

CITY COUNCIL

The City of Orange Township, New Jersey

32- 2021(WO)

DATE _____

AMENDED

NUMBER _____

TITLE: BOND ORDINANCE OF THE CITY OF ORANGE TOWNSHIP, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY REPEALING BOND ORDINANCE NUMBER 22-2020 ADOPTED ON JULY 8, 2020, AS AMENDED BY BOND ORDINANCE NUMBER 2-2021 ADOPTED ON FEBRUARY 16, 2021 AND CANCELLING THE \$8,000,000 APPROPRIATION AND DEBT AUTHORIZATION THEREUNDER.

WHEREAS, on July 8, 2020, the City Council of the City of Orange Township, in the County of Essex, State of New Jersey (the "City") adopted Bond Ordinance Number 22-2020 on July 8, 2020 (the "2020 Bond Ordinance") appropriating and authorizing \$5,400,000 to fund the City's Main Street Streetscape and Traffic Control Project, which consists of (i) the design and construction of sidewalks and curbs, (ii) the acquisition and installation of street lighting at approximately nine (9) intersections and traffic control devices and traffic safety improvements, including, signal poles and foundations, LED signals, image detection, GPS controller time reference, pedestrian signals and push buttons, kiosks, and back up battery systems, and (iii) decorative amenities such as planters and trees, multimodal rain gardens, electric vehicle and cellphone charging stations, and bicycle parking stations (collectively, the "Project"); and

WHEREAS, due to an increase in costs for construction materials attributable to the COVID-19 pandemic and modifications and improvements to project design and materials for the Project, the City increased the appropriation and authorization of bonds and notes to fund the Project by \$2,600,000 via the adoption of Bond Ordinance Number 2-2021 adopted by the City Council of the City on February 16, 2021 (the "2021 Bond Ordinance"), which amended and supplemented the 2020 Bond Ordinance; and

WHEREAS, the costs of the Project have almost doubled from the originally contemplated cost; and

WHEREAS, the American Rescue Plan Act of 2021, H.R. 1319 (the "Plan"), signed into law by President Biden on March 12, 2021, comprises \$1.9 trillion in relief designed to provide funding to address the COVID-19 pandemic and alleviate the economic and health effects of the COVID-19 pandemic; and

WHEREAS, the Plan includes \$350 billion in relief funds to public entities, such as the City, for various purposes, including, but not limited to, making necessary investments in water and sewer infrastructure; and

WHEREAS, the City plans to use a portion of Federal aid being received by the Plan to offset all or a portion of costs for the Project; and

WHEREAS, the City now desires to repeal the 2020 Bond Ordinance and the 2021 Bond Ordinance and cancel the appropriations and debt authorizations thereunder totaling \$8,000,000.

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

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. The 2020 Bond Ordinance and the 2021 Bond Ordinance are hereby repealed and rescinded and the appropriations and debt authorizations thereunder totaling \$8,000,000 are hereby canceled.

SECTION 3. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor.

**ADOPTED ON FIRST READING
DATED: June 1, 2021**

**JOYCE LANIER, Clerk
City of Orange Township**

**ADOPTED ON SECOND READING
DATED: July __, 2021**

**JOYCE LANIER, Clerk
City of Orange Township**

ORDINANCE NO. 32-2021(WO)

REGULAR MEETING – June 1, 2021

INTRODUCTION-FIRST READING

MOTION TO WALK: Eason

SECOND: Montague, III

YEAS: Eason, Johnson, Jr., Montague, III, Ross, Summers-Johnson & Council Pres. Coley

NAYS: None

ABSTENTIONS: None

ABSENCES: Wooten

MOTION TO ADOPT: Montague, III

SECOND: Johnson, Jr.

YEAS: Eason, Johnson, Jr., Montague, III, Ross, Summers-Johnson & Council Pres. Coley

NAYS: None

ABSTENTIONS: None

ABSENCES: Wooten

SECOND READING PUBLIC/FINAL HEARING – July 7, 2021

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 City Council of the City of Orange Township, in the County of Essex, New Jersey, held on June 1, 2021. Further notice is hereby given that said bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a virtual meeting of the governing body to be held on July 7, 2021 at 7:00 p.m. Information regarding remote access to the meeting may be found on the City's website at www.ci.orange.nj.us, 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 City Clerk's Office to the members of the general public who shall request the same.

