

**ORDINANCE No. 15 of 2011**

**A REFUNDING BOND ORDINANCE AUTHORIZING THE  
ISSUANCE OF UP TO \$6,850,000 AGGREGATE  
PRINCIPAL AMOUNT, GENERAL OBLIGATION  
REFUNDING BONDS, AND \$1,550,000 AGGREGATE  
PRINCIPAL AMOUNT OF SCHOOL REFUNDING BONDS  
OF THE CITY OF LINWOOD, COUNTY OF ATLANTIC,  
NEW JERSEY**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LINWOOD, COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (“**Local Bond Law**”), and the School Bond Law, Chapter 271 of the Laws of 1967 of the State of New Jersey, as amended and supplemented (*N.J.S.A.* 18A:24-1, et seq., the “**School Bond Law**”), in particular *N.J.S.A.* 18A:24-61.1, as follows:

**Section 1.** For the purposes stated in Section 2 of this refunding bond ordinance (“**Ordinance**”),

(a) negotiable general obligation refunding bonds of the City of Linwood, County of Atlantic, New Jersey (“**City**”), to be designated substantially “City of Linwood, General Obligation Refunding Bonds, Series 2011A (“**GO Refunding Bonds**”), are hereby authorized to be issued in an aggregate principal amount not to exceed \$6,850,000, pursuant to Sections 40A:2-51 to 40A:2-53 and Sections 40A:2-55 to 40A:2-59 of the Local Bond Law; and

(b) negotiable school bonds of the City, to be designated substantially “City of Linwood, School Refunding Bonds, Series 2011B” (“**School Refunding Bonds**”; and collectively the School Refunding Bonds and the GO Refunding Bonds are hereafter referred to as the “**Refunding Bonds**”), are hereby authorized to be issued in an aggregate principal amount not to exceed \$1,550,000, pursuant to Sections 40A:2-51 to 40A:2-53 and Sections 40A:2-55 to 40A:2-59 of the Local Bond Law and Section 18A:24-61.1, *et seq.*, of the School Bond Law.

**Section 2.** The purposes for which the Refunding Bonds are authorized to be issued as permitted by Section 40A:2-51 of the Local Bond Law are:

(a) Paying or refunding of \$6,150,000 in aggregate principal amount of the City’s General Obligation Bonds, Series 2003A, constituting the bonds of such series maturing on and after July 15, 2014 (the “**Prior GO Bonds**”);

(b) Paying or refunding of \$1,310,000 in aggregate principal amount of the City’s School Bonds, Series 2003B, constituting the bonds of such series maturing on and after July 15,

2014 (“**Prior School Bonds**”); and collectively the Prior GO Bonds and Prior School Bonds are hereafter referred to as the “**Prior Bonds**”); and

(c) Paying the costs of issuance of the Refunding Bonds, including underwriting discount, insurance premium, printing, advertising, accounting, financial and legal expenses, in an amount not to exceed \$71,000, which amount is included in the authorized principal amount of the Refunding Bonds.

**Section 3.** Pursuant to Section 40A:2-58 of the Local Bond Law, the Refunding Bonds shall be issued in fully registered form, in the denomination of \$5,000 or any integral multiple thereof and shall mature at such time or times not exceeding twelve (12) years from the date thereof as may be approved by the Local Finance Board of the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey (“**Local Finance Board**”). The Refunding Bonds shall bear a designation including the word “refunding”, as provided in Section 1 hereof, and the text of the Refunding Bonds shall recite that such Bonds are issued pursuant to the Local Bond Law and School Bond Law, as applicable. All other terms of the Refunding Bonds, including, without limitation, the dates thereof, the rate or rates of interest to be paid thereon, the provisions for redemption prior to maturity thereof, and the place or places for payment thereof, shall be as determined by subsequent resolution or resolutions of the Council of the City of Linwood (“**Council**”), as permitted by Section 40A:2-58 of the Local Bond Law.

**Section 4.** (a) In accordance with Section 40A:2-55 of the Local Bond Law, a certified copy of this Ordinance shall be filed before final passage thereof with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, together with a complete statement in the form prescribed by the Director (“**Director**”) as required by Section 40A:2-55 of the Local Bond Law as to the Prior Bonds, executed by the chief financial officer of the City.

(b) The Prior Bonds have been issued by the City pursuant to the Local Bond Law and School Bond Law, as applicable, and it is hereby confirmed and acknowledged that the Prior Bonds are valid and binding obligations of the City.

**Section 5.** The full faith, credit and taxing power of the City are hereby pledged to the payment of principal of and interest on the Refunding Bonds. The Local Bond Law provides that the Refunding Bonds shall be direct, unlimited obligations of the City and that the City shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for payment of principal of and interest on the Refunding Bonds without limitation of rate or amount.

**Section 6.** Escrow funds pledged for the payment and security of the Prior Bonds are hereby authorized to be established with proceeds of the Refunding Bonds pursuant to an escrow agreement or agreements with respect to the Prior Bonds executed and delivered by the City and any bank, trust company or national banking association with trust powers having its principal office in the State of New Jersey and designated by resolution of the Council to act as escrow agent under such agreement. Such escrow agreement(s) shall be in form approved by subsequent

resolution of the Council.

**Section 7.** The Refunding Bonds shall be executed in the name of the City by the manual or facsimile signatures of the Mayor and the Chief Financial Officer of the City under the affixed, imprinted or reproduced seal of the City attested by the manual or facsimile signature of the City Clerk.

**Section 8.** The Council is hereby authorized and directed to enter into any and all contracts or agreements necessary, desirable or convenient to effectuate the refunding program authorized by this Ordinance, including, without limitation, the payment and refunding of the Prior Bonds and in connection therewith the Council may establish any sinking fund or other fund or account necessary or appropriate for such refunding program.

**Section 9.** The Mayor and members of the Council and appropriate officials of the City are hereby jointly and severally authorized and directed to take all actions and execute all documents and instruments necessary or appropriate to carry out the purposes of this Ordinance, including, without limitation, the furnishing of such documentation and information as may be required by the Director of the Local Finance Board pursuant to Section 40A:2-56 of the Local Bond Law. All prior actions taken by such officials in connection with the refunding program authorized by this Ordinance are hereby ratified and confirmed.

**Section 10.** Neither this Ordinance nor any resolution of the Council performing, determining or authorizing matters or acts in connection with the Refunding Bonds shall take effect until there is endorsed upon a certified copy hereof of the consent of the Local Finance Board referred to in Section 40A:2-55 of the Local Bond Law; in no event shall this Ordinance be effective earlier than twenty (20) days after the first publication hereof after final passage.

**Section 11.** This Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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RICHARD L. DEPAMPHILIS, III, MAYOR

FIRST READING:	September 27, 2011
PUBLICATION:	October 1, 2011
FINAL READING:	October 12, 2011
PUBLICATION WITH STATEMENT:	October 17, 2011

## **NOTICE OF PENDING REFUNDING BOND ORDINANCE**

The Refunding Bond Ordinance published herewith 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 September 27, 2011, 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 October 12, 2011, at 6:00 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.

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Leigh Ann Napoli, RMC, Municipal Clerk

## STATEMENT

The Refunding Bond Ordinance published herewith has been finally adopted on October 12, 2011, 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.

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Leigh Ann Napoli, RMC, Municipal Clerk