

**BOND ORDINANCE # 08-03**

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$101,367,000 FOR VARIOUS IMPROVEMENTS AND PURPOSES FOR AND BY THE COUNTY OF MONMOUTH, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$71,055,000 BONDS OR NOTES OF THE COUNTY FOR FINANCING PART OF THE COST THEREOF.**

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 101,367,000, such sum includes the sums of (a) \$20,500,000 expected to be received from the New Jersey State Agricultural Development Commission in connection with the improvement described in Section 7 of Exhibit I and \$6,250,000 expected to be received from various municipalities in Monmouth County in connection with the improvement described in Section 7 of Exhibit I; and \$3,562,000 as the down payment (the "Down Payment") for the Improvements required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

**SECTION 2:**

In order to finance the cost of the Improvements not covered by the respective outside funding sources and the application of the Down Payment, negotiable bonds of the County are hereby authorized to be issued in the principal amount of \$71,055,000 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 \$71,055,000 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 hereunder, the estimated cost of each Improvement, the appropriation therefor, the estimated maximum amount of Bonds or Notes to be issued for each Improvement and the period of usefulness for each Improvement are as set forth in Exhibit I attached hereto.

(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 \$71,055,000.

(c) The estimated cost of the Improvements is 101,367,000, which amount represents the initial appropriation made by the County. The excess of the appropriations made for each of the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor is the amount of funds expected from outside sources described in Section 1, plus the Down Payment.

#### 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 19.38 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 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 \$71,055,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$10,485,000 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:

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 \$71,055,000.

SECTION 10:

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

| RECORD OF VOTE |     |    |         |        |       |        |
|----------------|-----|----|---------|--------|-------|--------|
| FREEHOLDERS    | YES | NO | ABSTAIN | ABSENT | MOVED | SECOND |
| Mr. D'Amico    | ✓   |    |         |        |       |        |
| Mrs. McMorro   | ✓   |    |         |        |       | ✓      |
| Mr. Barham     | ✓   |    |         |        |       |        |
| Mr. Clifton    | ✓   |    |         |        | ✓     |        |
| Mrs. Burry     | ✓   |    |         |        |       |        |

**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 May 23, 2008

*Bond Ordinance*

James Strong  
CLERK

**EXHIBIT I**

| Improvements  | Appropriation<br>and<br>Estimated<br>Cost | Maximum<br>Amount<br>of Bonds<br>or Notes | Period of<br>Usefulness |
|---|---|---|-------------------------|
| <p>1. Construction and reconstruction of the following County bridges: A-53A (Colts Neck); E-18 (Little Silver); E-24 (Eatontown); H-39 (Holmdel); MT-9 (Middletown); O-26/O-17 (Ocean); O-57 (Long Branch); R-5 (Union Beach); R-13 (Keansburg); R-24 (Union Beach); S-12A (Tinton Falls); S-31 (Middletown/Rumson); U-33 (Upper Freehold); U-47, U-48 and U-50 (Upper Freehold); W-7A (Brielle); W-9 (Manasquan); W-43 Belmar/Avon); Construction and reconstruction of the following County bridges and dams: MS-48 (Millstone); MT-30 (Middletown); MT-45 (Middletown); W-1 (Wall); W-18 (Wall); engineering design and inspection; application of the three layer protection system; replacement of guide rails; and general renovations.</p>  | <p>\$ 8,370,000</p>                       | <p>\$ 7,971,000</p>                       | <p>24.71 years</p>      |
| <p>2. Repair and reconstruction of the following County roads: roadway improvements at County Route 7 and Palmer Avenue (Holmdel/Middletown); intersection improvements at County Route 10 and Fair Avenue Road (Fair Haven); pedestrian improvements at County Route 10 and Maple Avenue to Washington Street (Red Bank); roadway realignment at County Route 11 and Oceanport Avenue (Oceanport); intersection improvements at County Route 14, County Route 35 and Armstrong Blvd. (Ocean); intersection improvements at County Route 16 and Asbury Avenue at Foxchase Drive (Tinton Falls); traffic signal upgrades at County Route 16 (Asbury Park); intersection improvements at County Route 17 and Wayside Road (Neptune Township); intersection improvements at County Route 23 and County Route 53 (Freehold Township); intersection improvements at County Route 25 and Cedar Avenue at State Route 71 (Long Branch); intersection improvements at County Route 43 and County Route 524 (Upper Freehold); intersection improvements at County Route 52 from West Front Street to American Way (Middletown/Holmdel); intersection improvements at County Route 57 and Brighton (Long Branch); roadway improvements at</p> | <p>10,230,000</p>                         | <p>9,742,000</p>                          | <p>19.15 years</p>      |

