

BOND ORDINANCE AMENDING IN ITS ENTIRETY BOND ORDINANCE NO. 1245 ADOPTED SEPTEMBER 15, 2008 AND ENTITLED: "BOND ORDINANCE PROVIDING FOR THE 2008 ROAD IMPROVEMENT PROGRAM IN THE CITY OF PLAINFIELD AND APPROPRIATING \$1,000,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$950,000 OF BONDS AND/OR NOTES FOR SAID PURPOSE SET TO BE UNDERTAKEN IN AND BY THE CITY OF PLAINFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY" TO INCREASE THE APPROPRIATION TO \$6,300,000 AND TO INCREASE THE AUTHORIZED THE ISSUANCE OF \$5,985,000 OF BONDS AND/OR NOTES FOR SAID PURPOSE SET FORTH THEREIN.

BOND ORDINANCE NO. 1246

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PLAINFIELD, IN THE COUNTY OF UNION, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. Bond Ordinance No. 1245 Adopted September 15, 2008 and Entitled: "Bond Ordinance Providing for the 2008 Road Improvement Program in the City of Plainfield and Appropriating \$1,000,000 Therefore and Authorizing the Issuance of \$950,000 of Bonds And/or Notes for Said Purpose Set to Be Undertaken in and by the City of Plainfield, in the County of Union, State of New Jersey" be and is hereby amended in its entirety to read as follows:

BOND ORDINANCE PROVIDING FOR THE 2008 ROAD IMPROVEMENT PROGRAM IN THE CITY OF PLAINFIELD AND APPROPRIATING \$6,300,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$5,985,000 OF BONDS AND/OR NOTES FOR SAID PURPOSE SET TO BE UNDERTAKEN IN AND BY THE CITY OF PLAINFIELD, IN THE COUNTY OF UNION, STATE OF NEW JERSEY

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF PLAINFIELD, IN THE COUNTY OF UNION, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

SECTION 1. The improvement and purpose described in Section 3 of this Bond Ordinance is hereby authorized as a capital improvement to be made or acquired by the City of Plainfield, County of Union, State of New Jersey. For said improvement or purpose stated in Section 3 hereof, there is hereby appropriated the sum of \$6,300,000, including the sum of \$315,000 which is herein appropriated as the down-payment from the Capital Improvement Fund. Said \$315,000 for down-payment purposes is hereby appropriated and is now available by virtue of a provision in the currently adopted budget or in a previously adopted budget of the City and is currently available for down-payment for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose and to meet the part of the \$6,300,000 appropriation not otherwise provided for hereunder, negotiable bonds of the City are hereby authorized to be issued in a principal amount not to exceed \$5,985,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds, negotiable notes of the City in a principal amount not exceeding \$5,985,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Law. In the event that bonds are issued pursuant to this Bond Ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this bond ordinance shall at any time exceed \$5,985,000, the moneys raised by the issuance of said bonds shall, to not less

than the amount of such excess, be applied to the payment of such notes then outstanding, at maturity. Each bond anticipation note issued pursuant to this bond ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within the limitations prescribed by the Local Bond Law. Each of said notes shall be signed and shall be under the seal of said City and attested as permitted by law. The appropriate City officers are hereby authorized to execute said notes and to issue said notes in such form as they may adopt in conformity with the law. The power to determine all matters in connection with this Ordinance and also the power to sell the notes, is hereby delegated to the Chief Financial Officer of the City (the "Financial Officer"), who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law and the Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. The Financial Officer is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this Bond Ordinance is made, such report to include the principal amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

SECTION 3. The improvement hereby authorized and the purpose for the financing of which said obligations is to be issued is as follows:

