

# **29<sup>TH</sup> BOARD OF REPRESENTATIVES CITY OF STAMFORD**

**President**  
**RANDALL M. SKIGEN**  
**Clerk of the Board**  
**ANNIE M. SUMMERVILLE**

**Majority Leader**  
**ELAINE MITCHELL**  
**Minority Leader**  
**MARY L. FEDELI**

## **RESOLUTION NO. 3712 ADOPTION OF THE CAPITAL BUDGET (WPCA) FISCAL YEAR JULY 1, 2015 TO JUNE 30, 2016**

**WHEREAS**, the Board of Finance has transmitted to the Board of Representatives its recommended capital budget for the ensuing year, commencing July 1, 2015 and ending June 30, 2016 for final action by the Board of Representatives;

**WHEREAS**, the Board of Representatives has approved and made specific appropriations for each of the various capital projects in the amounts appearing in the capital budget under the column heading "Final 15-16 Budget" in the total amount of

**\$74,304,812**

**NOW THEREFORE BE AND IT IS HEREBY RESOLVED BY THE 29<sup>TH</sup> BOARD OF REPRESENTATIVES OF THE CITY OF STAMFORD AS FOLLOWS:**

**Section 1.** To meet the portion of the approved capital budget appropriations for water pollution control projects to be met from the issuance of bonds:

(i) \$3,370,000 general obligation bonds and/or revenue bonds are hereby authorized to be issued at such times and in such principal amounts as shall be determined by the Board of Finance (the "Bonds"). The Bonds may be issued as (a) general obligation bonds of the City, (b) general obligation bonds of the City to be repaid from proceeds pledged under the Indenture of Trust, dated as of December 21, 2001 (as amended and supplemented, the "Indenture"), by and among the City, the Water Pollution Control Authority of the City of Stamford, Connecticut (the "Authority") and U.S. Bank National Association (as successor to First Union National Bank), as trustee (the "Trustee"), or (c) revenue bonds issued under the Indenture, as determined by the Board of Finance. The Bonds may be issued in one or more series, provided that the total amount of Bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of the Bonds outstanding at the time of the issuance thereof, and to pay for costs of issuance. Bonds issued as general obligations of the City shall be and are hereby secured by the irrevocable pledge of the full faith and credit of the City and each bond shall recite that every requirement of law relating to its issue has been complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and interest thereon. The aggregate principal amount of general obligation bonds to be issued and the manner of issue and sale shall be determined by the Board of Finance. The annual installments of principal, redemption provisions, if any, the certifying bank,

registrar, transfer agent and paying agent, the date, time and other particulars of the Bonds shall be determined by the Mayor and Director of Administration. The Bonds shall be sold at not less than par plus accrued interest on the basis of the lowest net or true interest cost to the City, as determined by the Mayor and Director of Administration. The City may provide for the repayment of Bonds issued as general obligation bonds from Revenues (as defined in the Indenture) pledged under the Indenture for Subordinated Indebtedness (as defined in the Indenture). The Mayor, the Director of Administration and the Controller and the Executive Director of the Authority are authorized to execute and deliver a Supplemental Indenture (as defined in the Indenture) and any other documents necessary or convenient for such purpose. If any of the Bonds shall be issued as revenue bonds, they may be issued pursuant to the terms and conditions of one or more Supplemental Indentures. Revenue bonds shall be secured by as provided in the Indenture and the Supplemental Indenture, and each of the revenue bonds shall recite that every requirement of law relating to its issue has been complied with, and that said revenue bonds are payable solely from the funds and revenues specifically pledged therefor and do not constitute a general obligation of the City for which its full faith and credit is pledged. Revenue bonds shall be issued in such form and containing such provisions as the Mayor, the Director of Administration and the Controller and the Executive Director of the Authority shall deem necessary or desirable, and the Mayor, the Director of Administration and the Controller and the Executive Director of the Authority, in the name of the City, are authorized to execute and deliver the Supplemental Indenture, and their signatures thereon shall constitute their approval thereof. The Mayor, the Director of Administration and the Controller and the Executive Director of the Authority are further authorized to execute and deliver such other agreements, documents and instruments necessary, desirable or appropriate, including, but not limited to, credit facility agreements, interest rate swap agreements and investment agreements, in connection with the execution, issuance and delivery of revenue bonds. The Mayor and the Director of Administration are hereby authorized to determine the dated date, maturity dates, principal amounts, interest rates, interest payment dates, interest rate modes, credit facility provisions, redemption provisions, form and other terms, details and particulars of the revenue bonds, and are authorized to execute the same; or

