

Freeholder NAROZANICK offered the following Bond Ordinance and moved its adoption:

**BOND ORDINANCE # 06-1**

**BOND ORDINANCE PROVIDING FOR THE IMPROVEMENTS OF THE BROOKDALE COMMUNITY COLLEGE FACILITIES IN AND BY THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$12,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$9,700,000 BONDS OR NOTES OF THE COUNTY AND \$2,700,000 BONDS OR NOTES OF THE COUNTY ENTITLED TO THE BENEFITS OF CHAPTER 12 OF THE LAWS OF NEW JERSEY OF 1971 FOR FINANCING SUCH APPROPRIATION**

WHEREAS, with respect to the Improvements described in Section 3(a)(1), the Board of Trustees of the Brookdale Community College (the "Board of Trustees") has determined by resolutions duly adopted on August 14, 2003 and December 9, 2004 that \$14,466,169 and \$3,533,831, respectively, is necessary for the expansion and renovation of its facilities and has delivered a statement to the effect that each member of the Board of School Estimate;

WHEREAS, with respect to the Improvements described in Section 3(a)(1), the Board of School Estimate has determined by resolution duly adopted on April 15, 2004 that \$14,466,169 is necessary in Fiscal Years 2004, 2005 and 2006 and by resolution duly adopted on February 9, 2005 that \$3,533,831 is necessary in Fiscal Year 2006 for the improvements specified in the Statement of the Board of Trustees which is to be raised by the County of Monmouth and a certificate to that effect has been delivered to the Board of Trustees and the Board of Chosen Freeholders of the County of Monmouth;

WHEREAS, with respect to the Improvements described in Section 3(a)(1), the Council of County Colleges approved certain improvements described below at an estimated cost of \$18,000,000 and determined that the State's share of the project not to exceed \$9,000,000 shall be supported through the procedures of Chapter 12 of the laws of 1971 of New Jersey, as amended and supplemented;

NOW, THEREFORE, BE IT ORDAINED, BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

**SECTION 1:**

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the County of Monmouth, New Jersey (the "County")

**as general improvements.** For the said Improvements there is hereby appropriated the amount of **\$12,400,000.** No down payment is required pursuant to N.J.S.A. 18A:64A-19(2)(b).

#### **SECTION 2:**

In order to finance the cost of the Improvements, negotiable bonds of the County are hereby authorized to be issued in the principal amount of \$12,400,000 pursuant to the provisions of the Local Bond Law and Title 18A, Education, of the New Jersey Statutes (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the County are hereby authorized to be issued in the principal amount not exceeding \$12,400,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

#### **SECTION 3:**

(a) (1) The Improvements hereby authorized in the amount of \$5,400,000 and the purpose for the financing of which the bonds are to be issued are the improvements of Brookdale Community College, including all costs and materials necessary therefor or incidental thereto and consisting of construction/renovation of the Main Academic Complex - Phases IV and V and the former College Bookstore and renovation of the Collins Arena-Phase I, all as shown on and in accordance with the plans and specifications therefor on file in the office of the Clerk of the Board of Chosen Freeholders and hereby approved. This appropriation is supplementary to Ordinance 04-01 and 05-02 which was in the amount of \$3,460,000 and \$9,140,000 respectively for this Improvement.

(2) The Improvements hereby authorized in the amount of \$7,000,000 and the purpose for the financing of which bonds are to be issued are the improvements of Brookdale Community College, including all costs and materials necessary therefor or incidental thereto and consisting of the acquisition and renovation of a building located at One Crown Plaza, Hazlet, New Jersey all as shown on and in accordance with the plans and specifications therefor on file in the office of the Clerk of the Board of Chosen Freeholders and hereby approved.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$12,400,000.

(c) The estimated cost of the Improvements is \$12,400,000, which amount represents the initial appropriation made by the County.

#### **SECTION 4:**

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the Director of Finance of the County (the "Director of Finance"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Director of Finance. The Director of Finance shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Director of Finance upon the Notes shall be conclusive evidence as to all

such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Director of Finance is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Director of Finance is directed to report in writing to the Board of Chosen Freeholders of the County at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

**SECTION 5:**

The capital budget of the County 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 showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Clerk of the Board of Chosen Freeholders and is available for public inspection.

**SECTION 6:**

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

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the County may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, 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 Clerk of the Board of Chosen Freeholders and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that, while the net debt is increased by this ordinance by \$9,700,000, the gross debt of the County, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$12,400,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law. Pursuant to the provisions of N.J.S.A. 18A: 64A-22.4, the obligations authorized hereunder constitute deduction from the gross debt of the County to the extent of \$2,700,000 and to that extent shall not be considered in determining the County's net debt for debt incurring purposes.

(d) An aggregate amount not exceeding \$2,750,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

**SECTION 7:**

In accordance with N.J.S.A. 18A:64A-19, the Board of Trustees of the Brookdale Community College has duly prepared and delivered to the Board of School Estimate a statement of the money necessary for the improvements described in Section 3(a) hereof. The Board of School Estimate has duly prepared a certificate of such amount and the certificate has been duly filed with the Board of Trustees and the Board of Chosen Freeholders of the County of Monmouth.

**SECTION 8:**

The obligations authorized hereunder to the extent of \$2,700,000 are entitled to the benefits of the provisions of Chapter 12 of the Laws of 1971 of New Jersey, as amended and supplemented. Pursuant to said Law, the State of New Jersey shall appropriate and pay the amounts payable on account of interest and principal on such bonds and interest on notes issued in anticipation thereof as the same become due.

**SECTION 9:**

The full faith and credit of the County are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the County, and the County shall be obligated to levy ad valorem taxes upon all the taxable property within the County for the payment of the obligations and the interest thereon without limitation of rate or amount.

**SECTION 10:**

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The County reasonably expects to pay expenditures with respect to the Improvements prior to the date that County incurs debt obligations under this Bond Ordinance. The County reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the County under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$12,400,000.

**SECTION 11:**

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

Seconded by Freeholder BURRY and adopted on the following roll call:

	YES	NO	ABSTAIN	ABSENT
Mrs. Little	X			
Mrs. Burry	X			
Mr. Narozanick	X			
Mr. Clifton	X			
Mr. Barham	X			

BOND  
ORDINANCE

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE COPY  
OF A RESOLUTION ADOPTED BY THE BOARD OF CHOSEN  
FREEHOLDERS OF THE COUNTY OF MONMOUTH AT A  
MEETING HELD MARCH 23 2006

*June Stray*  
CLERK