

COUNTY OF MERCER, NEW JERSEY
ORDINANCE NO. 2019- 3

1st Reading August 13, 2019.....

Date to County Executive.....

2nd Reading September 12, 2019

Date Returned.....

Public Hearing September 12, 2019

Date Adopted:

Date Resubmitted to Board.....

September 12, 2019.....

Approved as to Form and Legality

October 2, 2019.....


County Counsel

Effective Date

AN ORDINANCE OF THE COUNTY OF MERCER, STATE OF NEW JERSEY, AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO THE LEASE AGREEMENT WITH THE MERCER COUNTY IMPROVEMENT AUTHORITY IN CONNECTION WITH THE ISSUANCE BY THE MERCER COUNTY IMPROVEMENT AUTHORITY, ON BEHALF OF THE COUNTY, OF ITS REVENUE BONDS (COUNTY COURTHOUSE ANNEX PROJECT), SERIES 2015, AND DETERMINING CERTAIN MATTERS IN CONNECTION THEREWITH

RECORD OF VOTE													
First Reading							Second Reading						
FREEHOLDER	Aye	Nay	N.V.	Abs.	Res.	Sec.	FREEHOLDER	Aye	Nay	N.V.	Abs.	Res.	Sec.
Cannon	X						Cannon	X					✓
Colavita	X						Colavita				X		
Frisby	X					✓	Frisby	X					
Koontz	X				✓		Koontz	X					
Melker	X						Melker	X					
Walter	X						Walter	X				✓	
Cimino	X						Cimino	X					

X—Indicates Vote Abs.—Absent N.V.—Not Voting
 Res.—Resolution Moved Sec.—Resolution Seconded

Rejected

By 

Approved

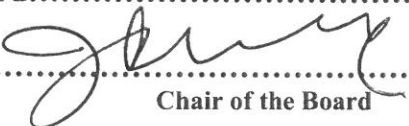
County Executive

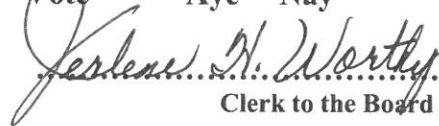
Reconsidered

Override

By Board.....

Vote Aye Nay


Chair of the Board


Clerk to the Board

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WHEREAS, the Mercer County Improvement Authority ("Authority") has been duly created by resolution of the Board of Chosen Freeholders ("Board") of the County of Mercer, New Jersey ("County") as a public body corporate and politic of the State of New Jersey ("State") pursuant to and in accordance with the County Improvement Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, and the acts amendatory thereof and supplemental thereto (*N.J.S.A. 40:37A-44 et seq.*) ("Act"); and

WHEREAS, the County previously determined to undertake a capital project consisting of: (i) the renovation, construction, furnishing and equipping of the Existing Facility (all such improvements to the Premises are collectively referred to herein as the "Improvements"); and (ii) the fit-out, construction, furnishing and equipping of certain temporary space to house County courthouse employees and services during the completion of the improvements to the Existing Facility (collectively, the "Temporary Facility" and, together with the Existing Facility, the "Facilities") (items (i) and (ii) are collectively referred to as the "Initial Project"); and

WHEREAS, the County, by lease ordinance, duly and finally adopted on June 25, 2015, determined to finance the Initial Project through the Authority; and

WHEREAS, on August 26, 2015, the Authority issued its Lease Revenue Bonds (County of Mercer Courthouse Annex Project), Series 2015, in the aggregate principal amount of \$29,720,000 ("Bonds"), for the purpose of financing or paying: (i) the costs of the Initial Project; (ii) capitalized interest on the Bonds during the completion of the Initial Project; and (iii) paying the costs and expenses incurred by the Authority and the County in connection with the issuance and sale of the Bonds; and

WHEREAS, in connection with the completion of the Initial Project, the County and the Authority entered into a Lease Agreement, dated as of August 1, 2015 ("Lease Agreement"), pursuant to which the Authority leased the Initial Project to the County and the County agreed to make certain Lease Payments (as defined in the Lease Agreement) to the Authority in an amount sufficient to pay the debt service on the Bonds, together with other related costs and expenses of the Authority as reflected therein; and

WHEREAS, the County has now determined it is necessary to acquire an additional facility, located in the Borough of Hopewell, New Jersey, for use as an evidence storage facility by the County Prosecutor's Office ("Additional Facility"), or, in the alternative, a replacement or substitute property located in the County of Mercer, New Jersey, which, is suitable for the same or similar purpose ("Additional Land"; together with the Additional Facility, the "Additional Premises"); and

WHEREAS, the County has additionally determined that certain renovations and improvements to the Additional Premises will be necessary to make such Additional Premises suitable for the purpose for which it will be acquired ("Additional Improvements"); and

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WHEREAS, the Authority and the County have determined that there are unspent proceeds of the Bonds available to acquire the Additional Premises and undertake the Additional Improvements ("Available Proceeds"); and

