

ORDINANCE #2026-11

AN ORDINANCE AUTHORIZING THE CONSTRUCTION OF THE CR 539 OVERPASS, LOCATED IN PLUMSTED TOWNSHIP, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY, AND APPROPRIATING \$14,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$13,300,000 IN BONDS OR BOND ANTICIPATION NOTES OF THE COUNTY OF OCEAN TO FINANCE THE SAME.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF OCEAN, IN THE STATE OF NEW JERSEY (NOT LESS THAN TWO THIRDS OF ALL MEMBERS THEREOF AFFIRMATIVELY CONCURRING) AS FOLLOWS:

SECTION 1. The following are hereby authorized to be undertaken by the County of Ocean as general improvements: the construction of the CR 539 Overpass, located in Plumsted Township, in the County of Ocean, State of New Jersey, in accordance with plans and specifications on file in the Ocean County Engineering Department, including all else necessary therefor and incidental thereto.

SECTION 2. It is hereby found, determined and declared that the improvements or purposes, the estimated cost of the improvements and appropriation therefor, estimated maximum amount of bonds or notes authorized are as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>ESTIMATED COST AND APPROPRIATION</u>	<u>DOWN PAYMENT</u>	<u>ESTIMATED MAXIMUM AMOUNT OF BONDS OR NOTES AUTHORIZED</u>
Construction of the CR 539 Overpass, Plumsted Township			
TOTALS	\$14,000,000	\$700,000	\$13,300,000

SECTION 3. There is hereby appropriated the sum of \$14,000,000 for the improvements, including the sum of \$700,000 as the down payment, for the improvements or purposes described in Section 1 hereof as required by the Local Bond Law. The down payment has been made available by virtue of provision in the Capital Improvement Fund of the County of Ocean in one or more previously adopted budgets.

SECTION 4. There is hereby authorized the issuance of negotiable bonds in an aggregate principal amount of \$13,300,000 to finance part of the cost of the purposes stated in Section 1 hereof. Said bonds shall bear interest at a rate not exceeding the limit authorized by law, and the maturities, method of sale and other details thereof shall be determined by subsequent resolutions to be adopted in the manner provided by law.

SECTION 5. In order to temporarily finance the purposes provided for in Section 1 hereof, there is hereby authorized the issuance of bond anticipation notes of said County in an aggregate principal amount of \$13,300,000. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the County Comptroller; provided that no note shall mature later than one year from its

date. The bond anticipation notes shall bear interest at such rate or rates and shall be in such form as may be determined by the County Comptroller. The County Comptroller shall determine all matters in connection with notes issued pursuant to this Ordinance, and the County Comptroller'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 N.J.S.A. 40A:2-8.1. The County Comptroller 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 County Comptroller is directed to report in writing to the Board of Commissioners at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this 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 6. The County reasonably expects to commence acquisition and/or construction of the improvements described in Section 1 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the County further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof. This bond ordinance is intended to be a declaration of official intent under Treasury Regulation Section 1.150-2.

SECTION 7. Any additional grant monies received for the purposes described in Section 1 hereof, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

SECTION 8. The amount of the proceeds of the obligations authorized by this Ordinance which may be used for the payment of interest on such obligations, architects' fees, accounting, engineering and inspection costs, legal expenses, and other items as provided in N.J.S.A. 40A:2-20 shall not exceed the sum of \$7,000,000.

SECTION 9. The Capital Budget of the County of Ocean is hereby amended to conform with the provisions of this 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 and Capital Program as approved by the Director of the Division of Local Government Services is on file with the Clerk of the Board of Commissioners and is available there for public inspection.

SECTION 10. It is hereby found, determined and declared as follows:

A. The improvements or purposes described in Section 1 of this bond ordinance are not

current expenses. They are improvements or purposes the County may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property benefited thereby.

B. The average period of usefulness of the improvements for which the obligations authorized by this Ordinance are to be issued is ten (10) years.

C. The supplemental debt statement provided for in N.J.S.A. 40A:2-10 was duly filed in the Office of the Clerk of the Board of Commissioners prior to the passage of this Ordinance on first reading, and a complete executed duplicate of such supplemental debt statement 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, and such supplemental debt statement shows that the gross debt of the County as defined in N.J.S.A. 40A:2-43 is increased by this Ordinance by \$13,300,000 and the obligations authorized by this Ordinance will be within all debt limitations prescribed by said Local Bond Law.

SECTION 11. In the event the monies set forth above for any purpose is not necessary for said purposes, then such monies shall be for the completion of any of the other purposes provided for in this Ordinance.

SECTION 12. The full faith and credit of the County of Ocean shall be pledged to the payment of the principal of and interest on the bonds and notes authorized by this Ordinance, and as long as any of said bonds or notes are outstanding, an appropriation shall be included in each annual budget of the County hereafter adopted in an amount sufficient to pay the principal of and interest on such bonds or notes maturing in each year. The obligations shall be direct, unlimited obligations of the County, and the County shall be obligated to levy ad valorem taxes upon all the taxable real property within the County for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 13. After passage upon first reading of this Ordinance, the Clerk of the Board of Commissioners is hereby directed to publish the full text of the Ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING ORDINANCE" (with appropriate completions, insertions and corrections), on the County official Internet website as required by P.L.2025, c.72, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Clerk of the Board of Commissioners is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this Ordinance.

SECTION 14. After final adoption of this Ordinance by the Board of Commissioners, the Clerk of the Board of Commissioners is hereby directed to publish the full text of this Ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF ORDINANCE" (with appropriate completions, insertions and corrections), on the County official Internet website as required by

P.L.2025, c.72.

SECTION 15. The Board of Commissioners of the County hereby covenants on behalf of the County to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes 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, investment, timely reporting and rebate of investment earnings as may be required thereunder.

SECTION 16. This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

NOTICE OF ADOPTION OF ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the bond ordinance published herewith has been finally adopted by the Board of Commissioners of the County of Ocean on May 27, 2026 and the twenty (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.

MICHELLE I. GUNTHER, Clerk
Board of Commissioners

JOHN C. SAHRADNIK
County Counsel