



Legislation Details (With Text)

File #: 17-1389 **Version:** 3 **Name:** Tax Appeal Refunding Bond Ordinance
Type: Ordinance **Status:** Adopted
File created: 7/18/2017 **In control:** Finance
On agenda: 9/7/2017 **Final action:** 10/4/2017

Title: REFUNDING BOND ORDINANCE PROVIDING FOR THE PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN AND BY THE CITY OF NEWARK, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY (the "CITY"), APPROPRIATING \$10,800,000.00 (TEN MILLION EIGHT HUNDRED THOUSAND DOLLARS AND ZERO CENTS) THEREFOR AND AUTHORIZING THE ISSUANCE OF \$10,800,000.00 (TEN MILLION EIGHT HUNDRED THOUSAND DOLLARS AND ZERO CENTS) BONDS OR NOTES OF THE CITY FOR FINANCING THE COST THEREOF.

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
10/4/2017	3	Municipal Council	closed on public hearing and adopted	Pass
9/20/2017	2	Municipal Council	maintained on public hearing and adopted as amended	Pass
9/20/2017	2	Municipal Council	Motion to amend	Pass
9/7/2017	1	Municipal Council	Amended and advance to first reading	Pass
9/7/2017	1	Municipal Council	Adopted on First Reading	Pass

REFUNDING BOND ORDINANCE PROVIDING FOR THE PAYMENT OF AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN AND BY THE CITY OF NEWARK, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY (the "CITY"), APPROPRIATING \$10,800,000.00 (TEN MILLION EIGHT HUNDRED THOUSAND DOLLARS AND ZERO CENTS) THEREFOR AND AUTHORIZING THE ISSUANCE OF \$10,800,000.00 (TEN MILLION EIGHT HUNDRED THOUSAND DOLLARS AND ZERO CENTS) BONDS OR NOTES OF THE CITY FOR FINANCING THE COST THEREOF.

WHEREAS, pursuant to the Local Budget Law, specifically N.J.S.A. 40A:4-20, the City of Newark, in the County of Essex, State of New Jersey (the "City"), by the Municipal Council's adoption, on September 7, 2017, of a resolution numbered 7R1-i(as) entitled "RESOLUTION PROVIDING FOR AN EMERGENCY TEMPORARY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-20 FOR AMOUNTS OWING TO OTHERS FOR TAXES LEVIED IN THE CITY OF NEWARK", has heretofore authorized an emergency temporary appropriation in the amount of \$10,800,000.00 (Ten Million Eight Hundred Thousand Dollars and Zero Cents) with respect to the payment of amounts owing to others for taxes previously levied in and by the City (the "Temporary Emergency Appropriation"); and

WHEREAS, the City has determined that it is in the best interests of the City to pay, fund or refund the Temporary Emergency Appropriation in the amount of \$10,800,000.00 (Ten Million Eight Hundred Thousand Dollars and Zero Cents) and to pay the costs of issuance related thereto through the issuance by the City of its Refunding Bonds or notes in an aggregate principal amount of up to

\$10,800,000.00 (Ten Million Eight Hundred Thousand Dollars and Zero Cents) as provided in this refunding bond ordinance.

NOW, THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, IN THE COUNTY OF ESSEX, STATE OF NEW JERSEY, THAT:

Section 1. The City of Newark, in the County of Essex, State of New Jersey (the "City"), is hereby authorized to pay, and there is hereby appropriated the amount of \$10,800,000.00 (Ten Million Eight Hundred Thousand Dollars and Zero Cents) to pay, fund or to refund all or a part of the City's Temporary Emergency Appropriation in the amount of \$10,751,599.99 (Ten Million Seven Hundred Fifty-One Thousand Five Hundred Ninety-Nine and Ninety-Nine Cents), for amounts owing to others, by the City for taxes levied in and by the City as a result of settlements approved by the City on or prior to August 2, 2017, as more particularly described on a list of owners and properties now available for inspection in the Office of the City Clerk, including provision for costs of issuance related thereto in the amount of \$48,400.01 (Forty-Eight Thousand Four Hundred Dollars and One Cent).

Section 2. An aggregate amount not exceeding \$48,400.01 (Forty-Eight Thousand Four Hundred Dollars and One Cent) for items of expense listed in and permitted under N.J.S.A. 40A:2-51 (b) has been included in the appropriation authorized herein and in the aggregate principal amount of the refunding bonds authorized herein.

Section 3. In order to finance the purposes described in Sections 1 and 2 hereof, Negotiable Refunding Bonds are hereby authorized to be issued in the aggregate principal amount of \$10,800,000.00 (Ten Million Eight Hundred Thousand Dollars and Zero Cents) pursuant to the Local Bond Law.

Section 4. In anticipation of the issuance of Refunding Bonds, Negotiable Refunding Bond Anticipation Notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All Refunding Bond Anticipation Notes (the "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 (1) 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 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, but all such Notes including renewals shall mature in accordance with the maturity schedule for the refunding bonds approved by the Local Finance Board; and provided, further, that the period during which the Notes and any renewals thereof and any permanent refunding bonds are outstanding shall not exceed the period set for the maturity of the refunding bonds by the Local Finance Board.

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 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. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the Chief Financial Officer of the City as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 6. This refunding bond ordinance shall be adopted by two-thirds (2/3) vote of the full membership of the Municipal Council of the City.

Section 7. This refunding bond ordinance shall take effect upon approval thereof as provided in Section 6 hereof, approved by the Mayor and twenty (20) days after the first publication thereof after final adoption and approval thereof, as provided by the Local Bond Law, but the effective date of this bond ordinance after publication thereof shall be contingent upon the receipt of the approval of and the endorsement of the consent of the Local Finance Board upon a certified copy of this refunding bond ordinance as finally adopted.

STATEMENT

Ordinance providing for the payment of amounts owing to others for taxes levied in and by the City of Newark and appropriating \$10,800,000.00 (Ten Million Eight Hundred Thousand Dollars and Zero Cents) therefore and authorizing the issuance of \$10,800,000.00 (Ten Million Eight Hundred Thousand Dollars and Zero Cents) Bonds or Notes of the City for financing the cost thereof.