

City of Biddeford
City Council - Special Meeting
March 31, 2020 6:00 PM Council Chambers

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustment(s) to Agenda**

Suspension of Council Rules: Public Addressing the Council

Temporary Suspension of Public Addressing the Council

[3-31-2020 Suspension of Council Rules - Public Addressing.doc](#)

4. Consideration of Minutes

- 4.1. March 16, 2020 Council Meeting Minutes

[3-16-2020 Special Council Meeting Minutes.docx](#)

5. Orders of the Day

- 5.1. 2020.13) Authorization/Deferment of Interest on FY20 Property and Personal Property Taxes (due to COVID-19)

[3-31-2020 Property Tax Interest Deferment -ORDER.doc](#)

- 5.2. 2020.14) Authorization/Waiver of Parking Lot Permit Fees for April 2020 (due to COVID-19)

[3-31-2020 Parking Lot Permit Fees Waiver for April.doc](#)

- 5.3. 2020.15) Authorization/Waiver of Certain Other City Permits, Licenses, Fees (due to COVID-19)

- 5.4. 2020.16) Authorization/Biddeford School Revolving Renovations Fund Financing/Bonds for Health, Safety and Compliance Repairs at School Facilities for June 9, 2020 Municipal Referendum Election

[3-31-2020 School Dept Revolving Renovations Bond-ORDER.doc](#)

- 5.5. 2020.17) Authorization/\$7,000,000 Bond for Sewer, CSO and Pump Station Upgrades and Improvements; with \$2,000,000 for Grant Matching Purposes for June 9, 2020 Municipal Referendum Election

[3-31-2020 Bond Referendum-CSO Projects-ORDER.docx](#)

- 5.6. 2020.18) Authorization/\$17,000,000 Bond for Renovations, Repairs and Upgrades to Various Municipal Buildings, Parks and Other Facilities for June 9, 2020 Municipal Referendum Election

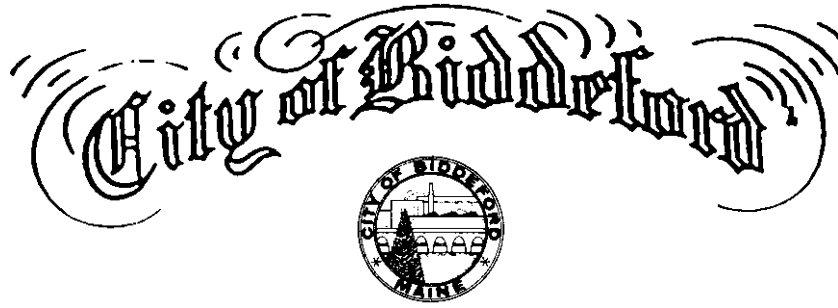
[3-31-2020 Bond Referendum-Municipal Facilities-ORDER.docx](#)

- 5.7. 2020.19) Authorization/\$4,500,000 Bond for Street and Sidewalk Construction, Repairs, Rehabilitation and Improvements for June 9, 2020 Municipal Referendum Election

[3-31-2020 Bond Referendum-Road Work-ORDER.docx](#)

Other Business

6. Adjourn



IN BOARD OF CITY COUNCIL..MARCH 31, 2020

SUSPENSION OF COUNCIL RULES

Due to the current pandemic (COVID-19), and the need for the City Council to meet virtually, the Council hereby **suspends** the following *Council Rules* related to public comment during City Council Meetings:

{NOTE: This suspension is temporary and will automatically be lifted once the City Council starts meeting publicly again}

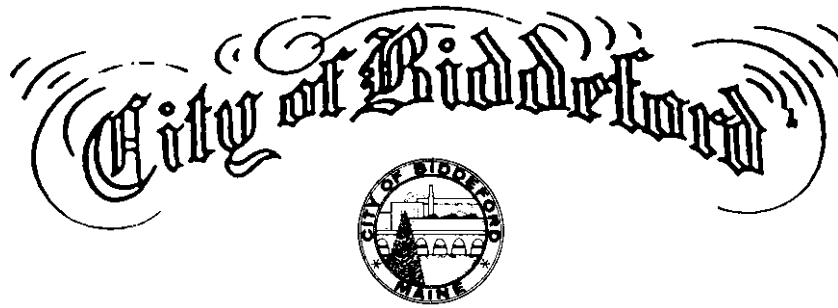
APPENDIX A: RULES OF THE COUNCIL

Rule 1: Duties and powers of Mayor or Presiding Officer

j. When, as required by law, the City Council must act as municipal officers, they shall do so during a council meeting. Towards the end of each regular Council meeting there shall be a "public addressing the Council," portion for 30 minutes, when the residents of Biddeford shall be afforded an opportunity to address the City Council on any item of City business which is not before the Council as an order of the day on the Council agenda, over which the Council has direct control, not to exceed three minutes per speaker.