(ii) obligations to be issued under Sections 22a-475 et. seq. of the Connecticut General Statutes, as amended (the "Clean Water Fund Program"), are authorized to be issued in one or more series, as interim funding obligations, permanent loan obligations, or such other obligations provided for under the Clean Water Fund Program, and in such denominations as shall be determined by the Mayor and Director of Administration (collectively, the "Clean Water Fund Obligations") to meet any portion of the costs of the water pollution control projects ("WPCA Projects") determined by the State of Connecticut Department of Environmental Protection to be eligible for funding under the Clean Water Fund Program, provided that the total amount of Clean Water Fund Obligations to be issued shall be reduced by the Director of Administration in the amount necessary to meet the City's share of the cost of such WPCA Projects, determined after considering the estimated amounts of the state and federal grants-in-aid thereof, or the actual amounts thereof if ascertainable. The Mayor and Director of

Administration are hereby authorized to determine the amount, date, maturity, form and other terms, details and particulars of the Clean Water Fund Obligations, subject to the provisions of the Clean Water Fund Program, and the Mayor and Controller are hereby authorized to execute the same. The Clean Water Fund Obligations shall be secured solely as provided in the Indenture and a Supplemental Indenture, and each of the Clean Water Fund Obligations shall recite that every requirement of law relating to its issue has been complied with, and that such Clean Water Fund Obligations are payable solely from the funds and revenues specifically pledged therefor and do not constitute a general obligation of the City for which its full faith and credit is pledged. The Clean Water Fund Obligations shall be issued and secured solely pursuant to the Indenture and any Supplemental Indenture, in such form and containing such provisions as the Mayor, the Director of Administration and the Controller and the Executive Director of the Authority shall deem necessary or desirable, with approval as to form by the Director of Legal Affairs, and the Mayor, the Director of Administration and the Controller and the Executive Director of the Authority, in the name of the City, are authorized to execute and deliver the Supplemental Indenture, and their signatures thereon shall constitute their approval thereof. The Mayor is hereby authorized to execute and deliver in the name and on behalf of the City (i) Project Loan and Project Grant Agreements under the Clean Water Fund Program, with approval as to form by the Director of Legal Affairs, and (ii) all other agreements, documents and instruments necessary, desirable or appropriate in connection with the execution, issuance and delivery of Clean Water Fund Obligations, the Supplemental Indenture and Project Loan and Project Grant Agreements.”

**Section 2.** The Mayor and Director of Administration are authorized, subject to the approval of the Board of Finance, to make temporary borrowings in anticipation of the receipt of the proceeds of said general obligation bonds. Notes evidencing such borrowings shall be designated “Bond Anticipation Notes”, be signed by the manual or facsimile signatures of the Mayor and the Controller, bear the City seal or a facsimile thereof, be certified by and payable at a bank or trust company designated by the Director of Administration, and be approved as to their legality by Robinson & Cole LLP, Attorneys-at-Law, of Hartford. They shall be issued with maturity dates which comply with the provisions of the City Charter and the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing the notes, may be included as a cost of the capital budget items approved hereby, to the extent such interest is paid from the proceeds of such renewals or said Bonds. Upon the sale of the Bonds, the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such notes then outstanding or shall be deposited with a bank or trust company in trust for such purpose.”

**Section 3.** The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and anytime after the date of passage of this resolution in the maximum amount and for the capital items described herein with the proceeds of bonds, notes or other obligations authorized to be issued by the City. Said bonds, notes or other obligations shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The City hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Administration or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds or notes.

**Section 4.** The Mayor, the Director of Administration and the Controller, or any two of them, are hereby authorized, on behalf of the City, to enter into agreements or otherwise covenant for the benefit of bondholders to provide information on an annual or other periodic basis to the Municipal Securities Rulemaking Board (the "MSRB") and to provide notices to the MSRB of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this resolution. Any agreements or representations to provide information to the MSRB made prior hereto are hereby confirmed, ratified and approved.

At a Special Meeting of the 29<sup>th</sup> Board of Representatives held on Monday, May 4, 2015, the above budget was acted upon and approved. This resolution was approved by a machined vote of 32-0-2.

By:   
Annie M. Summerville, Clerk of the Board

cc: Mayor David R. Martin  
Kathryn Emmett, Esq., Director of Legal Affairs  
Michael Handler, Director of Administration  
Ernie Orgera, Director of Operations  
Winifred Hamilton, Superintendent of Schools  
Donna Loglisci, Town & City Clerk  
John Louizos, Chair, Board of Finance