

TOWN OF BURRILLVILLE

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TOWN OF BURRILLVILLE

RESOLUTION OF THE TOWN OF BURRILLVILLE APPROVING THE DESIGN, CONSTRUCTION, FURNISHING AND EQUIPPING OF A NEW SYNTHETIC TURF SPORTS FIELD AT BURRILLVILLE HIGH SCHOOL INCLUDING, BUT NOT LIMITED TO, SEATING, STORAGE FACILITIES, LIGHTS, SCORE BOARD, FOOD CONCESSION FACILITIES, A PRESS BOX, DRAINAGE AND ADDITIONAL PARKING, AND APPROVING THE ISSUANCE OF BONDS AND NOTES THEREFOR IN AN AMOUNT NOT TO EXCEED \$5,000,000

RESOLVED, That:

SECTION 1. Pursuant to Rhode Island General Laws Section 45-12-2 and Section 3.14(L) of the Burrillville Town Charter (the "Charter"), an amount not to exceed \$5,000,000 is appropriated for the design, construction, furnishing and equipping of a new synthetic turf sports field at Burrillville High School including, but not limited to, seating, storage facilities, lights, score board, food concession facilities, a press box, drainage and additional parking (the "Project").

SECTION 2. The Director of Finance and the President of the Town Council be and hereby are authorized to issue on behalf of the Town, an amount not exceeding five million dollars (\$5,000,000) bonds of the Town, including but not limited to bonds or notes issued pursuant to financing agreements with Rhode Island Infrastructure Bank ("RIIB"), at one time, or from time to time in order to meet the foregoing appropriation.

SECTION 3. The said officers from time to time may issue and refund not exceeding \$5,000,000 interest bearing or discounted notes in anticipation of the issue of said bonds or in anticipation of the receipt of federal or state aid for the purpose specified in Section 1 hereof.

SECTION 4. The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the bonds or notes may be fixed by the officers authorized to sign the bonds or notes. The Town may enter into financing and/or other agreements with RIIB pursuant to Title 46, Chapter 12.2 of the General Laws.

SECTION 5. The said officers from time to time may apply for, contract for and expend any federal or state advances or other grants or assistance which may be available for the purposes specified in Section 1 hereof.

SECTION 6. Pending the issuance of the bonds under Section 2 hereof or pending or in lieu of the issue of notes under Section 3 hereof, the Director of Finance may expend funds from the general treasury of the Town for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the bonds or notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 7. The Director of Finance and the President of the Town Council are also authorized, empowered and directed, on behalf of the Town, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing, including, without limitation,

a Preliminary Official Statement, a final Official Statement, all in such form and with such provisions as such officer shall deem advisable; (ii) amend, modify or supplement the bonds or notes any and all other documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; and (iii) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this resolution in order to effectuate said borrowing and the intent hereof.


SECTION 8. The Director of Finance and the President of the Town Council are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a Continuing Disclosure Certificate in connection with the bonds or notes in the form as shall be deemed advisable by the Director of Finance and the President of the Town Council in order to comply with the SEC Rule. The Town hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this resolution or the bonds or notes, failure of the Town to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any bondholder or noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the Town to comply with its obligations under this Section and under the Continuing Disclosure Certificate.

SECTION 9. To the extent the bonds or notes are issued on a tax-exempt basis, the Director of Finance and the President of the Town Council are hereby authorized to take all lawful action necessary or desirable under the Internal Revenue Code of 1986, as amended (the "Code"), to ensure that the interest on the bonds and notes will remain exempt from federal income taxation to the extent provided in Section 103 of the Code, and to refrain from taking any action which will cause interest on the bonds and notes to lose the benefit of exclusion from gross income provided by Section 103(a) of the Code. The Director of Finance and the President of the Town Council are further authorized to take all lawful action necessary or desirable to designate the bonds and notes as "qualified tax exempt obligations" within the meaning of Section 265(b)(3) of the Code.

SECTION 10. This resolution is an affirmative action of the Town Council of the Town toward the issuance of bonds or notes in accordance with the purposes of the laws of the State. This resolution constitutes the Town's declaration of official intent, pursuant to Treasury Regulation §1.150(2), to reimburse the Town for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this resolution but prior to the issuance of the bonds or notes. Such amounts to be reimbursed shall not exceed \$5,000,000 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 Project is placed in service or abandoned but in no event later than three (3) years after the date the expenditure is paid.

SECTION 11. This resolution shall take effect upon passage.

Passed as a Resolution of the Burrillville Town Council this 13th day of December 2022.



Donald A. Fox, President
Burrillville Town Council

ATTEST: 
Vicki T. Martin, Town Clerk