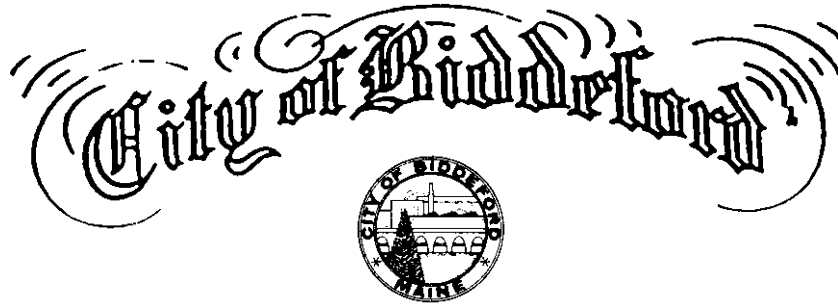
Rule 3: Proceedings and debates

- p. Any public comment on any Council order, resolve or ordinance, when allowed by state law or the Council shall not exceed three minutes per individual speaker. Such persons shall be permitted to speak only once on an item and shall confine their remarks to the merits of the order, resolve or ordinance before the Council.
- q. Procedure for addressing the Council on agenda items or during the municipal officers meeting:
 - (1) No public comment shall be permitted on the following agenda items: personnel matters, informational reports or communications from boards and commissions, staff or other organizations or entities; appointments and



administrative action implementing prior action to the Council where that prior action had permitted public comment.

- (2) On items other than those set forth in Subsection (1) above, public comment shall be permitted only once prior to final Council action. Except as specifically decided by the Council, such public comment shall occur at the advertised public hearing or at the first reading of such item. The public also may address the Council on proposed amendments at either the first or second reading.
- (3) Persons wishing to address the Council on an item which appears on the agenda, and upon which public comment is permitted under Subsections (1) and (2) above, shall wait until the presiding officer announces the consideration of such item, at which time they may address the Council on that particular item. Any presentation on an issue or introductory information regarding the issue shall be presented prior to the public requesting or receiving an opportunity to address the Council. Once the Council has begun its deliberations on an item, no person shall be permitted to address the Council on such item. This subsection does not pertain to City staff or members of the public who may be called upon by the Chair or a member to give clarification on an issue under consideration by the Council.
- (4) Any person wishing to address the Council shall signify such desire by raising his or her hand and, when recognized by the presiding officer, such person shall thereupon request permission to address the Council giving his or her name and physical address and designating the subject matter to the Chair,
- (5) Persons present at Council meetings or at a municipal officers meeting shall not interrupt, nor applaud or



otherwise express approval or disapproval of any statements made or actions taken at such meeting.

- (6) The presiding officer may limit or cut off any commentary that he or she determines is not germane or that is discourteous, slanderous, abusive, or not in accord with good order and decorum. This will be prompted by a call to order by any member when appropriate.
- (7) No public comment shall be allowed on matters related to ongoing or threatened litigation involving the City, its elected officials and/or employees. A person who shall continue to violate these rules, after warning by the presiding officer, shall be ejected. The Council may, at its discretion, suspend or prohibit a person from addressing the Council or the municipal officers.

**SPECIAL COUNCIL MEETING
MARCH 16, 2020**

Mayor Casavant called the meeting to order at 5:30 p.m.

Roll Call: William Emhiser, John McCurry, Jr., Stephen St. Cyr, Amy Clearwater, Norman Belanger, Michael Ready, Doris Ortiz, Marc Lessard

Robert Quattrone, Jr. was excused.

The Council, and all who were present, recited the Pledge of Allegiance.

There were no adjustments to the agenda.

Orders of the Day:

2020.15

IN BOARD OF CITY COUNCIL..MARCH 16, 2020

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize an Emergency Declaration for the City of Biddeford. This Emergency Declaration includes, but is not limited to:

- Discontinuance of **all City Governmental** public meetings until further notice.
- Council authorization for the continuation of normal and necessary City operations that typically require Municipal Official approval. This includes, but is not limited to:
 - ❖ Payroll
 - ❖ Issuance of permits and licenses
 - ❖ Issuance of financial warrants
- The closure of all City-owned public buildings to the public, **to the extent determined by the City Manager.**

The order further empowers the City Manager or his designee to take all reasonable actions in order to carry forth the daily operations of the City, however, all decisions will be made in consultation with the Mayor and Council President.

This order may be modified based on changing circumstances and as new information dictates. The order shall remain in effect until revoked, amended or otherwise administratively changed.

The Mayor and Council President may call a Special Council Meeting at their discretion.

NOTE: This order does not include the approval of any amendments to the City's Code of Ordinances.

Motion by Councilor McCurry, seconded by Councilor Clearwater to gran the order.