Improvement/ Acquisition	Estimated Cost	Down Payment (Capital Improvement Fund)	Estimated Maximum Amount of Bonds & Notes	Period of Usefulness (years)
2008 Road Program to include, but not limited to the milling, resurfacing, reconstruction and improvement of the following streets: Woodbine Ave., from Kensington Ave to Stilford Ave., Somert Street from City Limit to W. Front St., Geraud Ave. From Bridge to W. Front St., Whittingham Terrace from Salem Rd. to Cul-De-Sac, Brookside Place from Dead End to Geraud Ave., Remingotn Ave. From Kenyon Ave. to Lakeview Terr., Florence Ave from Moffett Ave. to S. End Pkwy, Moffett Ave from Park Ave. to Florence Ave., Oak Lane from Watchung Ave. to Sleepy Hollow Ln., Cedar Brook Rod. From Watchung Ave. to Prospect Ave., Thornton Ave. From Park Ave. to Hillside Ave., Compton Ave-Sect. 1 from Myrtle Ave to W. Front St., Central St. From S. Ave. to Woodland Ave., Carnegie Ave. From Watchung Ave. to Prospect Ave., Highland Ave. From Hillside Ave. to Woodland Ave., Myrtle Ave. From Rock Ave. to Albert St., Hillside Ave. From Berckman St. to Randolph Rd., Faragaut Rd. From City Line to E. Front Street, Richmond Street from E. Front St to Watchung Ave., Richmond Street from E. Front St to Watchung Ave., and South Avenue, to include all equipment, fixtures, furniture, costs, improvements and appurtenances necessary therefore or related thereto.	\$6,300,000	\$315,000	\$5,985,000	10

SECTION 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The purpose described in Section 3 of this Bond Ordinance is not a current expense and is property or an improvement which the City may lawfully acquire or make as a general improvement, 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 said purpose is within the limitations of the Local Bond Law taking into consideration the amount of said obligations authorized for said purpose, according to the reasonable life thereof computed from the date of said bonds authorized by this Bond Ordinance, as set forth in Section 3 hereof, the period of usefulness is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the City 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, and such Statement shows that the gross debt of the City determined as provided in said Law is increased by this bond ordinance by \$5,985,000 and obligations authorized hereunder will be within all debt limitations prescribed by said Law.

(d) Amounts not exceeding \$1,260,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed and permitted under N.J.S.A. 40A:2-20 of the Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimates thereof.

SECTION 5. Any grant or other moneys received by the City, in addition to the sums expressly appropriated in Section 3 hereof, for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to the payment of the obligations issued pursuant to this ordinance and the amount of the obligations authorized herein for such purpose shall be reduced accordingly.

SECTION 6. Each of the bonds authorized herein shall be designated "Qualified Bond" (Qualified pursuant to the Municipal Qualified Bond Act, N.J.S.A. 40A:3-1 et seq.) and shall contain a recital that it is issued pursuant to Title 40A of the New Jersey Statutes and is entitled to the benefits of the provisions of the Municipal Qualified Bond Act, N.J.S.A. 40A:3-1 et seq. Within ten (10) days after the date of issuance of qualified bonds, the City shall certify to the State Treasurer the name and address of the paying agent, the maturity schedule, interest rate and dates of payment of debt service on such qualified bonds. The bonds must be registered bonds, registered as to both principal and interest, or as consistent with any applicable law in effect as of the date of issuance. The form, date, denomination, interest rate and maturity of the bonds shall be as hereafter determined by resolution of the Municipal Council.

SECTION 7. The governing body of the City hereby covenants on behalf of the City to take any action necessary or to refrain from taking action in order to preserve the tax exempt status of the debt obligations authorized hereunder and issued as tax exempt obligations as is required under the Internal Revenue Code of 1986, as amended, including compliance with said code with regard to the use, expenditure, investment, timely reporting and the rebate of investment earnings as may be required thereunder.

SECTION 8. The full faith and credit of the City 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 City, and, unless paid from other revenues of the City, the City shall be obligated to levy ad valorem taxes upon all the taxable property within the City for the payment of said obligations and interest thereon without limitation as to rate or amount.

SECTION 9. The Capital Budget of the City is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board of the New Jersey Department of Community Affairs showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the City Clerk and is available there for public inspection.

SECTION 10. The City reasonably expects to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 of this ordinance paid prior to the issuance of any bonds or notes authorized by this ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the City, pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the City's official intent to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.150-2(e), and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section 1.148-10 to avoid, in whole or in part, arbitrage yield restrictions or arbitrage rebate requirements.

SECTION 11. To the extent that any previous Bond Ordinance or resolution is inconsistent with or contradictory hereto, said Bond Ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

SECTION 12. The provisions of this Bond Ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this Ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

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.

SECTION 2. To the extent that any previous Bond Ordinance or resolution is inconsistent with or contradictory hereto, said Bond Ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

SECTION 3. The provisions of this Bond Ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this Ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

SECTION 4. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

FIRST READING

JUNE 15, 2009