

THE CITY OF NEWPORT

RESOLUTION

OF THE

COUNCIL

No. 2026-28

A RESOLUTION AUTHORIZING THE CITY OF NEWPORT TO ISSUE NOT TO EXCEED \$35,600,000 GENERAL OBLIGATION BONDS AND NOTES TO FINANCE THE DESIGN, CONSTRUCTION, REPAIR, REHABILITATION, REPLACEMENT AND IMPROVEMENT OF INFRASTRUCTURE AND MUNICIPAL FACILITIES IN THE CITY'S NEIGHBORHOODS, INCLUDING, BUT NOT LIMITED TO, LAND ACQUISITION, DEMOLITION, LANDFILL REMEDIATION, STREETS, SIDEWALKS, PUBLIC PARKS, BRIDGES, SEWERS, DRAINAGE, CITY BUILDINGS, AND RECREATION, BEACH AND HARBOR FACILITIES AND PROVIDING FOR THE ALLOCATION OF FUNDS TO CERTAIN PROJECTS

WHEREAS, at an election duly held on November 5, 2024, the qualified electors of the City of Newport approved a ballot question authorizing the issuance of bonds and/or notes in an aggregate principal amount not to exceed \$98,500,000 for the purpose of financing the design, construction, repair, rehabilitation, replacement and improvement of infrastructure and municipal facilities in the City's neighborhoods, including, but not limited to, land acquisition, demolition, landfill remediation, streets, sidewalks, public parks, bridges, sewers, drainage, city buildings, and recreation, beach and harbor facilities (collectively, the "Projects"); and

WHEREAS, the City Council finds it necessary and appropriate to identify and approve specific projects and funding allocations to be financed from such voter-approved authorization, consistent with the purposes set forth in the ballot question; and

WHEREAS, the projects listed below fall within the scope of the voter-approved purposes and are necessary to protect public health, safety, welfare, environmental resilience, municipal operations, public access, and quality of life in the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NEWPORT, RHODE ISLAND, AS FOLLOWS:

SECTION 1. Pursuant to Chapters 37/38 of the Local Acts of 2024 (the "Bond Act") and the vote of the electors, an amount not to exceed \$98,500,000, plus any original issue premium, is hereby appropriated for the Projects including costs of issuance.

SECTION 2. In order to fund a portion of the appropriation, the Director of Finance and the Mayor be and hereby are authorized to issue on behalf of the City, an amount not exceeding Thirty-Five Million Six Hundred Thousand Dollars (\$35,600,000) general obligation bonds of the City for the Projects. The bonds shall be issued in more than one series, the first of which, consistent with the ballot authorization and applicable law, shall be allocated to fund the following Projects in approximately the amounts set forth below and costs of issuance (collectively, the "Series 1 Authorized Projects"):

<u>Intergenerational Resilience & Sustainability</u>	<u>Allocation</u>
Perrotti Park Bulkhead	\$6,000,000
Seawall Repairs	2,500,000
Pier Improvements	2,000,000
Easton's Beach Nourishment Study & Program	1,000,000
Easton's Beach Demolition	800,000
<u>Roads & Sidewalks</u>	
FY2025 & FY2026 Road Improvement Program	6,000,000
<u>Utilities</u>	
Elizabeth Brook Study & Preliminary Design; North End Stormwater	5,375,000
<u>Public Facilities</u>	
North End Public Safety Facility-Acquisition of Land	5,750,000
Environmental Remediation of Harrison Avenue Site	5,000,000
<u>Programmatic</u>	
FY2025 Final Allotment for MUNIS Enterprise Resource Planning Conversion	777,260

SECTION 3. The City Council hereby finds and determines that the Series 1 Authorized Projects and the purposes for which the proceeds are to be expended are within the scope of, and consistent with, the purposes approved by the voters and as authorized by the Bond Act. The City Manager, Director of Finance, and other appropriate City officials are authorized, in consultation with bond counsel, to: (a) make non-material adjustments (plus or minus 10%) to the amounts allocated to each of the Series 1 Authorized Projects to respond to bid results, grant awards, project contingencies, or similar circumstances; and (b) reallocate unexpended or surplus proceeds among the Series 1 Authorized Projects. The proceeds of any bonds and/or notes issued pursuant to the Bond Act may be combined with, and supplemented by, other available City funds, state or federal grants, and private contributions, and may be applied to the Projects and the Series 1 Authorized Projects as determined by the City Manager and Director of Finance, consistent with this Resolution.

SECTION 4. The said officers from time to time may issue interest bearing or discounted general obligation 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 5. 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 Director of Finance and the Mayor. The bonds or notes may be issued pursuant to financing agreements with the Rhode Island Health and Educational Building Corporation ("RIHEBC") or the Rhode Island Infrastructure Bank ("RIIB") and the City may enter into a financing and/or other agreements with RIHEBC pursuant to Title 45, Chapter 38.1 of the General Laws or with RIIB pursuant to Title 46, Chapter 12.2 of the General Laws.

SECTION 6. The Director of Finance, the Mayor and the City Manager 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 7. 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, at the written direction of the City Council, may expend funds from the general treasury of the City or other monies on hand 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.

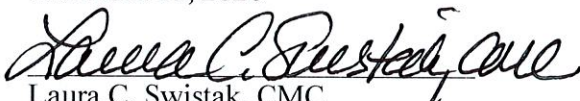
SECTION 8. The Director of Finance and the Mayor are also authorized, empowered and directed, on behalf of the City, to: (i) execute, acknowledge and deliver any and all other documents, certificates or instruments necessary to effectuate such borrowing, including, without limitation, a Preliminary Official 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 and 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; (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 9. The Director of Finance and the Mayor 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 Mayor in order to comply with the SEC Rule. The City 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 City 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 City to comply with its obligations under this Section and under the Continuing Disclosure Certificate.

SECTION 10. To the extent the bonds or notes are issued on a tax-exempt basis, the Director of Finance and the Mayor are hereby authorized to take all lawful action necessary or desirable under the Internal Revenue Code of 1986, as amended (the "Code"), to insure 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.

SECTION 11. This resolution shall take effect upon its passage and shall to the extent of any inconsistency shall supersede the City Council Resolution adopted on August 28, 2025.

IN COUNCIL
READ AND PASSED
MARCH 11, 2026


Laura C. Swistak, CMC
City Clerk