City Manager, James Bennett explained the reason for this Order. Staff, in consultation with the Mayor and Council President have been working on coming up with the best strategies to address the coronavirus pandemic affecting our community. A Declaration of Emergency has been drafted to assist Staff and the Municipal Officers to address this pandemic and be responsive to the needs of the community and City employees. The City needs to be proactive in assisting to flatten the curve – to help with the curbing of the spread of the virus. Numerous measures have been taken thus far, including:

- To date, there is no longer public access inside the public safety buildings. Folks can still access the lobby areas of the Police and Fire Departments, but no further inside than the lobby.
- A special phone number has been set up that folks can call to get information on changes in City operations. The number is: (207) 284-9020.
- Human Resources has identified the at-risk employees and are working with them to come up with the best way to keep them working while keeping them safe.

- The Community Center has been closed, with the exception of Meals on Wheels, which will continue their service to the City's shut ins.
- Cleaning practices have been changed, and hand sanitizers have been installed throughout City Hall.
- A drop box will be utilized for folks to drop off payments.
- MMA has been asked to identify ways to continue to hold meetings off site and/or virtually.

The intention is to keep Staff whole during this process. Staff is still expected to work the typical 40 hours a week, with exception for those who are ill or have childcare issues due to the closure of the schools.

Motion by Councilor Lessard, seconded by Councilor McCurry to move into Executive Session, per 1 MRSA 405(6)(D) – Labor Contracts.

Vote: Unanimous.

Time: 5:47 p.m.

Motion by Councilor Clearwater, seconded by Councilor Lessard to move out of Executive Session.

Vote: Unanimous.

Time: 6:09 p.m.

Motion by Councilor Clearwater, seconded by Councilor Lessard to amend the order, third bullet, by adding, **“to the extent determined by the City Manager.”**

Vote: Unanimous.

Motion by Councilor Clearwater, seconded by Councilor Belanger to amend the order, first bullet, by specifying **City Governmental** public meetings.

Vote: Unanimous.

Motion by Councilor Belanger, seconded by Councilor McCurry to amend the order by adding at the end of the order, **“The Mayor and Council President may call a Special Council Meeting at their discretion.”**

Vote: Unanimous.

Vote on order, as amended: Unanimous.

Committee-of-the-Whole: Discussion of Bond Referendum Questions and Amounts for June 9, 2020 Election

Motion by Councilor McCurry, seconded by Councilor Clearwater to move into Committee-of-the-Whole.

Vote: Unanimous.

Time: 6:30 p.m.

The assumption is that the Council will be able to meet on March 31, 2020 for the first reading, and then on April 7, 2020 for the second reading to send the bond referendum(s) to the voters.

The Council was generally in favor of the School Department Bond Referendum.

Councilor Lessard suggested coming up with a list of possible bond items, get it out to the public, and let citizens contact their Councilor and communicate what items they feel are most important and that they'd like to see the Council support for bonding.

Councilor St. Cyr is not convinced that this is the best time to go out with such a large bond package - especially with respect to the current pandemic situation.

Councilor Clearwater is in favor to get the ball rolling, to have the conversation, at a time that seems to be convenient.

It was discussed that the interest rates are so low right now, that it seems like the right time for the City to go to bond for many of the proposed projects.

Councilors Belanger and Ready suggested including city buildings in the bond. City Manager, Jim Bennett suggested maybe starting with \$10 to \$12 million for City buildings.

Councilor Belanger threw out the number of \$17 million to cover all the buildings that had been discussed in the City Manager's memo.

Councilor Lessard would take the number to \$20 million, knowing that the number will more than likely be brought down.

A majority of the Councilors were in favor of going with \$17 million for the bond package, which is the direction the City Manager was given.

Jim suggested that the bond be worded in such a way that city buildings and other city facilities would be included in the bond packet. The Council agreed

Motion by Councilor Lessard, seconded by Councilor Clearwater to move out of Committee-of-the-Whole.

Vote: Unanimous.

Time: 7:04 p.m.

Other Business:

Councilor McCurry: announced that in light of the school closures, the Biddeford School Department is offering bag lunches to children up to 18 years old at BMS, JFK, the Library and the APEX (the former Community Bike Center).

Councilor Ready: announced that Seeds of Hope is currently closed to the public; however are offering curbside food service from 9:00am to noon.

Councilor Belanger: wished everyone a Happy St. Patrick's Day.

Councilor Clearwater: encouraged everyone to sign up for the *Biddeford Beat* to help stay informed; and/or to call the special number set up by the City for informational purposes – 284-9020.