Joyce Lanier, City Clerk
City of Orange Township

NOTICE OF ADOPTION OF BOND ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the bond ordinance published herewith has been finally adopted by the City Council of the City of Orange Township, in the County of Essex, New Jersey on July __, 2021 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. A copy of the bond ordinance has been filed for public inspection in the City Clerk's Office, located at City Hall, 29 North Day Street, Orange, New Jersey 07050. Further notice is hereby given that any action or proceeding of any kind or nature in any court questioning the validity or proper authorization of bonds or notes provided for by the bond ordinance, or the validity of any covenants, agreements or contracts provided for by the bond ordinance, shall be commenced within 20 days after the first publication of this notice, as stated below.

Joyce Lanier, City Clerk
City of Orange Township

CERTIFICATE OF INTRODUCTION

I, the undersigned Clerk of the City of Orange Township, in the County of Essex, State of New Jersey (the "City") DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the City duly called and held on June 1, 2021 at 7:00 p.m. at the City Hall, or via a virtual meeting of the City Council, and that the following was the roll call:

Present: Eason, Johnson, Jr., Montague, III, Ross, Summers-Johnson & Coley

Absent: Wooten

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City as of this 3rd day of June 2021.

(SEAL)



JOYCE LANIER, City Clerk
City of Orange Township

CERTIFICATE OF FINAL ADOPTION

I, the undersigned Clerk of the City of Orange Township, in the County of Essex, State of New Jersey (the "City") DO HEREBY CERTIFY that the foregoing is an extract from the Minutes of a meeting of the governing body of the City duly called and held on July __, 2021 at 7:00 p.m. at the City Hall, or via a virtual meeting of the City Council, and that the following was the roll call:

Present:

Absent:

I FURTHER CERTIFY that the foregoing extract has been compared by me with the original minutes as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof and of the whole of the original minutes so far as they relate to the subject matters referred to in the extract.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City as of this ____ day of _____, 2021.

(SEAL)

**JOYCE LANIER, City Clerk
City of Orange Township**

CLERK'S CERTIFICATE

I, **JOYCE LANIER**, DO HEREBY CERTIFY that I am the Clerk of the City of Orange Township, in the County of Essex (the "City"), a municipal corporation organized and existing under the laws of the State of New Jersey, and that as such I am duly authorized to execute and deliver this certificate on behalf of the City. In such capacity, I have the responsibility to maintain the minutes of the meetings of the governing body of the City and the records relative to all resolutions and ordinances of the City. The representations made herein are based upon the records of the City. I DO HEREBY FURTHER CERTIFY THAT:

(1) Attached hereto is the bond ordinance introduced on June 1, 2021 and finally adopted on July ____, 2021.

(2) After introduction, the bond ordinance was published as required by applicable law on _____, 2021 in the _____ (name of newspaper).

(3) Following the introduction of the bond ordinance on first reading, and at least seven (7) days prior to the final adoption thereof, I caused to be posted in the principal municipal building of the City at the place where public notices are customarily posted, a copy of said bond ordinance or a summary thereof and a notice that copies of the bond ordinance would be made available to the members of the general public of the City who requested copies, up to and including the time of further consideration of the bond ordinance by the governing body. Copies of the bond ordinance were made available to all who requested same.

(4) After final adoption, the ordinance was duly approved by the Mayor on _____, 2021 (if applicable) and was duly published as required by law on _____, 2021 in the _____ (name of newspaper). No protest signed by any person against making any improvement or incurring the indebtedness authorized therein, nor any petition requesting that a referendum vote be taken on the action proposed in the bond ordinance has been presented to the governing body or to me or filed in my office within twenty (20) days after said publication or at any other time after the final passage thereof.

(5) The bond ordinance has not been amended, added to, altered or repealed and said bond ordinance is now in full force and effect.

(6) A certified copy of the bond ordinance and a copy of the amended capital budget form have been filed with the Director of the Division of Local Government Services, in the New Jersey Department of Community Affairs, as applicable.

(7) The official seal of the City is the seal, an impression of which is affixed opposite my signature on this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City as of this ____ day of _____, 2021.

(SEAL)

JOYCE LANIER,
City Clerk

CERTIFICATE OF SUPPLEMENTAL DEBT STATEMENT

I, the undersigned, Clerk of the City of Orange Township, in the County of Essex, State of New Jersey, DO HEREBY CERTIFY that the attached Supplemental Debt Statement was prepared, executed and sworn to by Nile S. Clements, the Chief Financial Officer of the City, as of June 1, 2021, that such Supplemental Debt Statement was filed in my office on June 1, 2021 and with the Director of the Division of Local Government Services on _____, 2021.

