

ORDINANCE NO. 10 of 2013

A BOND ORDINANCE APPROPRIATING FOUR MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$4,250,000.00) AND AUTHORIZING THE ISSUANCE OF FOUR MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$4,250,000.00) IN SCHOOL BONDS AND NOTES OF THE CITY OF LINWOOD FOR VARIOUS SCHOOL IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE CITY OF LINWOOD, NEW JERSEY.

BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF LINWOOD, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY, (with the affirmative concurrence of not less than two-thirds of all the members thereof) AS FOLLOWS:

Section 1. The improvements described in Section 3 of this Bond Ordinance are hereby respectfully authorized as school improvements to be made or acquired by the City of Linwood, in the County of Atlantic, New Jersey (the "City"). For said improvements or purposes stated in Section 3, there is hereby appropriated the sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to FOUR MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$4,250,000.00).

Section 2. Negotiable bonds of the City are hereby authorized to be issued in the maximum principal amount of FOUR MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$4,250,000.00) pursuant to Title 18A, Education, of the New Jersey Statutes, particularly Chapter 24 of said Title and any other law applicable thereto. Each of the bonds issued pursuant to this Ordinance shall be designated "School Bond" and shall contain a recital that it is issued pursuant to Title 18A, Education, of the New Jersey Statutes. In anticipation of the issuance of said bonds and to temporarily finance the payment of the local share of final project costs of the improvements or purposes stated in Section 3, negotiable note(s) of the City

in the maximum principal amount of FOUR MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$4,250,000.00) are hereby authorized to be issued pursuant to and within the limitations prescribed by applicable New Jersey law.

Section 3. The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and estimated costs of such purposes (including all work or materials necessary therefore or incidental thereto), and the estimated maximum amount of bonds or notes to be issued for such purposes are as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>AMOUNT OF BONDS OR NOTES</u>
(a) Replacement of Roof at Belhaven School, including the costs of surveying, construction planning, architectural, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$1,955,000	\$1,955,000
(b) Acquisition of Real Property located adjacent to Belhaven Avenue School at _____ Avenue, Linwood, New Jersey, said property being shown as Lot __ in Block ___ on the tax map of the City of Linwood, to be used for recreational and other school purposes, including the costs of surveying, construction planning, architectural, engineering, environmental, preparation of plans and specifications, permits, bid documents and construction inspection and	\$310,000	\$310,000

administration.

(c) Replacement of Roof at Seaview Avenue School, including the costs of surveying, construction planning, architectural, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.

\$1,237,000

\$1,237,000

(d) Renovation of Bathrooms at Seaview Avenue School, including the costs of surveying, construction planning, architectural, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.

\$110,000

\$110,000

(e) Poplar Avenue School Demolition and related improvements, including the costs of surveying, construction planning, architectural, engineering, environmental preparation of plans and specifications, permits, bid documents and construction inspection and administration.

\$638,000

\$638,000

Total

\$4,250,000.00

\$4,250,000.00

Section 4. The following additional matters are hereby determined, declared and recited and stated:

(a) The said purposes described in Section 3 of this Bond Ordinance are not current expenses and are properties or improvements which the Board of Education may lawfully require or make as school improvements and no part of the cost thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b) The average period of usefulness of said purposes authorized herein, taking into consideration the respective amounts of said obligations authorized for such purposes, computed in accordance with N.J.S.A. 18A:24-5 is **21.46 years**.

(c) The Supplemental Debt statement required by N.J.S.A. 18A:24-16 and 17 has been duly prepared and filed in the office of the City Clerk and in the office of the Secretary of the Board of Education, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The issuance of the \$4,250,000.00 bonds authorized herein shall be included for purposes of calculating the net school debt of the school district of the City of Linwood pursuant to N.J.S.A. 18A:24-19, but shall be deducted from the gross debt of the City pursuant to N.J.S.A. 40A:2-44.

(d) Amounts not exceeding THREE HUNDRED EIGHTY-SIX THOUSAND FIVE HUNDRED DOLLARS (\$386,500) in the aggregate for interest on said obligations, costs of issuing said obligations, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the City in connection with the construction or acquisition of such improvements and properties as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. All temporary note(s) issued hereunder shall mature at such time as may be determined by the Chief Financial Officer of the City or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note(s) shall mature later than one (1) year from its issue date. The note(s) shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with note(s) issued pursuant to this Bond Ordinance, and the Chief Financial Officer's signature upon the note(s) issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 18A:24-1 et seq. The Chief Financial Officer is hereby authorized to sell part or all of the note(s) from time to time at public or private sale and to deliver the same to the purchaser thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the City Council at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate, the maturity schedule of the note(s) sold and the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the City are hereby pledged to punctual payment of the principal and interest on the said obligations authorized by this Bond Ordinance. Said obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy *ad valorem* taxes upon all of the taxable property within the City for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The City reasonably expects to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 of this Bond Ordinance and paid prior to the issuance of any bonds or notes authorized by this Bond Ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, or any member of the same “control group” as the City, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the City’s official intent to reimburse any expenditures towards the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

Section 8. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

RICHARD L. DEPAMPHILIS, III, MAYOR

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

FIRST READING: May 22, 2013

PUBLICATION: May 25, 2013

FINAL READING: June 12, 2013

PUBLICATION WITH STATEMENT: June 15, 2013

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The Bond Ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the City of Linwood, in the County of Atlantic, State of New Jersey, held on May 22, 2013, at the Linwood City Hall. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held on June 12, 2013, at six o'clock P.M. at the Linwood City Hall. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office located in the City Hall, 400 Poplar Avenue, Linwood, New Jersey for the members of the general public who shall request the same. The summary of the terms of such Bond Ordinance follows:

Title: FOUR MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$4,250,000.00) AND AUTHORIZING THE ISSUANCE OF FOUR MILLION TWO HUNDRED FIFTY THOUSAND DOLLARS (\$4,250,000.00) IN BONDS OR NOTES OF THE CITY OF LINWOOD FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE CITY OF LINWOOD, IN THE COUNTY OF ATLANTIC, NEW JERSEY

Purpose(s): Capital Improvements

Appropriation: \$4,250,000.00

Bonds/Notes Authorized: \$4,250,000.00

Grants (if any) Appropriated: None

Section 20 Costs: \$386,500

Useful Life: 21.46 years

Leigh Ann Napoli, RMC, Municipal Clerk

This Notice is published pursuant to N.J.S.A. 40A:2-17.

BOND ORDINANCE STATEMENTS AND SUMMARY

The Bond Ordinance, the summary terms of which are included herein, has been finally adopted by the City of Linwood, in the County of Atlantic, State of New Jersey on June 12, 2013, and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such Bond Ordinance follows:

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