

**CITY OF ENGLEWOOD
REFUNDING BOND ORDINANCE NUMBER 21-12**

REFUNDING BOND ORDINANCE OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY PROVIDING FOR THE REFUNDING OF OUTSTANDING AND CALLABLE GENERAL IMPROVEMENT BONDS, SERIES 2010 OF THE CITY TO ACHIEVE DEBT SERVICE SAVINGS, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,500,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT REFUNDING BONDS OF THE CITY TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR

WHEREAS, pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"), the City of Englewood, in the County of Bergen, State of New Jersey (the "City") issued \$4,365,000 General Improvement Bonds, Series 2010 dated July 1, 2010, \$2,390,000 of which are currently outstanding and maturing on or after August 15, 2022 and which bonds are subject to redemption on or after August 15, 2020 at a redemption price equal to 100% of the par amount to be redeemed (the "Refunded Bonds"); and

WHEREAS, the City Council has determined that refunding bonds can be issued to refund, in whole or in part, such Refunded Bonds which, under current market conditions, can generate net present value debt service savings to the City equal to or greater than three percent (3%), which savings is the minimum amount required to obtain approval for such refunding from the Local Finance Board, Division of Local Government Services, Department of Community Affairs of the State of New Jersey (the "Local Finance Board"); and

WHEREAS, the City Council has determined to provide for the refunding of the Refunded Bonds through the issuance by the City of not to exceed \$2,500,000 aggregate principal amount of General Improvement Refunding Bonds, Series 2022 (the "Refunding Bonds"); and

WHEREAS, the City Council now desires to adopt this Refunding Bond Ordinance (the "Refunding Bond Ordinance") authorizing the issuance of Refunding Bonds in an aggregate principal amount not exceeding \$2,500,000, a portion of the sale proceeds of which shall be used to refund the Refunded Bonds.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

SECTION 1. The refunding of all or a portion of the Refunded Bonds is hereby authorized.

SECTION 2. In order to refund the Refunded Bonds and to pay all related costs of issuance associated therewith, the City is hereby authorized to issue the Refunding Bonds in an aggregate principal amount not to exceed \$2,500,000, all in accordance with the requirements of N.J.S.A. 40A:2-51, and to appropriate the proceeds of such Refunding Bonds to such purpose described in Section 3 hereof. Such Refunding Bonds shall be designated as "General Improvement Refunding Bonds, Series 2022", with such other designation as may be necessary to identify such bonds, including each series thereof.

SECTION 3. The purpose for the issuance of the Refunding Bonds is to achieve debt service savings for the City by refunding all or a portion of the callable principal amount of the Refunded Bonds, including the payment of interest accrued thereon to the date fixed for redemption of the Refunded Bonds.

SECTION 4. An aggregate amount not exceeding \$100,000 may be allocated from the principal amount of the Refunding Bonds to pay for items of expense listed and permitted under N.J.S.A. 40A:2-51(b), including, but not limited to, the aggregate costs of issuance thereof, including underwriting, printing, credit enhancement or other insurance premiums, advertising, paying agent and escrow fees, verification agent fees, rating agency fees, accounting, financial advisory, legal and other expenses in connection therewith.

SECTION 5. The purpose of the issuance of the Refunding Bonds is to realize net present value interest cost savings for property taxpayers residing in the City ("net" meaning savings after payment of all costs of issuance of the Refunding Bonds). Applicable State requirements mandate that such net present value interest cost savings equal at least 3% of the principal amount of the Refunded Bonds. In addition, the issuance of the Refunding Bonds shall comply with the provisions of N.J.A.C. 5:30-2.5, including that within 10 days of the date of the closing on the Refunding Bonds, the City Clerk, or an authorized representative of the City, shall file a report with the Local Finance Board within the Division of Local Government Services, New Jersey Department of Community Affairs setting forth (a) a comparison of the Refunding Bonds' debt service and the Refunded Bonds' debt service which comparison shall set forth the present value savings achieved by the issuance of the Refunding Bonds; (b) a summary of the issuance of the Refunding Bonds; (c) an itemized accounting of all costs of issuance in connection with the issuance of the Refunding Bonds and (d) a certification of the Chief Financial Officer that (i) all of the conditions of section (b) of N.J.A.C. 5:30- 2.5 have been met and (ii) a resolution authorizing the issuance of the Refunding Bonds, adopted pursuant N.J.S.A. 40A:2-51(c), was approved by a two-thirds vote of the full membership of the City Council.

SECTION 6. The Supplemental Debt Statement relating to the Refunding Bonds, required by the Local Bond Law, has been duly made and filed in the Office of the Clerk of the City, and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs, and such statement shows that the gross debt of the City, as defined in the Local Bond Law, is increased by the authorization of the bonds provided for in this Refunding Bond Ordinance, and will be decreased by the amount of the Refunded Bonds.

SECTION 7. To the extent that the Refunding Bonds are issued as federally tax-exempt obligations, the City Council hereby covenants on behalf of the City to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the Refunding Bonds authorized hereunder 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, and investment of the proceeds of the Refunding Bonds, and the timely reporting and rebate of investment earnings on such proceeds as may be required under the Code.

SECTION 8. This Refunding Bond Ordinance shall take effect twenty (20) days after the first publication hereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

ADOPTED ON FIRST READING

DATED: December 7, 2021

YANCY WAZIRMAS, Clerk

ADOPTED ON SECOND READING

DATED: December 21, 2021

YANCY WAZIRMAS, Clerk

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2021

**MICHAEL WILDES,
Mayor**

ORDINANCE #21-12

REFUNDING BOND ORDINANCE OF THE CITY OF ENGLEWOOD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY PROVIDING FOR THE REFUNDING OF OUTSTANDING AND CALLABLE GENERAL IMPROVEMENT BONDS, SERIES 2010 OF THE CITY TO ACHIEVE DEBT SERVICE SAVINGS, AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,500,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL IMPROVEMENT REFUNDING BONDS OF THE CITY TO EFFECT SUCH REFUNDING AND APPROPRIATING THE PROCEEDS THEREFOR

RECORD OF VOTE

FIRST READING DATE: December 7, 2021

COUNCIL	MOTION	VOTE
Cobb		Y
Cohen		Y
Hamer	X	Y
Maron		Y
Rosenzweig		Y

DATE PUBLISHED IN THE RECORD: December 11, 2021

DATES PUBLIC HEARINGS HELD: December 21, 2021

DATE SECOND READING HELD:

COUNCIL	MOTION	OPEN	MOTION	CLOSE	MOTION	ADOPT
Cobb						
Cohen						
Hamer						
Maron						
Rosenzweig						

Y=YES

N=OPPOSED

A=ABSTAINED

AB=ABSENT

PRESENTED TO MAYOR:

APPROVED _____

REJECTED _____ (VETO)

DATE SIGNED: _____

MAYOR MICHAEL WILDES

I do hereby certify that the foregoing is a true and exact copy of an Ordinance adopted and approved by the Mayor and Council of the City of Englewood.

Yancy Wazirmas, RMC
City Clerk