Order 27-09/10
Tab 35 7-20-09

JILL C. DUSON (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
DORY-ANNA WAXMAN (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

ORDER AMENDING ORDER 130-07/08 (COMBINED SEWER OVERFLOW (CSO) PROJECTS)

WHEREAS, the Portland City Council (a) adopted Order No. 130-07/08 on February 4, 2008, appropriating the proceeds of the City's general obligation bonds in the aggregate amount not to exceed $60,955,000 for the purpose of financing the City's six-year CSO Program (referred to collectively as the "Prior Appropriation Order" and the "CSO Projects"), as more particularly described in said Prior Appropriation Order; and

WHEREAS, the City Council desires to amend the Prior Appropriation Order as set forth below;

NOW, THEREFORE, by the City Council of the City of Portland, be and it hereby is:

ORDERED, THAT the CSO Program List attached as Exhibit A to the Prior Appropriation Order is hereby replaced in full with Exhibit A (Replacement) attached hereto, and the date limitations expressed in the prior Exhibit A and in the Prior Appropriation Order with respect to when funds appropriated by said Prior Appropriation Order could be expended be and hereby are deleted.

BE IT FURTHER ORDERED THAT, the CSO Projects listed in a particular year in Exhibit A (Replacement) hereto may be adjusted to a different year provided that such modification is agreed to by the State Department of Environmental Protection.

BE IT FURTHER ORDERED THAT, in the event that any bonds or notes issued to fund such appropriation are not issued under or through the State of Maine Clean Water Revolving Loan Fund (CWSRF) program established under 30-A M.R.S.A. §6006-A and administered by the Department of Environmental Protection and the Maine Municipal Bond Bank (such bonds and notes referred to as "Non-SRF Bonds"), the proceeds of such Non-SRF Bonds shall only be used to finance costs of the CSO Projects that the Director of Public Services (or, in the event such title is no longer applicable due to any City reorganization of departments, such other person as may then be responsible for overseeing the City's public sewer services) certifies are or would be eligible for financing through the CWSRF program.

BE IT FURTHER ORDERED THAT, in all other respects, the Prior Appropriation Order is hereby ratified and confirmed as if more fully set forth herein.

Given First Reading on 7/20/09
Public Hearing & Passage 8/3/09 7-0 (Leeman, Waxman absent)