

ORDINANCE #2020-8

NOTICE OF PENDING ORDINANCE

The ordinance below was introduced and passed upon first reading at a meeting of the governing body of the Township of Marlboro, in the County of Monmouth, State of New Jersey, on March 19, 2020. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held remotely on April 23, 2020 at 7 o'clock p.m.

Anyone who wishes to comment on the adoption of this ordinance may do so by contacting the Township Clerk up until 3:30 pm on April 23, 2020 at 732 536-0200 x1805. You will be asked to provide your name, address and phone number, and identify Ordinance #2020-8 as the item you wish to address. If you are directed to voicemail when you call, please indicate that you wish to speak on Ordinance #2020-8 on April 23, 2020, and leave your name, address and phone number. Just prior to the start of the meeting you will be called at your phone number to attend. The call will appear to come from a Webex number in California, and you must accept the call in order to participate. At the appropriate point in the meeting, you will be unmuted by the meeting host so that you may comment. Note that these instructions will also be available on the Township's website at www.marlboro-nj.gov/documents/agendas-minutes.

Below is the ordinance in full:

ORDINANCE #2020-8

ORDINANCE PROVIDING FOR THE LEASE PURCHASE FINANCING AND ACQUISITION OF POLICE CARS FOR AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY.

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of the full membership thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") hereby authorizes the lease purchase financing and acquisition of police cars for the Township pursuant to N.J.S.A. 40A:11-15(7) for a total principal cost of not to exceed \$220,000. The procurement of the police cars is available through a State Contract. The rental payments will be paid over three years at an interest rate per annum to be approved by the Chief Financial Officer of the Township through a procurement process authorized herein and in accordance

with law. The Chief Financial Officer of the Township is authorized to take financing bids or proposals or procure financing by other lawful means, including through a national purchasing cooperative, as she deems most cost effective for the Township.

Section 2. The Mayor and/or the Chief Financial Officer are hereby authorized to negotiate, execute and deliver, subject to the review of Bond Counsel, a lease purchase agreement (the "Lease") in accordance with the terms set forth in this ordinance, an agent or an escrow agreement, an assignment agreement, if necessary, and such other documents as may be necessary to consummate the transaction. The Township Council authorizes the Chief Financial Officer to establish an escrow account for the deposit of the lease proceeds and to direct the deposit and investment of the lease proceeds in the escrow for the term of the Lease in accordance with the requirements of law. The Township Council hereby authorizes and directs the Mayor or the Chief Financial Officer to execute the Lease and such other documents as may be required to consummate the transaction in forms approved by Bond Counsel, such approval to be evidenced by the execution of the Lease or such other documents by the Mayor or the Chief Financial Officer. The Clerk is authorized to attest to such documents under the seal of the Township. The Mayor and/or the Chief Financial Officer are also authorized and directed to take on behalf of the Township such other actions as shall be necessary and appropriate to accomplish the lease purchase financing of the police cars in accordance with the terms of the Lease and this ordinance and pursuant to the terms of the agreements and instruments authorized to be prepared hereby and to accomplish the performance of the obligations of the Township in respect thereto.

Section 3. The payment of rent or other monies due under the Lease shall be made from operating funds, subject to the availability of funds and appropriation annually of sufficient funds as may be required to meet the obligations of the Lease, and the Lease shall contain a clause making it subject to such appropriation or shall contain an annual cancellation clause. Neither the Township nor any agency, department or political subdivision thereof shall be obligated to pay any sum to the purchaser or lessor under the Lease from any taxing source for the payment of any sums due under the Lease unless an appropriation is made in a duly approved budget of the Township. The obligations of the Township shall not constitute indebtedness of the Township or of any department, agency or political subdivision thereof. The Lease shall set forth the term of the Lease, the rental payments to be paid by the Township in respect thereof, and the dates on which such rental payments shall be due and payable.

Section 4. The Township Council hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of the interest portion of rental

payments due on the Lease, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Lease, if applicable.

Section 5. The Township Council hereby declares its intent to issue the Lease in the expected maximum principal amount of the Lease set forth herein and to use the proceeds of the Lease to pay or reimburse expenditures for the costs of the purpose for which the Lease is authorized herein. This resolution is a declaration of intent within the meaning and for the purposes of Treasury Regulations Section 1.150-2 or any successor provisions of federal income tax law.

Section 6. This ordinance shall take effect 20 days following final publication after final adoption and otherwise as provided by law.