

A BOND ORDINANCE OF THE COUNTY OF SOMERSET, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF REAL PROPERTY AND RELATED EXPENSES BY THE COUNTY OF SOMERSET FOR THE RARITAN VALLEY COMMUNITY COLLEGE AND APPROPRIATING \$2,200,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$2,090,000 OF BONDS OR NOTES OF THE COUNTY OF SOMERSET TO FINANCE THE SAME.

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

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the County of Somerset, New Jersey (the "County") as general improvements. For the improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$2,200,000, including the sum of \$110,000 as the down payment for the improvements or purposes required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvements or purposes not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,090,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the bonds are to be issued is the acquisition of real property by the County for the Raritan Valley Community College, commonly known as 74 Lamington Road, Branchburg, New Jersey and 102 Lamington Road, Branchburg, New Jersey, and including all rights or interests therein, and including all work and services necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; 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 chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature 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 N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, 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 chief financial officer is directed to report in writing to the governing body 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 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 or temporary capital budget (as applicable) of the County is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the County Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense. They are improvements or purposes the County may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the 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. 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 \$2,090,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$440,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purposes or improvements.

(e) The County reasonably expects to commence acquisition and/or construction of the project described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the County further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the County is hereby pledged to the punctual payment of the principal of and the 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 real property within the County for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The County hereby covenants to take any action necessary or refrain from taking such action in order to preserve the exclusion from gross income of interest on the

bonds and notes authorized hereunder which are issued as tax-exempt bonds as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder. To the extent the County incurs any costs relating to the purposes described in Section 3, the County hereby declares its official intent to reimburse itself from the proceeds of such bonds or notes.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

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.

NOTICE OF PENDING BOND ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing bond ordinance was duly introduced and passed upon first reading at a regular meeting of the governing body of the County of Somerset, New Jersey, held on April 9, 2019. Further notice is hereby given that said bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said governing body at the County Administration Building, 20 Grove Street, Somerville, New Jersey on April 23, 2019 at 6:30 o'clock p.m., and during the week prior to and up to and including the date of such meeting, copies of said bond ordinance will be made available at the Clerk's office in the County Administration Building to the members of the general public who shall request the same.

Kathryn Quick, Deputy Clerk

NOTICE OF ADOPTION OF BOND ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the bond ordinance published herewith has been finally adopted by the governing body of the County of Somerset, New Jersey on April 23, 2019 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such bond ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this notice.

Kathryn Quick, Deputy Clerk

CLERK'S CERTIFICATE

I, Kathryn Quick, Deputy Clerk of the Board of Chosen Freeholders of the County of Somerset, State of New Jersey, HEREBY CERTIFY as follows that:

1. The attached copy of Ordinance No. _____ of said County entitled as set forth below and finally adopted on _____, 2019, has been compared by me with the original thereof officially recorded in the Ordinance Book of the County and is a true and correct copy thereof and of the whole of said original Ordinance. The title of said Ordinance is as follows:

**A BOND ORDINANCE OF THE COUNTY OF SOMERSET,
NEW JERSEY, PROVIDING FOR THE ACQUISITION OF
REAL PROPERTY AND RELATED EXPENSES BY THE
COUNTY OF SOMERSET FOR THE RARITAN VALLEY
COMMUNITY COLLEGE AND APPROPRIATING \$2,200,000
THEREFOR, AND PROVIDING FOR THE ISSUANCE OF
\$2,090,000 OF BONDS OR NOTES OF THE COUNTY OF
SOMERSET TO FINANCE THE SAME.**

2. Said Ordinance was introduced in writing and read and passed on first reading at a regular meeting of the Board of Chosen Freeholders of said County duly called and held on April 9, 2019 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), and was passed on second reading and finally adopted by the recorded affirmative vote of at least two-thirds of all the members of said Board of Chosen Freeholders, at a regular meeting thereof duly called and held on April 23, 2019 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), following the holding of a public hearing thereon at which all interested persons were given an opportunity to be heard.

3. Said Ordinance was published after first reading, on _____, 2019, together with the Notice of Pending Bond Ordinance, containing the date of introduction, time and place of further consideration of said Ordinance (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).

4. On _____, 2019, said Ordinance was posted on the bulletin board in the County Administration Building together with notice of the availability of copies of said Ordinance at the Clerk's office, and such copies of said Ordinance were made available to all members of the general public requesting the same.

5. After final passage, said Ordinance was duly published, together with the Notice of Adoption of Bond Ordinance, on _____, 2019 in the _____, a newspaper circulating in the County, and no protest by any person against making the improvement or issuing the indebtedness authorized in said Ordinance, nor any petition requesting that a referendum vote be taken on the action proposed in the Ordinance has been presented to the governing body or to me or filed in my office nor has any such action or proceeding questioning the validity of such Ordinance has been commenced within 20 days after such publication (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).

6. Said Ordinance when introduced was complete in the form in which it was finally adopted and remained on file in the Clerk's office for public inspection from the date of introduction to the date of final adoption.

7. The Ordinance appropriated a down payment of not less than 5% of the obligations thereby authorized to the purpose, or ratably to the purposes, to be financed pursuant to the Ordinance, and such sum was made available (~~strike out inapplicable language~~) (a) by provision in a previously adopted budget or budgets of the County for down payment or for capital improvement purposes, (b) from moneys then actually held by the County and previously contributed for such purposes other than by the County; and/or (c) by emergency appropriation.

8. The attached copy of a Supplemental Debt Statement has been compared by me with the original Supplemental Debt Statement of said County, prepared as of _____, 2019, and sworn to on _____, 2019, by Nicola Trasente, who was then the Chief Financial Officer of said County, and filed in the office of said Clerk on _____, 2019, and that the same is a true and complete copy of said original Supplemental Debt Statement.

9. A complete Supplemental Debt Statement was duly filed (before final adoption by the Board of Chosen Freeholders) in the Office of the Director of the Division of Local Government

Services of the State via email pursuant to email procedures instituted by the Division. Attached is a copy of the email confirmation received from the Division.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said County this ____ day of _____, 2019.

(SEAL)

Kathryn Quick, Deputy Clerk

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 an Ordinance adopted by said Board of Chosen Freeholders at its regularly convened meeting of April 9, 2019.

Kathryn Quick, Deputy Clerk of the Board

ATTACHMENTS

- A) Ordinance
- B) Extract of minutes of Board of Chosen Freeholders meeting at which Ordinance was introduced
- C) Extract of minutes of Board of Chosen Freeholders meeting at which Ordinance was finally adopted
- D) Affidavit of First Publication of Ordinance after introduction
- E) Affidavit of Second Publication of Ordinance after final adoption
- F) Supplemental Debt Statement
- G) Email confirmation received from the Division