

BOND ORDINANCE PROVIDING FOR CAPITAL
IMPROVEMENTS TO THE SOMERSET COUNTY
VOCATIONAL & TECHNICAL SCHOOLS, LOCATED
WITHIN THE COUNTY OF SOMERSET, STATE OF NEW
JERSEY; APPROPRIATING \$2,275,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$2,275,000 BONDS OR
NOTES OF THE COUNTY OF SOMERSET, STATE OF NEW
JERSEY, FOR FINANCING OF SUCH APPROPRIATION

In accordance with the provisions an Act of the Legislature of the State of New Jersey entitled, "An Act revising the Education Law and the statutes relating to the State Library and the State Museum and continuing the Department of Higher Education and the State Department of Education and establishing a new Title to be known as Title 18A, Education, of the New Jersey Statutes", approved and effective April 9, 1968, as amended and supplemented (1967 N.J. Laws c. 271; N.J.S.A. 18A:54-1, et seq.) (the "Act"), a county vocational and technical school system in and for the County of Somerset, State of New Jersey (the "County"), has heretofore been established by due and proper action of the Board of Chosen Freeholders (the "Board of Chosen Freeholders") of the County, named and known as the Somerset County Vocational & Technical Schools (the "Vocational School"). Pursuant to due action of the Board of School Estimate of the Vocational School of the County of Somerset (the "Board of School Estimate"), the sum of \$2,275,000 has been determined as the aggregate amount necessary to undertake capital improvements to the Vocational School including, but not limited to (1) exterior site and safety improvements including, but not limited to, concrete, curb, walkway and paving improvements; (2) district-wide technology improvements including, but not limited to, instructional, safety, security and energy related technology improvements including, but not limited to, acquisition and installation, as applicable, of computer hardware, software and equipment; (3) TradeWins cafeteria infrastructure improvements including, but not limited to, expansion of restroom facilities, and restroom security improvements including, but not limited to, separation of public and student restroom facilities including demolition and/or construction, as applicable; and (4) district-wide restroom facilities improvements including, but not limited to, ADA compliance, water closet, exhaust, lighting, flooring, partition and aesthetic improvements (collectively, the "Project"), of which a \$2,275,000 aggregate portion has been fixed and determined as the amount needed and necessary to be raised by the County for the undertaking of the Project. The Board of Chosen Freeholders now desires to appropriate said sum as recommended by the Board of School Estimate as set forth herein as follows:

BE IT ORDAINED AND ENACTED BY THE BOARD OF CHOSEN
FREEHOLDERS OF THE COUNTY OF SOMERSET, STATE OF NEW JERSEY (not less than
two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3(a) of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the County. For the said improvements or purposes stated in Section 3(a) and pursuant to the provisions of the Act, and any other laws applicable thereto, the aggregate sum of \$2,275,000 is hereby appropriated by the County. No down payment is required pursuant to the provisions of N.J.S.A. 18A:54-31.

SECTION 2. In order to finance and provide for the improvements or purposes described in Section 3 hereof, negotiable bonds of the County are hereby authorized to be issued pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), in the aggregate principal amount of \$2,275,000 by virtue of the provisions of the Act. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the County in the aggregate principal amount not exceeding \$2,275,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvements for the Vocational School hereby authorized and purposes for the financing of which said obligations are to be issued include, (1) exterior site and safety improvements including, but not limited to, concrete, curb, walkway and paving

improvements; (2) district-wide technology improvements including, but not limited to, instructional, safety, security and energy related technology improvements including, but not limited to, acquisition and installation, as applicable, of computer hardware, software and equipment; (3) TradeWins cafeteria infrastructure improvements including, but not limited to, expansion of restroom facilities, and restroom security improvements including, but not limited to, separation of public and student restroom facilities including demolition and/or construction, as applicable; and (4) district-wide restroom facilities improvements including, but not limited to, ADA compliance, water closet, exhaust, lighting, flooring, partition and aesthetic improvements.

(b) All of such above improvements or purposes, as specified and described in the resolution heretofore made and delivered by the Board of School Estimate of the Vocational School to the Board of Chosen Freeholders (the "Board of School Estimate Resolution") include, as applicable, all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and also shall include all work, materials, equipment, accessories, labor and appurtenances necessary therefor or incidental thereto.

(c) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$2,275,000.

(d) The aggregate estimated cost of said improvements or purposes is \$2,275,000.

SECTION 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Director of Finance and Administration/Chief Financial Officer, provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate and be in such form as may be determined by the Director of Finance and Administration/Chief Financial Officer. The Director of Finance and Administration/Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Director of Finance and Administration/Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Director of Finance and Administration/Chief Financial Officer is hereby authorized to sell part or all of the notes to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dated dates to the date of delivery thereof. The Director of Finance and Administration/Chief Financial Officer is directed to report in writing to the Board of Chosen Freeholders at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not current expenses and are each an improvement or purpose which the County may lawfully acquire or make as general improvements.

(b) The average period of usefulness of said improvements or purposes, within the limitations of said Local Bond Law and taking into consideration the amounts provided for in the Board of School Estimate Resolution and according to the reasonable life thereof as computed from the date of the said bonds authorized by this bond ordinance, is 14.13 years.

(c) The Supplemental Debt Statement required by said Local Bond Law has been duly made and filed in the Office of the Deputy Clerk of the Board of Chosen Freeholders and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the County as defined by the Local Bond Law is increased by the authorization of the bonds and notes referred to in this bond ordinance by \$2,275,000, and that the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$455,000 for items of expense permitted under section 20 of said Local Bond Law has been included in the foregoing estimated cost of said improvements or purposes.

(e) The Board of Chosen Freeholders, being the governing body of the County, hereby concurs in and consents to the said appropriation and in and to the issuance of said bonds or notes.

SECTION 6. In the event the United States of America, the State of New Jersey, and/or a private entity make a contribution or grant in aid to the County for any of the general capital improvements or purposes authorized hereby and the same shall be received by the County prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or a private entity shall be received by the County after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 7. The full faith and credit of the County are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said 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 said obligations and interest thereon without limitation of rate or amount.

SECTION 8. The capital budget of the County is hereby amended to conform with the provisions of this bond ordinance, and to the extent of any inconsistency herewith a 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 of the Division of Local Government Services, New Jersey Department of Community Affairs, shall be filed in the office of the Deputy Clerk of the Board of Chosen Freeholders and shall be available for public inspection.

SECTION 9. The County hereby declares the intent of the County to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Director of Finance and Administration/Chief Financial Officer 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 and Administration/Chief Financial Officer 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 11. The County covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 12. This bond ordinance will be considered for final adoption after a public hearing thereon at a meeting of the Board of Chosen Freeholders of the County. The Deputy Clerk of the Board of Chosen Freeholders of the County is hereby authorized and directed to arrange for the publication of this bond ordinance in full, in summary or as provided by law after introduction upon first reading and after final adoption in an authorized newspaper of the County, such publications to be in accordance with the requirements of the Local Bond Law.

SECTION 13. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

ADOPTED ON FIRST READING

DATED: July 9, 2019

KATHRYN QUICK

Deputy Clerk of the Board of Chosen Freeholders

ADOPTED ON SECOND READING

DATED: July 23, 2019

KATHRYN QUICK

Deputy Clerk of the Board of Chosen Freeholders

I, Kathryn Quick, Deputy Clerk of the Board of Chosen Freeholders of the County of Somerset in the State of New Jersey, do hereby certify that the foregoing is a true copy of a Resolution adopted by said Board of Chosen Freeholders at its regularly convened meeting of July 23, 2019.

Kathryn Quick, Deputy Clerk of the Board