

ORDINANCE NO. 2011-11

AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY, AMENDING ORDINANCE NO. 2007-16 OF THE BOROUGH FINALLY ADOPTED ON OCTOBER 5, 2007, AMENDED BY ORDINANCE NOS. 2008-15, 2009-01, 2010-01, 2010-19 AND 2010-24 OF THE BOROUGH, PROVIDING FOR THE ACQUISITION OF EASEMENTS LOCATED IN THE BOROUGH AND APPROPRIATING \$1,250,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$1,187,500 IN BONDS OR NOTES OF THE BOROUGH OF HARVEY CEDARS TO FINANCE THE SAME

THE BOARD OF COMMISSIONERS OF THE BOROUGH OF HARVEY CEDARS, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), **DOES ORDAIN, AS FOLLOWS:**

Bond Ordinance No. 2007-16 of the Borough of Harvey Cedars, in the County of Ocean, New Jersey, finally adopted on October 5, 2007, as subsequently amended by ordinance no. 2008-15 of the Borough finally adopted on October 21, 2008, ordinance no. 2009-01 of the Borough finally adopted March 17, 2009, ordinance no. 2010-01 of the Borough finally adopted March 5, 2010, ordinance no. 2010-19 of the Borough finally adopted October 1, 2010 and ordinance no. 2010-24 of the Borough finally adopted December 21, 2010 (collectively, the “Prior Ordinance”), is hereby further amended in full to read as follows:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Harvey Cedars, in the County of Ocean, New Jersey (the “Borough”) as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$1,250,000 (representing an increase of \$400,000 from the Prior Ordinance) including the sum of \$62,500 (representing an increase of \$20,000 from the Prior Ordinance) as the down payment for the improvement or purpose pursuant to the Local Bond Law. The down payment has been made available by virtue of the provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$1,187,500 (representing an increase of \$380,000 from the Prior Ordinance) pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, 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 improvement hereby authorized and the purpose for which the bonds or notes are to be issued is the acquisition of easements for public access to the beach and for

the maintenance of the dunes, and including all work and materials necessary therefor and 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 the improvement or purpose 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 the Local Bond Law. The chief financial officer 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 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 Borough 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 or 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 Clerk and is available there for public inspection.

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

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, 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 Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,187,500 (representing an increase of \$380,000 from the Prior Ordinance), and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$1,250,000 (representing an increase of \$400,000 from the Prior Ordinance) 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 improvement or purpose.

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 improvement 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 Borough 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 Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. This Ordinance amends Bond Ordinance 2007-16 of the Borough of Harvey Cedars, in the County of Ocean, New Jersey, finally adopted on October 5, 2007, as subsequently amended by ordinance no. 2008-15 of the Borough finally adopted on October 21, 2008, ordinance no. 2009-01 of the Borough finally adopted on March 17, 2009, ordinance no. 2010-01 of the Borough finally adopted on March 5, 2010, ordinance no. 2010-19 of the Borough finally adopted on October 1, 2010, and ordinance no. 2010-24 of the Borough finally adopted on December 21, 2010. 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 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

EFFECTIVE DATE: August 30, 2011