is hereby authorized to make any bonds or notes in anticipation thereof issued pursuant to this Ordinance

subject to call for redemption with or without premium prior to the stated maturity date at the election of the City.

- Section 10. That the City Treasurer be and hereby is authorized and directed to covenant and certify in the name of and on behalf of the City that no part of the proceeds of the issue and sale of the bonds or notes authorized to be issued hereunder or the Project financed therewith shall be used directly or indirectly in a manner that would cause such 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 (the "Code").
- Section 11. That the City Treasurer is hereby authorized to take all such action as may be necessary to designate any bonds or notes in anticipation thereof issued pursuant to this Ordinance (to the extent such designation is available) as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.
- Section 12. That the term "cost" or "costs" as used herein and applied to the Project, or any portion thereof, includes, but is not limited to: (1) the cost to design, construct, renovate, refurbish, improve, acquire, replace, furnish and equip the Projects; (2) the cost of land, easements and other real property interests, landscaping and site preparation, utility extensions, all appurtenances and other fixtures, facilities, buildings and structures either on, above, or under the ground which are used or usable in connection with the Projects; (3) the cost of feasibility studies, surveys, environmental studies and assessments, engineering, plans and specifications, legal and other professional services associated with the Projects; (4) issuance costs, including premiums for insurance, capitalized interest and other financing charges, fees and expenses relating to the financing transaction.
- Section 13. That in the event the City Treasurer elects to issue such bonds through the Maine Municipal Bond Bank (the "Bond Bank"), that the City Treasurer and the Chair of the City Council and the City Manager be and hereby are authorized, on behalf of the City, to enter into a loan agreement with the Bond Bank in conjunction with the issuance of the bonds, in the aggregate principal amount not to exceed \$13,050,000 with a term not to exceed the term of the bonds, said loan agreement to be in the usual and ordinary form utilized by the Bond Bank in connection with the applicable loan program, which is hereby approved, and to contain such other terms and provisions, not contrary to the general tenor hereof, as the City Treasurer may approve, her approval to be conclusively evidenced by the execution thereof.
- Section 14. That the City Treasurer is authorized to do or cause to be done all such acts and things, and to execute and deliver any and all contracts, agreements, certificates, and other documents as may be necessary or advisable, including but not limited to an Arbitrage and Use of Proceeds Certificate and a Continuing Disclosure Certificate, to carry out the provisions of this Ordinance in connection with the issuance and delivery by the City of the bonds or notes in anticipation thereof.

- Section 15. That if the City Treasurer, Chair of the City Council, City Manager, or Clerk are for any reason unavailable to approve, execute and deliver the bonds or notes in anticipation thereof issued pursuant to this Ordinance, any loan agreement or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.
- Section 16. That if any of the officers or officials of the City who have signed or sealed the bonds or notes hereinbefore authorized 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 notes had not ceased to be such officer or official; and also any such bonds or notes may be signed and sealed in the name of and 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.
- Section 17. That during the term any of the bonds authorized hereby are outstanding, the City Treasurer is hereby authorized, in the name 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 determine the date, form, interest rate, maturities (not to exceed the maturity of the original bonds to be refunded) and all other details of such refunding bonds, including the form and manner of their sale and award. The City Treasurer is hereby further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the City Treasurer and countersigned by the Chair of the City Council and the City Manager, sealed with the seal of the City, and attested by its Clerk.
- Section 18. That in accordance with Sections 221 and 1014 of the City Charter, this Ordinance shall become effective upon a favorable vote of a majority of those voting thereon at a referendum election to be called by the City Council.