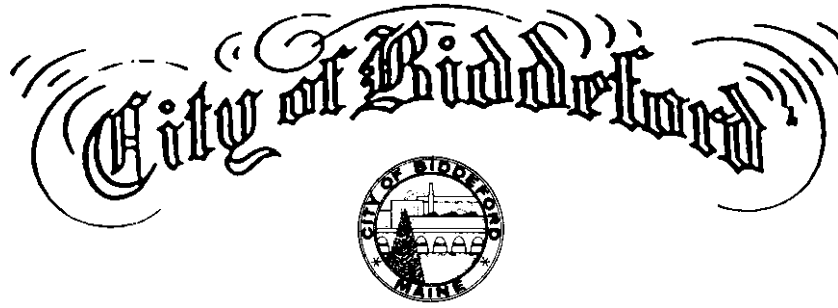
Councilor Ready: suggested that the City use Public Access as a way to get information out and keep citizens up to date with the measures being taken by the City.

Motion by Councilor McCurry, seconded by Councilor Lessard to adjourn.

Vote: Unanimous.

Time: 7:09 p.m.

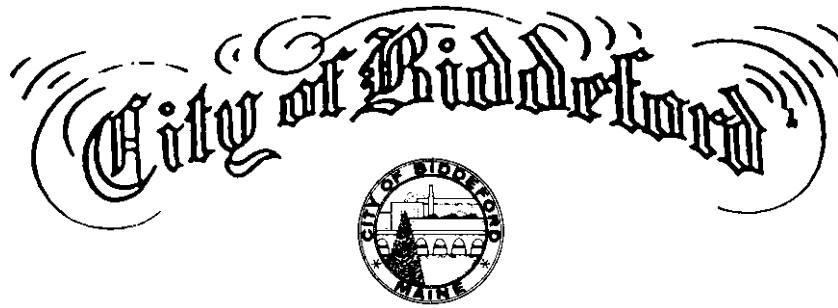
Attest by: _____
Carmen J. Morris, City Clerk



2020.13

IN BOARD OF CITY COUNCIL..MARCH 31, 2020

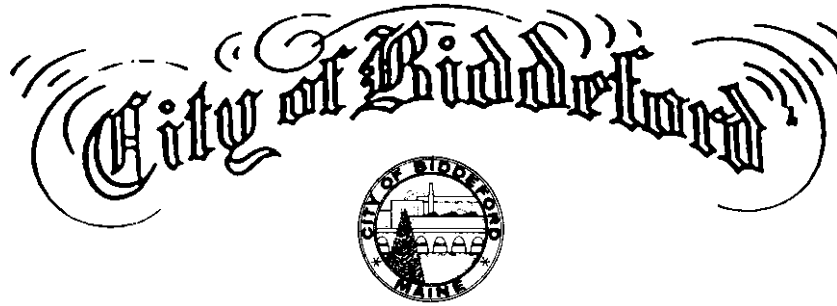
BE IT ORDERED, by the City Council of the City of Biddeford that the City Treasurer be authorized to waive any interest on the FY20 property and personal property tax payments currently due on April 8, 2020. The interest deferment date will extend for 60 days from the original due date. Interest will begin accruing after June 8, 2020.



2020.14

IN BOARD OF CITY COUNCIL..MARCH 31, 2020

BE IT ORDERED, by the City Council of the City of Biddeford that the City Treasurer be authorized to waive parking lot permit fees for the month of April for anyone who has purchased a parking lot permit for the month of March.



Order Authorizing \$844,439 City of Biddeford School Revolving Renovation Fund Financing, including \$392,326 in Loan Forgiveness and \$452,113 in Bonds, for Health, Safety, and Compliance Repairs at School Facilities

2020.16

IN BOARD OF CITY COUNCIL...MARCH 31, 2020

BE IT ORDERED, by the City Council of Biddeford as follows:

Whereas, pursuant to sections 5953-E and 6006-F of Title 30-A of the Maine Revised Statutes, on January 31, 2020, the Maine Department of Education approved School Revolving Renovation Fund loans for the following health, safety, and compliance repair projects (the “Projects”):

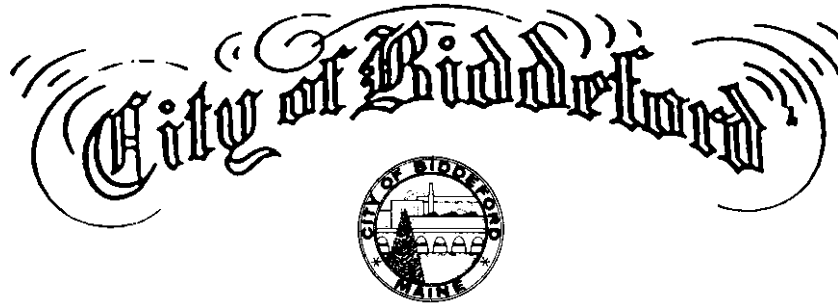
<u>School</u>	<u>Project</u>	<u>Loan Amount</u>
Biddeford Primary School	ADA, Security	\$442,342
Biddeford Intermediate School	Security	\$ 75,596
Biddeford Regional Center of Technology	ADA, Security	\$326,501
		\$844,439

Whereas, of the total loan principal amount of up to \$844,439, the sum of up to \$392,326 (46.46%) will be forgiven and the sum of up to \$452,113 (53.54%) will be payable at 0% interest in five (5) equal annual installments; and