JOYCE LANIER,
City Clerk

State of New Jersey Department of Community Affairs Supplemental Debt Statement

Local Government: Orange City Prepared As Of: 6/1/2021
 Budget Year Ending December 31 (Month D-D) 2021 (Year)
 Name: Nile Clements Phone: _____
 Title: _____ Email: nclements@orangenj.gov
 Address: 29 N. Day St.
Orange, NEW JERSEY 07050 CFO Cert #: _____

Nile Clements, Being duly sworn, deposes and says: Deponent is the Chief Financial Officer of Orange City here and in the statement hereinafter mentioned called the local unit. The Supplemental Debt Statement annexed hereto and hereby made a part hereof is a true statement of the debt condition of the local unit as of the date therein stated and is computed as provided by the Local Bond Law of New Jersey.

	Net Debt as per Annual Debt Statement	Decrease (Since December 31, last past)	Increase	Net Debt
Bonds and Notes for School Purposes	\$0.00	\$	\$	\$0.00
Bonds and Notes for Self-Liquidating Purposes	\$0.00	\$	\$	\$0.00
Other Bonds and Notes	\$44,581,860.00	\$27,006.00	\$3,000,000.00	\$47,554,854.00
2 Net Debt at the time of this statement is				\$47,554,854.00

The amounts and purposes separately itemized of the obligations about to be authorized, and any deductions which may be made on account of each such item are: (see Note "C" below)

Bond Ordinance	Purposes	Amount	Deduction	Net
Ordinance 32-2021(WO)	Repealing Ord. 22-2020 and Cancelling \$8,000,000 appropriation & debt authorization	\$	\$8,000,000.00	\$-8,000,000.00
		\$0.00	\$8,000,000.00	\$-8,000,000.00

4 The net debt of the local unit determined by the addition of the net debt amounts stated in items 2 and 3 above is: \$39,554,854.00

5 Equalized valuation basis (the average of the equalized valuations of real estate, including improvements and the assessed valuation of class II railroad property of the local unit for the last 3 preceding years) as stated in the Annual Debt Statement or the revision thereof last filed.

Year	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II RR Property	
(1) 2018	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II RR Property	\$1,506,507,424.00
(2) 2019	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II RR Property	\$1,421,029,174.00
(3) 2020	Equalized Valuation Real Property with Improvements plus assessed valuation of Class II RR Property	\$1,407,593,289.00

6 Equalized Valuation Basis – Average of (1), (2) and (3)..... \$1,445,043,295.67

7 Net Debt (Line 4 Above) expressed as a percentage of such equalized valuation basis (Line 6 above) is: 2.737%

- Notes**
- A If authorization of bonds or notes is permitted by an exception to the debt limit, specify the particular paragraph of N.J.S.A. 40A:2-7 or other section of law providing such exception.
 - B This form is also to be used in the bonding of separate (not Type I) school districts as required by N.J.S.A. 18A:24-16, and filed before the school district election. In such case pages 3 and 4 should be completed to set forth the computation supporting any deduction in line 3 above.
 - C Only the account of bonds or notes about to be authorized should be entered. The amount of the "down payment" provided in the bond ordinance should not be included nor shown as a deduction.

**COMPUTATION AS TO INDEBTEDNESS FOR IMPROVEMENT OR EXTENSION OF AN
EXISTING MUNICIPAL PUBLIC UTILITY, N.J.S.A. 40A:2-7(h); NJSA 40A:2-47(a)**

1. Annual Debt Statement, excess in revenues of utility
2. Less Interest and principal computed as provided in N.J.S.A. 40A:2-47(a) for all obligations authorized but not issued to the extent not already charged to income in the annual debt statement.
3. Excess revenue prior to authorizing proposed obligations = (column 1 minus column 2)
4. Interest and principal calculated for proposed obligations N.J.S.A. 40A:2-47(a)
 - (a) Interest for one year at 4 1/2%
 - (b) First installment of serial bonds legally issuable
 - (c) Total charges (Items (a) and (b))

	1	2	3	4(a)	4(b)	4(c)
Municipal Public Utility	ADS Excess in Revenues of Utility	Less Interest and Principal	Excess Revenue	Interest for One Year	1 st Installment of Serial Bonds Legally Issuable	Total Charges

Note: If line 3 equals or exceeds line 4, obligations may be authorized under the provisions of N.J.S.A. 40A:2-7(b) as limited by N.J.S.A. 40A:2-47(e).