| Improvements  | Appropriation<br>and<br>Estimated<br>Cost | Maximum<br>Amount<br>of Bonds<br>or Notes | Period of<br>Usefulness |
|---|---|---|-------------------------|
| County Route 520 - Phase I Lincroft Corridor (Middletown); intersection improvements at County Route 524 and County Route 524A (Howell); intersection reconstruction at County Route 524 and Stillhouse Road (Millstone); roadway improvements at County Route 526A and Sharon Station Road from County Route 539 to County Route 526 (Upper Freehold); roadway improvements at County Route 547, Wyckoff Road County Route 36 to County Route 35 (Eatontown); parking lot improvements at Hall of Records (Freehold Borough); drainage improvements at Jones Creek Outfall (Atlantic Highlands); drainage improvements at Buck Mill Pond Dredging (Colts Neck), including installation of traffic signals, culvert replacement, modernization of traffic signals, acquisition of rights-of-way, drainage, design and inspection. |   |   |                         |
| 3. Various park improvements, including demolition, replacement of roofs, circulation (vehicular and pedestrian), bridge renovations, accessibility upgrades and site improvements.   | 3,000,000                                 | 2,857,000                                 | 15 years                |
| 4. Acquisition of equipment including but not limited to compactors, bulldozers, crawlers/loaders, roll-off trucks, pick-up trucks, rubber tire loaders, haul units, diesel tractors, jet vac and computers.  | 4,000,000                                 | 3,808,000                                 | 5 years                 |
| 5. Improvements at John L. Montgomery Care Center in Freehold Township and Geraldine L. Thompson Care Center in Allenwood.  | 2,660,000                                 | 2,533,000                                 | 15 years                |
| 6. Improvements for the Vocational School including:<br>(a) improvements at the facilities located in Long Branch;<br>(b) improvements at Career Center site in Freehold Township;<br>(c) improvements at the High Tech High School;<br>(d) Freehold building renovations;<br>(e) various infrastructure improvements; and<br>(f) acquisition of equipment.   | 12,087,000                                | 11,510,000                                | 15 years                |
| 7. Acquisition of easements at various locations in the County (block and lot numbers on file in the office of the Clerk of the Board of Chosen Freeholders).   | 36,500,000                                | 9,285,000                                 | 40 years                |

| Improvements  | Appropriation<br>and<br>Estimated<br>Cost | Maximum<br>Amount<br>of Bonds<br>or Notes | Period of<br>Usefulness |
|---|---|---|-------------------------|
| 8. Various improvements including:<br>(a) improvements at Fire Academy;<br>(b) replacement of chillers at Courthouse;<br>(c) improvements at Hall of Records;<br>(d) improvements at Correctional Institute;<br>(e) acquisition of trunked radio system;<br>(f) design for new prosecutors building;<br>(g) Design for new Secure building;<br>(h) SCAT improvements; and<br>(i) improvements at various locations including<br>master plan, elevator renovations, fueling facility,<br>upgrades and roof replacements. | 24,520,000                                | 23,349,000                                | 15 years                |

**RESOLUTION ADOPTING BOND ORDINANCE**

WHEREAS, a Bond Ordinance entitled "BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$101,367,000 FOR VARIOUS IMPROVEMENTS AND PURPOSES FOR AND BY THE COUNTY OF MONMOUTH, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$71,055,000 BONDS OR NOTES OF THE COUNTY FOR FINANCING PART OF THE COST THEREOF", having been duly published and posted and a public hearing been held in accordance with law and it being appropriate for the Board to consider the adoption or rejection of the same;

NOW, THEREFORE, BE IT RESOLVED that the above mentioned bond ordinance be and the same is hereby adopted and said ordinance shall be signed by the Director and attested by the Clerk with the County Seal affixed thereon; and

BE IT FURTHER RESOLVED that the Clerk cause this bond ordinance to be published in an official County newspaper, together with a statement of final adoption, pursuant to N.J.S.A. 40A:2-17(b).

| RECORD OF VOTE |     |    |         |        |       |        |
|----------------|-----|----|---------|--------|-------|--------|
| FREEHOLDERS    | YES | NO | ABSTAIN | ABSENT | MOVED | SECOND |
| Mr. D'Amico    | ✓   |    |         |        |       |        |
| Mrs. McMorrow  | ✓   |    |         |        |       | ✓      |
| Mr. Barham     | ✓   |    |         |        |       |        |
| Mr. Clifton    | ✓   |    |         |        | ✓     |        |
| Mrs. Burry     | ✓   |    |         |        |       |        |

**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 May 22, 2008

June Stray  
CLERK