Whereas, the Council desires to authorize the execution and delivery of a loan agreement in principal amount of \$844,439 and the issuance, sale, and delivery of general obligation bonds of the City in principal amount of \$452,113 to finance the Projects;

Now therefore, be it ordered, by the City Council of the City of Biddeford as follows:

Section 1. Loan Authorized. That pursuant to Maine law, including sections 5953-E, 6006-F, and 5772 of Title 30-A of the Maine Revised Statutes, Article XI, Section 6 and Article XII, Section 7(a) of the Charter of the City of Biddeford, a Maine Department of Education School Revolving Renovation Fund Project Eligibility Certificate dated January 31, 2020, and all other authority thereto enabling, the Treasurer and the Mayor of the City of Biddeford are authorized in the name of and on behalf of the City to execute and deliver a Loan Agreement between the Maine Municipal Bond Bank (the “Bond Bank”) and the City to effect a loan from the Bond Bank to finance the Projects in the principal amount of \$844,439.00, but of which amount \$392,326.00 of principal is forgiven by the Bond Bank (the “Loan Agreement”); and that the Loan Agreement be in such form as the Treasurer and



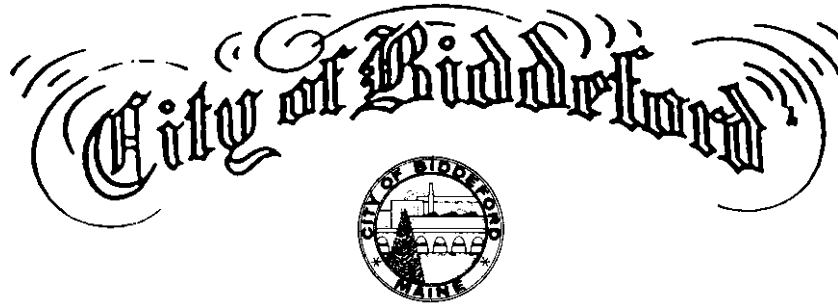
Mayor may approve, the execution and delivery thereof to be conclusive evidence of such approval;

Section 2. Bond Authorized. That pursuant to Maine law, including sections 5953-E, 6006-F, and 5772 of Title 30-A of the Maine Revised Statutes, Article XI, Section 6 of the Charter of the City of Biddeford, and other applicable law, the Treasurer and Mayor of the City be authorized to borrow in the name and on behalf of the City the sum of up to \$452,113.00 from the Bond Bank to finance the Projects; that in connection therewith, the Treasurer and the Mayor be authorized to issue general obligation securities (bonds or notes) of the City in an original principal amount of up to \$452,113.00, payable WITH NO INTEREST in five (5) equal annual installments of principal, and to execute and deliver such general obligation bonds or notes in registered form under the seal of the City, signed by the Treasurer, countersigned by the Mayor, and attested by the City Clerk (the “Bond”); and that the Bond be in such form and include such terms not inconsistent herewith as the Treasurer and Mayor may approve, the execution and delivery thereof to be conclusive evidence of such approval.

Section 3. That the Mayor, Treasurer, City Clerk, and other appropriate officials of the City of Biddeford, acting singly, are authorized to execute and deliver on behalf of the City such other documents and certificates as may be required in connection with the Loan Agreement and the Bond, including execution and delivery of an Assignment of monies transferred by the State of Maine to pay for Project costs and such other instruments, documents, certificates and agreements, and to take or cause to be taken such further actions for and on behalf of the City, as may be necessary, convenient, or appropriate to accomplish the Projects and to effect the transactions contemplated herein and by the documents referenced herein, and that the City Clerk be authorized to attest to the foregoing and attach the City’s seal to any of the foregoing.

Section 4. That if the Treasurer, Mayor, or City Clerk are for any reason unavailable to approve and execute the Loan Agreement, the Bond, or any associated documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, as the “acting” official, or otherwise, are each individually authorized to act for such official with the same force and effect as if such official has herself or himself performed such act.

Section 5. That if any of the officers or officials of the City who have signed or sealed the Loan Agreement or Bond shall cease to be such officers or officials before the Loan Agreement or Bond so signed and sealed shall have actually been authenticated



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

Section 6. That during the term of the Loan Agreement and Bond, 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.

Section 7. That the sum of \$844,439.00 is hereby appropriated to finance costs of the Projects, such amount to be raised by the execution and delivery of the Loan Agreement and the issuance and sale of the Bond.

