

**Monmouth County Board of County Commissioners**

Meeting Venue:

Date: Sep 12, 2023 - 1:30 PM

Location: Hall of Records  
 Commissioner's Meeting Room  
 1 East Main Street  
 Freehold, NJ 07728

Agenda: Bond Ordinance providing an appropriation of \$19,200,000 for various equipment and improvements by and for the County of Monmouth, New Jersey, and authorizing the issuance of \$18,240,000 in bonds or notes of the County for financing part of the appropriation (First Reading)

Official Document #	BO# 2023-0006						
Meeting Date	09/12/2023						
Introduced Date	09/12/2023						
Adopted Date	09/12/2023						
Agenda Item	57						
COUNTY COMMISSIONER	PRES.	ABS.	MOVE	SEC	AYE	NAY	ABST.
Licitra	<		<		<		
DiRocco	<				<		
Burry	<				<		
Kiley	<			<	<		
Arnone	<				<		

**CERTIFICATION**

I HEREBY CERTIFY THE ABOVE TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF MONMOUTH AT A MEETING HELD

\_\_\_\_\_ *Sept. 12*, 20*23*  
*Jawara Brown*  
 CLERK OF THE BOARD

FINANCE

BOND ORDINANCE # \_\_\_\_\_

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$19,200,000 FOR VARIOUS EQUIPMENT AND IMPROVEMENTS BY AND FOR THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$18,240,000 IN BONDS OR NOTES OF THE COUNTY FOR FINANCING PART OF THE APPROPRIATION.**

**BE IT ORDAINED, BY THE BOARD OF COUNTY COMMISSIONERS 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 a general improvement. For the said Improvements there is hereby appropriated the amount of \$19,200,000, such sum includes the sum of \$960,000 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A, Municipalities and Counties of the Revised Statutes of New Jersey (the “Local Bond Law”). The Down Payment is now available by virtue of provision in the County Open Space, Recreation, Farmland and Historic Preservation Trust Fund.

SECTION 2:

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the County are hereby authorized to be issued in the principal amount of \$18,240,000 pursuant to the provisions of the Local Bond Law (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 \$18,240,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued are set by, Resolution No. 87-548, Resolution No. 96-630, Resolution No. 02-690, Resolution No. 06-629 and Resolution No. 17-0584 adopted by the Board of Chosen Freholders of the County (currently known as the Board of County Commissioners) on August 13, 1987, August 8, 1996, August 22, 2002, August 10, 2006 and July 27, 2017 and approved by the voters of the County in the General Election of November 1987, 1996, 2002, 2006 and 2017 are limited to the acquisition of land for county park, recreation, conservation, and farmland preservation purposes, as well as for county recreation and conservation development and maintenance purposes or for the payment of debt service or indebtedness issued or incurred by the County for any of the purposes described above in accordance with Chapter 24 of the Public Laws of 1997 and as amended, including but not limited to the following:

- (a) Crosswicks Creek Park Visitor Improvements – parking, walkways, building improvements for Fire Museum and Trail Access;
- (b) Deep Cut Gardens – design costs for meditation garden and restoration of lower pond;
- (c) Dorbrook Recreation Area – conversion of large barn for program use;
- (d) Various Parks – parking lots, trails, picnic shelters, off-leash dog areas and visitor support facilities;
- (e) Hartshorne Woods Park – new maintenance building, including design and construction costs;
- (f) Henry Hudson Trail Freehold Hub - design;
- (g) Holmdel Park – new activity center;
- (h) Holmdel Park Forest Edge – playground reconstruction;
- (i) Hubert Woods Park – Timolat Farm – site improvements;
- (j) Manasquan Reservoir - Environmental Center exhibit improvements;
- (k) Shark River Golf Course – pond and irrigation systems;
- (l) Seven Presidents Oceanfront Park – pedestrian improvements;
- (m) Thompson Park – maintenance buildings – design and construction; and
- (n) Wolf Hill, Debois Creek and/or Wickatunk Recreation Areas – design and phase one of construction of athletic fields, courts and other play facilities.

(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 \$18,240,000.

(c) The estimated cost of the Improvements is \$19,200,000, 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 (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 governing body 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 County Commissioners 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 20.24 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 County Commissioners 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 \$0, 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 \$18,240,000 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. 40A:2-44(h), the obligations authorized hereunder constitute a deduction from the gross debt of the County to the extent of \$18,240,000 and that to that extent shall not be considered in determining the County's net debt for debt incurring purposes.

(d) An aggregate amount not exceeding \$5,000,000 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:

Any funds received from time to time by the County as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the County authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the County as funds applicable only to the payment of obligations of the County authorized by this Bond Ordinance.

SECTION 8:

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 9:

The Director of Finance of the County is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the County and to execute such disclosure document on behalf of the County. The Director of Finance is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the County pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the County and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the County fails to comply with its undertaking, the County shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking

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 \$18,240,000.

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.