

ORDINANCE 11-2023

BOND ORDINANCE AUTHORIZING EMERGENT RECONSTRUCTION IMPROVEMENTS TO VARIOUS TOWNSHIP MUNICIPAL FACILITIES, INCLUDING ALL COSTS, APPURTENANCES AND IMPROVEMENTS RELATED THERETO, APPROPRIATING FIVE HUNDRED THOUSAND DOLLARS (\$500,000) THEREFOR AND AUTHORIZING THE ISSUANCE OF FOUR HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$475,000) OF BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COST OF SAID IMPROVEMENTS IN AND BY THE TOWNSHIP OF MULLICA, COUNTY OF ATLANTIC, STATE OF NEW JERSEY

BE IT ORDAINED, by the Mayor and Committee of the Township of Mullica, County of Atlantic, State of New Jersey, by not less than two-thirds of all committee members thereof affirmatively concurring, as follows:

Section 1. Appropriation for Projects-Down Payment

The improvements and purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements to be made or acquired by the Township of Mullica, County of Atlantic, State of New Jersey (hereinafter referred to as the "Township"). For said improvements or purposes stated in Section 3 of this bond ordinance, there is hereby appropriated Five Hundred Thousand Dollars (\$500,000), including the sum of Twenty-Five Thousand Dollars (\$25,000) as the down payments for said purposes from the Capital Improvement Fund or from other legally available funds of the Township; said down payment being now available by virtue of a provision in the current or previously adopted budgets of the Township and currently available for down payment purposes or capital improvement purposes, as required by the Local Bond Law of New Jersey, N.J.S.A. 40A:2-1, *et seq.* (the "Local Bond Law"), 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 improvements or purposes.

Section 2. Authorization of Bonds and Notes

For the financing of said improvements or purposes and to meet the part of said Five Hundred Thousand Dollars (\$500,000) appropriation not otherwise provided hereunder, negotiable bonds of the Township are hereby authorized to be issued in a principal amount not to exceed Four Hundred Seventy-Five Thousand Dollars (\$475,000) pursuant to the Local Bond Law. In anticipation of the issuance of said bonds, negotiable notes of the Township in a principal amount not to exceed Four Hundred Seventy-Five Thousand Dollars (\$475,000) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount

of the bonds so issued. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one (1) year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within the limitations prescribed by the Local Bond Law. Each of said notes shall be signed and shall be under the seal of the Township and attested as required by law. The appropriate Township officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with law. The power to determine all matters in connection with said note or notes and not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer of the Township (the “Financial Officer”), who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law and the Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. The Financial Officer is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this ordinance is made, such report to include the principal amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

Section 3. Description of Projects

The improvements and acquisitions hereby authorized and the purposes of the financing for which said obligations are to be issued, the estimated cost of each purpose and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each purpose and the period of usefulness of each purpose are as follows:

Improvement/Acquisition	Appropriations and Estimated Cost	Down Payment from Capital Improvement Fund	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness
Reconstruction Improvements to Township Municipal Facilities, including without limitation remediation of septic infiltration, mold remediation, replacement of septic system, rental of temporary trailers at recreation site, related infrastructure improvements, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore either on file or to be filed in the office of the City Clerk and hereby approved, including the costs of				

surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.	\$500,000	\$25,000	\$475,000	15 years
TOTAL	\$500,000	\$25,000	\$475,000	15 years

Section 4. Additional Matters

The excess of the appropriation made for such improvements or purposes 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 payments for said purposes. The following additional matters are hereby determined, declared, recited and stated:

- (a) The purposes described in Section 3 of this bond ordinance are not current expenses and are property or improvements which the Township may lawfully acquire or make as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The period of usefulness of said purposes is within the limitations of the Local Bond Law taking into consideration the amount of the said obligations authorized for said purposes, according to the reasonable life thereof, computed from the date of said bond authorized by this bond ordinance, and for all such purposes as set forth in Section 3 hereof, the average period of usefulness is 15 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Township 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 Township, determined as provided in the Local Bond Law, is increased by this bond ordinance by Four Hundred Seventy-Five Thousand Dollars (\$475,000); and obligations authorized hereunder, will be within all debt limitations prescribed by said law.
- (d) The aggregate amount not exceeding One Hundred Thousand Dollars (\$100,000) for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Local Bond Law is included as part of the estimated costs of said improvements and purposes.

Section 5. Application of Grants

Any grant or other moneys received for the purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvement or to payment of the

obligations issued pursuant to this ordinance and the amount of the obligations authorized herein for such purposes shall be reduced accordingly.

Section 6. Tax Covenant

The Township Committee of the Township of Mullica hereby covenants on behalf of the Township to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the debt obligations authorized hereunder as is required under the Internal Revenue Code of 1986, as amended, and as the same may be amended from time to time, including, but not limited to, compliance with said Code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

Section 7. Full Faith and Credit

The full faith and credit of the Township are hereby pledged to the 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 Township, and, unless paid from other revenues of the Township, the Township shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation as to rate or amount.

Section 8. Capital Budget

The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board of the State of New Jersey, Department of Community Affairs, showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Township Clerk and is available there for public inspection.

Section 9. Official Intent to Reimburse Expenditures

The Township reasonably expects to reimburse any expenditure towards the costs of the improvements or purposes described in Section 3 of this ordinance and paid prior to the issuance of any bonds or notes authorized by this ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Township, or by any member of the same “control group” as the Township, within the meaning of Treasury Regulations Section 1.150-1, 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 Township’s official intent to reimburse any expenditures toward 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 1.150-2, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

Section 10. Ratification of Prior Actions

Any action taken by any officials of the Township in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

Section 11. Inconsistency of Prior Ordinance

To the extent that any previous ordinance or resolution is inconsistent with or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 12. Severability

The provisions of this bond ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

Section 13. Effective Date

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

INTRODUCTION: August 22, 2023

PUBLICATION: August 29, 2023

ADOPTION: September 7, 2023

PUBLICATION WITH STATEMENT: September 9, 2023

EFFECTIVE: September 29, 2023

Bruce Crowe
Mayor

CERTIFICATION

I, Krystel M. Arana, Municipal Clerk of the Township of Mullica, County of Atlantic, State of New Jersey, do hereby certify that the foregoing Ordinance 11-2023 was introduced by the Mayor and Committee of the Township of Mullica at a Regular Meeting held on Tuesday, August 22, 2023.

Krystel M. Arana
Municipal Clerk

CERTIFICATION

I, Krystel M. Arana, Municipal Clerk of the Township of Mullica, County of Atlantic, State of New Jersey, do hereby certify that the foregoing Ordinance 11-2023 was adopted by the Mayor and Committee of the Township of Mullica at a Special Meeting held on Thursday, September 7, 2023.

Krystel M. Arana
Municipal Clerk