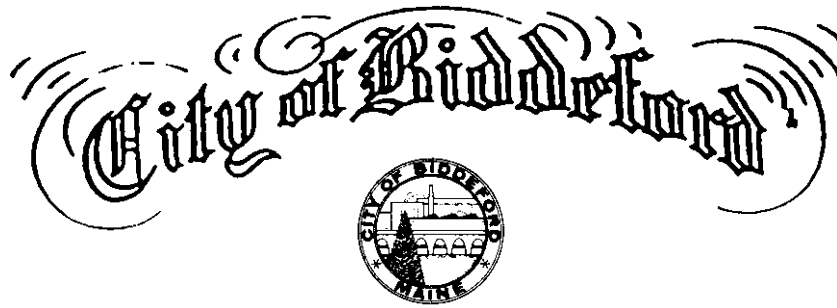
Section 8. That pursuant to Article XII, Section 7 of the City Charter, the following question shall be submitted to the voters of the City of Biddeford for ratification or rejection at a referendum vote to be held on June 9, 2020:

Shall the Order of the City Council of the City of Biddeford entitled "Order Authorizing \$844,439 City of Biddeford School Revolving Renovation Fund Financing, **including \$452,113 in Bonds and \$392,326 in Loan Forgiveness**, for Health, Safety, and Compliance Repairs at School Facilities" be **ratified** and approved?

Section 9. That said referendum question be accompanied by a signed financial statement of the Treasurer, as well as the recommendations of the City Council, the Budget Committee, and the School Committee, substantially in form as set forth below:

CITY OF BIDDEFORD FINANCIAL STATEMENT

1. <u>Total City Indebtedness</u>	
Bonds outstanding and unpaid	\$ _____
Bonds authorized and unissued	\$ _____
Bond to be issued if this Question is approved	\$ 452,113
Total:	\$ _____



2. Estimated Costs and Impacts of Bond

At an estimated interest rate of zero percent (0%), for a 5-year term, the estimated total costs of this bond issue will be:

Principal	\$ 452,113
Interest	\$ - 0 -
Total Principal & Interest	
to be Paid at Maturity	\$ 452,113
Projected effect on mil rate:	
Total length of term:	Five (5) years

3. Validity

The validity of the Bond and of the voters' ratification of the Bond may not be affected by any errors in the above Estimated Costs of Bond. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Treasurer
City of Biddeford

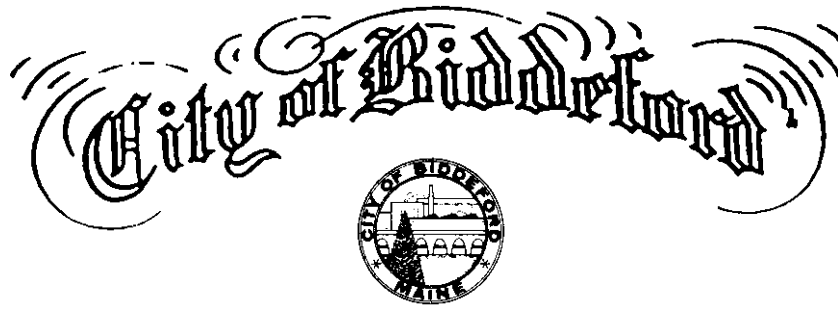
The City Council recommends the adoption of this article – Voted - -.

The Budget Committee recommends the adoption of this article – Voted - -.

The School Committee recommends the adoption of this article – Voted - -.

Approved by the City Council on _____, 2020:

A majority of the City Council



A true copy, attest:

Carmen J. Morris
Biddeford City Clerk

all such action as may be necessary to maintain the tax-exempt status of such bonds and/or notes and to the extent available under the Code, to designate the bonds and/or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.

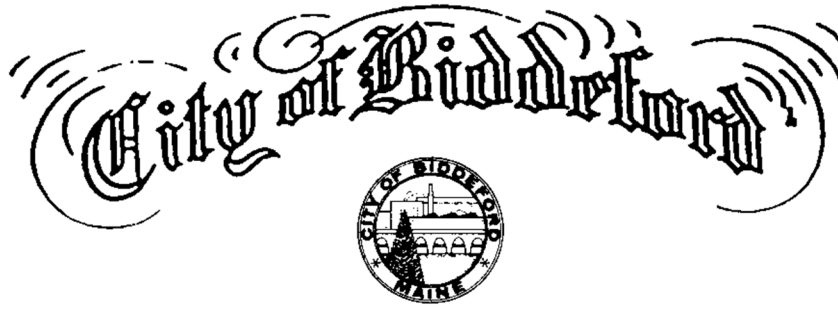
5. That if the Mayor, Treasurer, or Clerk of the City are for any reason unavailable to approve and execute the bonds or notes authorized hereby, or any related financing documents, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had himself or herself performed such act.
6. That if the Treasurer, Chair of the City Council, or Clerk have signed or sealed the bonds and notes authorized hereby, but 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.
7. That during the term any of the bonds authorized hereby are outstanding, the Mayor and Treasurer of the City be and hereby are authorized, in the name and on behalf of the City, to issue and deliver refunding bonds to refund some or all of the bonds then outstanding, and to 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 may be made callable, with or without premium, prior to their stated date(s) of maturity, and shall be signed in like manner as the bonds authorized hereby.
8. That during the term any of the bonds authorized hereby 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.
9. That any interest earnings on any unexpended proceeds of the bonds or notes authorized hereby shall be, transferred to and deposited in the City's General Fund.
10. That it is the intent of the City Council that this Order constitute the City's declaration of official intent within the meaning of Treasury Regulation §1.150-2.
11. That pursuant to Article XII, Section 7 of the City Charter, the following question shall be submitted to the voters of the City of Biddeford for ratification or rejection at a referendum vote to be held on June 9, 2020:

Shall the Order of the Biddeford City Council entitled "Order authorizing \$7,000,000 of City of Biddeford General Obligation Bonds for Sewer,

CSO and Pump Station Upgrades and Improvements of which \$2,000,000 Will Be Used Only for Grant Matching Purposes” be ratified and approved?

That said referendum question be accompanied by a signed financial statement of the Treasurer pursuant to 30-A M.R.S. Section 5772(2-A) and Article XII, Section 7(a) of the City Charter, as well as the City Council recommendation that the referendum question be approved.

12. The City Council shall conduct a telephonic public hearing on this Order and the foregoing question at its April 7, 2020 meeting, at 6:00 p.m.



Order Authorizing \$17,000,000 of City of Biddeford General Obligation Bonds for Renovations, Repairs and Upgrades to Various Municipal Buildings, Parks and Other Public Facilities

2020.18

IN BOARD OF CITY COUNCIL...MARCH 31, 2020

BE IT ORDERED, by the City Council of Biddeford as follows:

1. That pursuant to Article XI, Section 6 of the City Charter, 30-A M.R.S. §5772, and all other authority thereto enabling, and subject to the requirements of Article XII, Section 7 of the City Charter, the Mayor and Treasurer of the City be and hereby are authorized, in the name of and on behalf of the City to borrow up to \$17,000,000, and to issue therefore the City's general obligation bonds and notes in anticipation thereof in like amount, the proceeds to be used and are hereby appropriated for the costs (including costs of issuance) of the following projects (the "Projects"): Renovations, Repairs and Upgrades to Various Municipal Buildings, Parks and Other Public Facilities.
2. That the Treasurer and the Chair of the City Council shall determine the date, maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, and other details of said bonds and notes authorized hereby, including provisions for redemption prior to maturity, with or without a premium, as provided in 30-A M.R.S. §5772(6), as amended, their approval to be conclusively evidenced by their execution thereof.
3. That said bonds and notes authorized hereby shall be executed in the name of the City by the manual or facsimile signatures of the Mayor and Treasurer of the City (provided that at least one of such signatures shall be a manual signature), sealed with the seal of the City, attested by its Clerk.
4. That the Mayor and Treasurer, acting singly, be and hereby are each individually 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, and to execute and deliver all tax certificates, loan agreements, continuing disclosure agreements, and other agreements, certificates, documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions hereof, in order to accomplish the borrowing and to effect the issuance of the bonds and notes authorized hereby, including but not limited to take all such action as may be necessary to maintain the tax-exempt status of such bonds

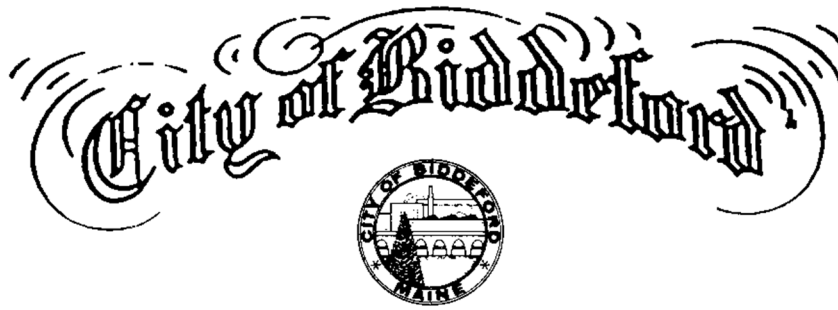
and/or notes and to the extent available under the Code, to designate the bonds and/or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.

5. That if the Mayor, Treasurer, or Clerk of the City are for any reason unavailable to approve and execute the bonds or notes authorized hereby, 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.
6. That if the Treasurer, Chair of the City Council, or Clerk have signed or sealed the bonds and notes authorized hereby, but 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.
7. That during the term any of the bonds authorized hereby are outstanding, the Mayor and Treasurer of the City be and hereby are authorized, in the name and on behalf of the City, to issue and deliver refunding bonds to refund some or all of the bonds then outstanding, and to 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 may be made callable, with or without premium, prior to their stated date(s) of maturity, and shall be signed in like manner as the bonds authorized hereby.
8. That during the term any of the bonds authorized hereby 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.
9. That any interest earnings on any unexpended proceeds of the bonds or notes authorized hereby shall be, transferred to and deposited in the City's General Fund.
10. That it is the intent of the City Council that this Order constitute the City's declaration of official intent within the meaning of Treasury Regulation §1.150-2.
11. That pursuant to Article XII, Section 7 of the City Charter, the following question shall be submitted to the voters of the City of Biddeford for ratification or rejection at a referendum vote to be held on June 9, 2020:

Shall the Order of the Biddeford City Council entitled "Order authorizing \$17,000,000 of City of Biddeford General Obligation Bonds for Renovations, Repairs and Upgrades to Various Municipal Buildings, Parks and Other Public Facilities" be ratified and approved?

