

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO. 34

RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE ACQUISITION, CONSTRUCTION, EQUIPPING, AND INSTALLATION OF ENERGY EFFICIENCY IMPROVEMENTS IN MUNICIPAL BUILDINGS AND LED OUTDOOR LIGHTING AND ALL ATTENDANT EXPENSES, INCLUDING BUT NOT LIMITED TO ENGINEERING COSTS AND THE FINANCING THEREOF THROUGH A LEASE PURCHASE AGREEMENT OR OTHER APPROPRIATION OBLIGATION AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the City of East Providence, Rhode Island (the "City"), a body politic and corporate duly organized and existing as a political subdivision and municipal corporation of the State of Rhode Island (the "State") is authorized by the laws of the State to purchase, acquire and lease personal property for the benefit of the City and its inhabitants and to enter into contracts with respect thereto; and

WHEREAS, the City desires to enter into agreements for the acquisition, construction, equipping, and installation of energy efficiency improvements in municipal buildings and LED outdoor lighting and all attendant expenses, including but not limited to engineering costs in order to achieve energy savings and cost savings (the "Project"); and

WHEREAS, the City desires to enter into agreements for the maintenance of the Project; and

WHEREAS, the Project is necessary for the City to perform essential governmental functions; and

WHEREAS, City desires to take the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the implementation of the Project.

NOW THEREFORE, BE IT RESOLVED THAT:

SECTION 1. The sum of \$2,500,000 is appropriated to finance the Project. The City Council hereby authorizes the Director of Finance and the Mayor, acting on behalf of the City, to finance the Project through a Lease Purchase Agreement or other Appropriation Obligation and related documents, including agreements with third-party maintenance providers (the "Financing Documents"), subject to annual appropriation therefor by the City.

SECTION 2. The form and other details, terms and conditions of the Financing Documents shall be fixed by the Director of Finance and the Mayor. The Director of Finance and the Mayor are authorized to enter into financing agreements with the Rhode Island Infrastructure Bank (the "RIIB") in accordance with chapter 46-12.2 of the general laws to evidence loans from the efficient buildings revolving fund administered by the RIIB.

SECTION 3. The Director of Finance and the Mayor, each acting singly, is hereby authorized to enter into the Financing Documents and said officers are hereby authorized and instructed to take all actions, and to execute and deliver the Financing Documents and any related agreements, certificates and other documents in such form as they may deem necessary or desirable to implement the Project. To the extent that the Financing Documents contemplate tax-exempt financing, such officers are also authorized to take all action, on behalf of the City, necessary to insure that the interest component of the lease payments or other appropriation obligation payments will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause the interest component of the lease payments or other appropriation obligation payments to become subject to federal income taxes.

SECTION 4. Nothing contained in this Resolution, the Financing Documents or any other instrument shall be construed with respect to the City as incurring a pecuniary liability or charge upon the general credit of the City or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Financing Documents or any other instrument or document executed in connection therewith impose any pecuniary liability upon the City or any charge upon its general credit or against its taxing power, except to the extent that the payments payable under the Financing Documents are special limited obligations of the City.

SECTION 5. This Resolution is an affirmative action of the City Council toward the execution and delivery of the Financing Documents in accordance with the purposes of the laws of the State. This Resolution constitutes the City's declaration of official intent, pursuant to Treasury Regulation 1.150(2), to reimburse the City's General Fund for certain capital expenditures paid on or after the date which is sixty (60) days prior to the date of this Resolution, but prior to the execution and delivery of the Financing Documents. Such amounts to be reimbursed shall not exceed \$2,500,000 and shall be reimbursed not later than eighteen (18) months after (a) the date on which the expenditure is paid or (b) the date the property is placed in service or abandoned, but in no event later than three (3) years after the date the expenditure is paid.

SECTION 6. This Resolution shall take effect upon its passage.

Adopted by the City Council: October 17, 2017

Attest: 

City Clerk of East Providence, Rhode Island

Requested by: Councilman Faria