

TITLE:

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,000,000 OF TAX ANTICIPATION NOTES OF 2020 FOR THE CITY OF ORANGE TOWNSHIP, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY

WHEREAS, it is in the best interests of the City of Orange Township, in the County of Essex, State of New Jersey (the "City") to issue tax anticipation notes in the principal amount of not exceeding \$5,000,000 (the "Notes") in anticipation of the collection of taxes levied in and for the fiscal year beginning January 1, 2020 and ending December 31, 2020, and in anticipation of other revenues for such fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE TOWNSHIP, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, as follows:

Section 1: It is hereby determined and declared that the Chief Financial Officer made and filed in the office of the City Clerk a certificate pursuant to the provisions of Section 40A:4-66 of the Local Budget Law (N.J.S.A. 40A:4-1 et seq.), certifying as follows:

(a) The gross borrowing power of the City in respect to tax anticipation notes of the fiscal year beginning January 1, 2020 and ending December 31, 2020, being thirty percent (30%) of the tax levy of the next preceding fiscal year, which ended December 31, 2019, for all purposes, plus thirty percent (30%) of the amount of miscellaneous revenues realized in cash during such next preceding fiscal year, which ended December 31, 2019, is \$25,941,252.61.

(b) There are no Notes of the City currently outstanding in anticipation of the collection of taxes of such fiscal year beginning January 1, 2020 and ending December 31, 2020, and in anticipation of other revenues for such fiscal year.

(c) The net borrowing power of the City is \$25,941,252.61.

Section 2: Pursuant to the provisions of the Local Budget Law, the City shall borrow not to exceed \$5,000,000 in anticipation of the collection of taxes levied in and for the fiscal year beginning January 1, 2020 and ending December 31, 2020, and the proceeds of the Notes shall be applied only to purposes provided for in the Fiscal Year December 31, 2020 budget or for which taxes are levied or to be levied for such fiscal year, and shall not be applied to or for any other purpose.

Section 3: The Notes authorized to be issued pursuant to this resolution shall (i) be issued on either a negotiable or competitive basis, (ii) be in registered form or in coupon form, (iii) bear interest at a rate per annum not to exceed 6.00%, and (iv) be payable at maturity, all as shall be determined by the Chief Financial Officer of the City in accordance with the provisions of Section Five (5) below.

Section 4: The Chief Financial Officer is hereby designated as the financial officer authorized to sign the Notes, and the Mayor and the Chief Financial Officer are hereby authorized and directed to execute the Notes, and the City Clerk is hereby authorized and directed to affix the seal of said City to such Notes and to attest to such seal and the signatures of the Mayor and Chief Financial Officer on said Notes, and said officers, notwithstanding any resolution previously adopted by the City Council, are hereby authorized to issue the Notes in such form as they may adopt in conformity with law and to recite therein that all requirements and conditions of law have been complied with in the issuance of said Notes.

Section 5: The power to determine any matters with respect to the Notes that are not determined by this resolution and also the power to sell the Notes from time to time is hereby granted to the Chief Financial Officer of the City, who is authorized to sell the Notes at not less than par plus accrued interest and to deliver the Notes to the purchaser upon receiving the purchase price to be paid therefor. After the sale of the Notes, the Chief Financial Officer shall make a report of such sale to the City Council of the City pursuant to N.J.S.A. 40A:4-72.

Section 6: All sums borrowed by the issuance of the Notes shall be applied only to purposes provided for in the budget adopted for the fiscal year beginning January 1, 2020 and ending December 31, 2020, or to the purposes for which taxes are levied or are to be levied for such fiscal year.

Section 7: Said Notes may be renewed from time to time but such Notes and any renewals thereof shall mature within 120 days after the beginning of the succeeding fiscal year.

Section 8: To the extent applicable, the City covenants to comply with the provisions of the Internal Revenue Code of 1986, as amended, necessary to maintain the exclusion of the interest on the Notes from gross income for Federal income tax purposes.

Section 9: This resolution shall take effect immediately.

Adopted:

Joyce L. Lanier
City Clerk

Tency A. Eason
Council President

CERTIFICATION

I, JOYCE LANIER, Clerk of the City of Orange Township, in the County of Essex, State of New Jersey (the "City"), DO HEREBY CERTIFY that the annexed resolution entitled, "RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,000,000 OF TAX ANTICIPATION NOTES OF 2020 FOR THE CITY OF ORANGE TOWNSHIP, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY", is a true copy of a resolution which was duly adopted at a meeting of the City Council of the City duly called and held on May 5, 2020, in full compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., at which meeting a quorum was present and acting throughout, and which resolution has been compared by me with the original thereof as contained in the minutes as officially recorded in my office in the Minute Book of such City and said resolution is a true, complete and correct copy thereof and has not been amended, modified or repealed and is in full force and effect on and as of the date hereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City this ____ day of May, 2020.

JOYCE LANIER,
City Clerk

CERTIFICATION AS TO GROSS AND NET BORROWING POWER

I, NILE S. CLEMENTS, Chief Financial Officer of the City of Orange Township (the "City"), in the County of Essex, State of New Jersey, DO HEREBY CERTIFY as follows:

1. The gross borrowing power of the City in respect to tax anticipation notes of the fiscal year beginning January 1, 2020 and ending December 31, 2020, being thirty percent (30%) of the tax levy of the next preceding fiscal year, which ended December 31, 2019, for all purposes, plus thirty percent (30%) of the amount of miscellaneous revenues realized in cash during such next preceding fiscal year, which ended December 31, 2019, is \$25,941,252.61.

2. The amount of Notes of the City outstanding in anticipation of the collection of taxes in the fiscal year beginning January 1, 2020 and ending December 31, 2020, except such notes as will be renewed by or paid from the proceeds of the Notes to be issued, is \$0.

3. The net borrowing power of the City, being the excess of the first over the second of the two above amounts identified in paragraphs one (1) and two (2) above is \$25,941,252.61.

4. This certificate is made with respect to Tax Anticipation Notes of 2020 about to be authorized by the City Council of the City.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of May, 2020.

NILE S. CLEMENTS,
Chief Financial Officer