

CITY OF GARDINER

Resolution #06-37

General Obligation Bond Authorization

BE IT ORDERED, that (1) a sum not to exceed \$2,054,000 be and hereby is appropriated for permanent public improvements in the City of Gardiner for the Libby Hill (Phase II) Business Park Project including but not limited to development of the parcel of land acquired by the City, including but not limited to construction of roads, water, wastewater electric and telecommunications services, storm drainage and wetlands mitigation (the "Project"). The estimated period of utility of the foregoing public improvements is hereby declared to be in excess of twenty-five (25) years.

That (2) to meet the aforesaid appropriation, the City Treasurer is hereby authorized and directed under and pursuant to the constitution and laws of the State of Maine, Title 30-A, §5772 of the Maine Revised Statutes, as amended, Section 8 of Article VII of the City Charter and any other applicable enabling authority to prepare, issue and sell to the Maine Municipal Bond Bank or other lending institution determined by the City Treasurer at one time or from time to time, as one or more separate issues, general obligation bonds or notes of the City of Gardiner in an aggregate principal amount not exceeding \$2,054,000 to finance the Project. The date, denominations, call provisions, interest rate or rates and all other particulars as to form, issue and sale of each issue of said bonds or notes shall be determined by the City Treasurer and by the Mayor provided that each issue of said bonds or notes shall be signed by the City Treasurer and the Mayor, and shall mature in annual, serial and approximately equal installments, the first such installment to be payable not more than two (2) years after the date of said bonds or notes and the last installment to be payable not later twenty-five (25) years after such date. The bond issue authorized hereby may be consolidated for purpose of sale and issuance with any other authorized bond issue or issues, provided that the bonds of each component of the consolidated bonds shall mature over a term not longer that the term permitted by the City Charter for such component.

That (3) the interest on the Bonds may be subject to taxation under the provisions of the Internal Revenue Code of 1986, as amended, determined by the City Treasurer, which is hereby determined to be in the best interests of the City of Gardiner.

That (4) an amount sufficient for the payment of the annual installments of principal and interest on said bonds or notes shall be included in **the tax levy** each year during which any of such bonds or notes shall be outstanding until the debt represented by said bonds or notes is extinguished.

That (5) the City Treasurer, with the approval of the Mayor, be and hereby is authorized to borrow at one time or from time to time in anticipation of the bonds or notes to be

issued as herein authorized, when and as funds may be required, a sum or sums not exceeding the aggregate principal amount of said bonds or notes, and to prepare, issue and sell at public or private sale, the temporary note or notes of the City therefor and to renew the same as deemed advisable, provided that any such temporary note or renewal shall be paid within the maximum term permitted by law therefor. The Mayor and City Treasurer are hereby authorized and directed, subject to the provisions of the Order and the applicable provisions of law, to sign and determine the date or dates of the note or notes, the interest rate or rates they shall bear and all other details of such notes or renewal notes not herein provided for and do all things necessary and proper to effectuate the issue and sale thereof.

That (6) any unused proceeds remaining from bonds, notes, or anticipatory obligations issued to fund the capital projects described above shall be applied, after the completion of such projects, to the outstanding principal amount of such bonds, notes, or anticipatory obligations.

That (7) The City Treasurer is hereby authorized to execute a Loan Agreement with the Maine Municipal Bond Bank or other lender in such form as may be required by the Bond Bank or other lender and approved by the Treasurer.

That (8) all actions heretofore taken by the municipal officers of the City of Gardiner relating to the selling of the City's general obligation bond or notes authorized hereby be and they hereby are ratified, approved and confirmed

That (9) pursuant to the requirements of the Internal Revenue Code of 1986, as amended, the City designates the bonds and the notes to be Qualified tax exempt obligations of the City, and that the City shall not issue in 2006 an aggregate total amount of qualified tax exempt obligations in excess of \$10,000,000. Further, the City does not reasonably expect to issue qualified tax exempt obligations in an amount in excess of \$5,000,000 during 2006.

That (10) the City shall take any and all actions required under the Internal Revenue Code of 1986, as amended, to maintain the tax exempt status of the interest on the Bond and Note, and to maintain the status of the bonds and the notes as Qualified tax exempt obligations of the City, and that the bonds and the notes may be subject to such further terms and conditions as may be agreed to by the Mayor and the Treasurer of the City to carry into effect the full intent of this order.

That (11) the law firm of Eaton Peabody is hereby designated as bond counsel for the City to advise the City with respect to the issuance and sale of the bonds and the notes, and to prepare documents and render opinions as may be necessary or convenient for the purpose.

That (12) the City Council, municipal officers and officials of the City are hereby authorized to execute all documents and certificates, and to take all action, including affixing the seal of the City, as may be necessary or convenient to carry out the full intent

I certify that I am duly qualified City Clerk of the City of Gardiner, Maine and that the foregoing order was introduced by Councilor _____ at a regularly scheduled Council meeting on December __, 2006 and was adopted by the City Councilors of the City of Gardiner by a vote of ____ in favor, of at a meeting of said Councilors duly called and legally held in accordance with the laws of Maine and the City Charter, that the meeting was open to the public and that adequate and proper notice thereof was given in accordance with the laws of Maine and the City Charter, and said meeting was held on December __, 2006 and that such order has been entered into and become a part of the permanent records of the City and remains in full force and effect and has not been rescinded or amended.

CITY OF GARDINER

City Clerk

(SEAL)

Dated at Gardiner, Maine
_____, 2006