

**THE CITY OF MARGATE CITY IN
THE COUNTY OF ATLANTIC, NEW JERSEY**

ORDINANCE NO. 2012-3

BOND ORDINANCE APPROPRIATING TWO MILLION DOLLARS (\$2,000,000) AND AUTHORIZING THE ISSUANCE OF ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) IN BONDS AND NOTES OF THE CITY OF MARGATE FOR CONSTRUCTION OF IMPROVEMENTS AND RENOVATIONS TO FIRE STATION NO. 1 LOCATED IN THE CITY OF MARGATE, IN THE COUNTY OF ATLANTIC, NEW JERSEY

THE BOARD OF COMMISSIONERS OF THE CITY OF MARGATE CITY IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of the full membership thereof affirmatively concurring), DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Appropriation for Project-Down Payment

The improvement described in Section 3 of this Bond Ordinance is hereby respectfully authorized as a general improvement to be made or acquired by the City of Margate, in the County of Atlantic, New Jersey (the "City"). For said improvement or purpose stated in Section 3, there is hereby appropriated the sum of money therein stated as the appropriation made for said improvement or purpose, said sum being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to TWO MILLION DOLLARS (\$2,000,000), including the aggregate sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000) which is hereby appropriated from the Capital Improvement Fund of the City as the down payment for said improvement or purpose as required pursuant to N.J.S.A. 40A:2-11. It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this Bond Ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this Bond Ordinance by provisions in prior or current budgets of the City for capital improvements and down payments, including also monies received from the United States of America, the State of New Jersey or the County of Atlantic, or agencies thereof, as grants in aid of financing said improvement or purpose.

Section 2. Authorization of Bonds

For the financing of said improvement or purpose and to meet the TWO MILLION DOLLARS (\$2,000,000) appropriation, negotiable bonds of the City are hereby authorized to be issued in the maximum principal amount of ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) pursuant to the Local Bond Law of New Jersey (the "Local Bond Law") and any other law applicable thereto. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose stated in Section 3, negotiable note(s) of the City in the maximum principal amount of ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. Description of Project

The improvement hereby authorized and the purpose for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of such purpose (including all work or materials necessary therefore or incidental thereto), and the estimated maximum amount of bonds or notes to be issued for such purpose are as follows:

IMPROVEMENT OR <u>PURPOSE</u>	APPROPRIATION AND <u>ESTIMATED COST</u>	AMOUNT OF BONDS <u>OR NOTES</u>
Construction of improvements and renovations to Fire Station No. 1 located at Washington and Ventnor Avenues in the City of Margate City, including without limitation all building construction costs, furniture and fixtures, environmental remediation and asbestos removal, demolition, site improvement work, project design, consulting services and contract management, costs and expenses of surveying, planning, architectural, engineering, legal, permits and approvals, preparation of plans and specifications, bid documents and construction inspection and administration.	<u>\$2,000,000.00</u>	<u>\$1,900,000.00</u>
Total	<u>\$2,000,000.00</u>	<u>\$1,900,000.00</u>

The excess of the appropriation made for such improvement or purpose aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as stated above, not including the amount of any grant, is the amount of the said down payment for said purpose.

Section 4. Authorization of Notes

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the City in a principal amount equal to the said principal of bonds not exceeding ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer 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 shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Commission of the City at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The

Chief Financial Officer's signature upon said note(s) shall be conclusive evidence of such determination.

Section 5. Additional Matters

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

(a) The said purpose described in Section 3 of this Bond Ordinance is not a current expense and is a property or improvement which the City may lawfully require or make as a general improvement, and no part of the cost thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b) The period of usefulness of said purpose authorized herein as determined in accordance with the Local Bond Law is 15 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the City Clerk 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, and such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000), and the said obligations authorized by this bond ordinance will be within the debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding TWO HUNDRED THOUSAND DOLLARS (\$200,000) in the aggregate for interest on said obligations, costs of issuing said obligations, architectural, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the City in connection with the acquisition of such improvement and property 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 improvement and are included in the foregoing estimate thereof.

Section 6. Full Faith and Credit

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. Official Intent to Reimburse Expenditures

The City reasonably expects to reimburse any expenditures towards the cost of the improvement or purpose 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 improvement or purpose 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. Effective Date

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

BOARD OF COMMISSIONERS OF THE CITY OF
MARGATE IN THE COUNTY OF ATLANTIC

FIRST READING:	February 2, 2012
PUBLICATION:	February 8, 2012
FINAL READING:	February 16, 2012
PUBLICATION WITH STATEMENT:	February 22, 2012

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 Margate, in the County of Atlantic, State of New Jersey, held on February 2, 2012, at the Margate 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 February 16, 2012, at 5:00 o'clock P.M. at the Margate 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, 1 So. Washington Avenue, Margate, 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: "BOND ORDINANCE APPROPRIATING TWO MILLION DOLLARS (\$2,000,000) AND AUTHORIZING THE ISSUANCE OF ONE MILLION NINE HUNDRED THOUSAND DOLLARS (\$1,900,000) IN BONDS AND NOTES OF THE CITY OF MARGATE FOR CONSTRUCTION OF IMPROVEMENTS AND RENOVATIONS TO FIRE STATION NO. 1 LOCATED IN THE CITY OF MARGATE, IN THE COUNTY OF ATLANTIC, NEW JERSEY"

Purpose(s): Improvements to Fire Station No. 1

Appropriation: \$2,000,000

Bonds/Notes Authorized: \$1,900,000

Grants (if any) Appropriated: N/A

Section 20 Costs: \$200,000

Useful Life: 15 years

Rosemarie A. Freed, RMC, Deputy City 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 Margate, in the County of Atlantic, State of New Jersey on February 16, 2012, 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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Rosie Freed, RMC, Municipal Clerk