**COMPUTATION OF SCHOOL INDEBTEDNESS AND DEDUCTIONS
UNDER PROVISIONS OF N.J.S.A. 18A: 24-17**

N.J.S.A. 18A:24-19 (Lines 1 to 7)

1	Average of equalized valuations (page 1, line 3)		_____
2	Gross School District Debt outstanding and authorized but not issued (not including proposed issue)		_____ \$
3	Less: Sinking funds held for payment of School Debt, by Sinking Fund Commission		_____ \$
4	Net debt for school purposes (line 2, minus line 3)		_____ \$
5	Debt deduction for school purposes' % (as per line below)	_____ %	_____ \$
	(a) 2¼% Kindergarten or Grade 1 through Grade 6		
	(b) 3 % Kindergarten or Grade 1 through Grade 8		
	(c) 3½% Kindergarten or Grade 1 through Grade 9		
	(d) 4 % Kindergarten or Grade 1 through Grade 12		
6	Available debt deduction (excess, if any, of line 5 over line 4)		_____ \$
7	School Bonds about to be authorized		_____ \$
	Note: Omit lines 8 to 13, if line 6 equals or exceeds line 7. or if shown on line 17		

N.J.S.A. 18A:24-22 (Lines 8 to 13)

8	Excess of line 7 over line 6		_____ \$
9	Municipal Debt Limit (3½% of line 1 above)		_____ \$
10	Net Debt		_____ \$
11	Available Municipal Borrowing Margin (excess, if any, of line 9 over line 10)		_____ \$
12	Use of Municipal Borrowing Margin (line 8 not exceeding line 11)		_____ \$
13	Remaining Municipal Borrowing Margin after authorization of proposed School Bonds (line 11 minus line 12)		_____ \$
	Note: Omit lines 14 to 16, if line 11 equals or exceeds line 8, or if shown on line 17		

N.J.S.A. 18A:24-24 (lines 14 to 16)

14	Amount of line 7		_____ \$
15	Amount of Deduction:	(a) Amount of line 6	_____ \$
		(b) Amount of line 11	_____ \$
		Total	_____ \$
16	Excess of line 14 over line 15		_____ \$

Computation of Regional School Indebtedness

Municipality	1 Average Equalized Valuations 40A:2-43		3 Apportionment of Previous Bonds Issued or Authorized	4 Amount Apportionment of Proposed Bond Issue	5 Total Apportionment of Previous Bonds Issued or Authorized plus Apportionment Proposed Bond Issue (Column 3 plus 4)
	Amount	Percentage			
		%			
Totals		%			

SPECIAL DEBT STATEMENT

BORROWING POWER AVAILABLE UNDER N.J.S.A. 40A:2-7(f)

1	Amount of accumulated debt incurring capacity under RS 40:1-16(d) as shown on the latest Annual Debt Statement.		\$
2	Obligations heretofore authorized in excess of debt limitation and pursuant to:		
	(a) N.J.S.A. 40A:2-7(d)	\$	
	(b) N.J.S.A. 40A:2-7(f)	\$	
	(c) N.J.S.A. 40A:2-7(g)	\$	
	Total		\$0.00
3	Available debt incurring capacity (N.J.S.A. 40A:2-7(f))		\$
4	Obligations about to be authorized pursuant to N.J.S.A. 40A :2-7(f) (If item 3 equals or exceeds item 4, obligations may be authorized)		\$

BORROWING POWER AVAILABLE UNDER N.J.S.A. 40A:2-7(g)

1	Total appropriations made in local unit budget for current fiscal year for payment of obligations of local unit included in Annual Debt Statement or revision thereof last filed as of preceding December 31, 2020		\$
2	Less the amount of such obligations which constitute utility and assessment obligations:		\$
3	Excess of item 1 over item 2:		\$0.00
4	Amount raised in the tax levy of the current fiscal year by the local unit for the payment of bonds or notes of any school district		\$
5	Amount equal to 2/3 of the sum of item 3 and item 4		\$0.00
6	(a) Amount of obligations heretofore authorized under N.J.S.A. 40A:2-7(g) in current fiscal year	\$	
	(b) Amount of authorizations included in 6(a) which were heretofore repealed	\$	
	(c) Excess of item 6(a) over item 6(b)		\$0.00
7	Excess of item 5 over item 6(c)		\$0.00
8	Obligations about to be authorized		\$
9	Borrowing capacity still remaining after proposed authorization		\$0.00

(item 7 less item 8) (If item 7 equals or exceeds item 8, obligations may be authorized)