That said referendum question be accompanied by a signed financial statement of the Treasurer pursuant to 30-A M.R.S. Section 5772(2-A) and Article XII, Section 7(a) of the City Charter, as well as the City Council recommendation that the referendum question be approved.

12. The City Council shall conduct a telephonic public hearing on this Order and the foregoing question at its April 7, 2020 meeting, at 6:00 p.m.



Order Authorizing \$4,500,000 of City of Biddeford General Obligation Bonds for Street and Sidewalk Construction, Repairs, Rehabilitation and Improvements

2020.19 IN BOARD OF CITY COUNCIL...MARCH 31, 2020

BE IT ORDERED, by the City Council of Biddeford as follows:

1. That pursuant to Article XI, Section 6 of the City Charter, 30-A M.R.S. §5772, and all other authority thereto enabling, and subject to the requirements of Article XII, Section 7 of the City Charter, the Mayor and Treasurer of the City be and hereby are authorized, in the name of and on behalf of the City to borrow up to \$4,500,000, and to issue therefore the City's general obligation bonds and notes in anticipation thereof in like amount, the proceeds to be used and are hereby appropriated for the costs (including costs of issuance) of the following projects (the "Projects"): Street and Sidewalk Construction, Repairs, Rehabilitation and Improvements, including cross-walks, traffic signals and other traffic and road related equipment and improvements.
2. That the Treasurer and the Chair of the City Council shall determine the date, maturities (not to exceed the maximum term permitted by law), denominations, interest rate or rates, and other details of said bonds and notes authorized hereby, including provisions for redemption prior to maturity, with or without a premium, as provided in 30-A M.R.S. §5772(6), as amended, their approval to be conclusively evidenced by their execution thereof.
3. That said bonds and notes authorized hereby shall be executed in the name of the City by the manual or facsimile signatures of the Mayor and Treasurer of the City (provided that at least one of such signatures shall be a manual signature), sealed with the seal of the City, attested by its Clerk.
4. That the Mayor and Treasurer, acting singly, be and hereby are each individually 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, and to execute and deliver all tax certificates, loan agreements, continuing disclosure agreements, and other agreements, certificates, documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions hereof, in order to accomplish the borrowing and to effect the issuance of the bonds and notes authorized hereby, including but not limited to take all such action as may be necessary to maintain the tax-exempt status of such bonds

and/or notes and to the extent available under the Code, to designate the bonds and/or notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code.

5. That if the Mayor, Treasurer, or Clerk of the City are for any reason unavailable to approve and execute the bonds or notes authorized hereby, 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.
6. That if the Treasurer, Chair of the City Council, or Clerk have signed or sealed the bonds and notes authorized hereby, but 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.
7. That during the term any of the bonds authorized hereby are outstanding, the Mayor and Treasurer of the City be and hereby are authorized, in the name and on behalf of the City, to issue and deliver refunding bonds to refund some or all of the bonds then outstanding, and to 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 may be made callable, with or without premium, prior to their stated date(s) of maturity, and shall be signed in like manner as the bonds authorized hereby.
8. That during the term any of the bonds authorized hereby 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.
9. That any interest earnings on any unexpended proceeds of the bonds or notes authorized hereby shall be, transferred to and deposited in the City's General Fund.
10. That it is the intent of the City Council that this Order constitute the City's declaration of official intent within the meaning of Treasury Regulation §1.150-2.
11. That pursuant to Article XII, Section 7 of the City Charter, the following question shall be submitted to the voters of the City of Biddeford for ratification or rejection at a referendum vote to be held on June 9, 2020:

Shall the Order of the Biddeford City Council entitled "Order authorizing \$4,500,000 of City of Biddeford General Obligation Bonds for Street and Sidewalk Construction, Repairs, Rehabilitation and Improvements" be ratified and approved?

That said referendum question be accompanied by a signed financial statement of the Treasurer pursuant to 30-A M.R.S. Section 5772(2-A) and Article XII, Section 7(a) of the City Charter, as well as the City Council recommendation that the referendum question be approved.

12. The City Council shall conduct a telephonic public hearing on this Order and the foregoing question at its April 7, 2020 meeting, at 6:00 p.m.