WHEREAS, Section 9.4(b) of the Lease Agreement provides that the Lease Agreement may be amended under all circumstances to provide for a change in the description or location of the Facilities as originally contemplated in the Lease Agreement; and

WHEREAS, the County and the Authority desire to enter into a First Amendment to Lease Agreement ("Amendment to Lease") to amend certain definitions and provisions of the Lease Agreement to permit the Authority and the County to use the Available Proceeds to acquire the Additional Premises and undertake the Additional Improvements; and

WHEREAS, there has been prepared and submitted to the County the form of the Amendment to Lease to be entered into by and between the Authority and the County, which Amendment to Lease is being approved by the County pursuant to this ordinance, the form of which is on file in the office of the Chief Financial Officer of the County and incorporated by reference herein.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF MERCER, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING) AS FOLLOWS:

Section 1. Pursuant to section 78 of the Act (*N.J.S.A. 40:37A-44 et seq.*) and applicable sections of Municipalities and Counties - General and Regulatory Powers (*N.J.S.A. 40:48-1 et seq.*), the County is hereby authorized and directed to enter into and perform the Amendment to Lease, which Amendment to Lease shall authorize the Authority and/or the County to utilize the Available Proceeds to acquire the Additional Premises and undertake the Additional Improvements. The Amendment to Lease, in substantially the form which is on file in the office of the Chief Financial Officer of the County, is hereby approved with such changes, amendments or modifications as may be approved by General Counsel and Bond Counsel to the County and Bond Counsel to the Authority.

Section 2. The County hereby reaffirms that its full faith and credit are hereby pledged to the punctual payment of the obligations set forth in the Lease Agreement, including without limitation: (i) all lease payment obligations of the County under the Lease Agreement including, certain administrative expenses payable to the Authority and additional rental payments due and payable under the Lease Agreement; and (ii) all direct and indirect costs of the Authority related to the enforcement of the Lease Agreement (items (i) and (ii) are collectively referred to herein as the "Lease Payment Obligation"). The Lease Payment Obligation under the Lease Agreement shall, pursuant to the Act, be a direct, unlimited and general obligation of the County, not subject to annual appropriation by the County, and, unless paid from other sources,

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the County shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the County for the payment of the Lease Payment Obligation thereunder without limitation as to rate or amount.

Section 3. The County Executive and Chief Financial Officer of the County are each hereby authorized and directed to execute and deliver the Amendment to Lease on behalf of the County to the Authority in substantially such form as is on file with the Chief Financial Officer of the County and the Clerk of the Board and Deputy Clerk of the Board are each authorized to attest to the signature of the County Executive or Chief Financial Officer of the County and to affix the seal of the County to the Amendment to Lease. All representatives, officials and employees of the County are hereby authorized and directed to enforce, perform and implement provisions of the Amendment to Lease.

Section 4. The acquisition of the Additional Premises and the undertaking and completion of the Additional Improvements are hereby approved to be completed with the Available Proceeds in accordance with the terms of the Amendment to Lease and the Lease Agreement, with such changes, amendments or modifications as may be approved by General Counsel and Bond Counsel to the County and Bond Counsel to the Authority.

Section 5. The County Executive, County Chief Financial Officer, Clerk of the Board or any other representative of the County are each hereby authorized and directed to execute and deliver any and all certificates, documents, agreements and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the execution and delivery of the Amendment to Lease, the acquisition of the Additional Premises, the undertaking and completion of the Additional Improvements and all related transactions contemplated by this ordinance. The County Executive, Chief Financial Officer, Clerk of the Board or any other authorized County representative are each hereby authorized and directed to execute and deliver any and all documents and certificates to the Authority.

Section 6. Upon the payment of all amounts referenced in the Lease Agreement, the full faith and credit pledge of the County as to its Lease Payment Obligation under the Lease Agreement shall cease to exist.

Section 7. The provisions of this ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions hereof shall continue to be in full force and effect.

Section 8. All ordinances, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 9. The Clerk of the Board is hereby authorized and directed to cause the publication of the text of this ordinance in full after introduction and final adoption in accordance with applicable law.

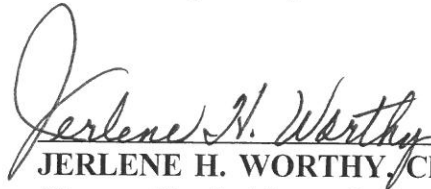
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Section 10. This ordinance shall take effect twenty (20) days after final adoption and publication in accordance with applicable law.

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Statement to be Published With Complete Ordinance After Introduction.

Public notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at the meeting of the Board of Chosen Freeholders ("Board") of the County of Mercer, New Jersey ("County") held on Aug. 13, 2019. Further notice is given that said Ordinance will be considered for final passage and adoption, after a public hearing thereon, at a meeting of the Board of the County to be held at the McDade Administration Building, Trenton, New Jersey, on Sept. 12, 2019 at 6:00 p.m. During the week prior to and up to and including the date of said meeting, copies of said Ordinance will be made available at the Clerk of the Board's Office in the McDade Administration Building for members of the general public who request the same.

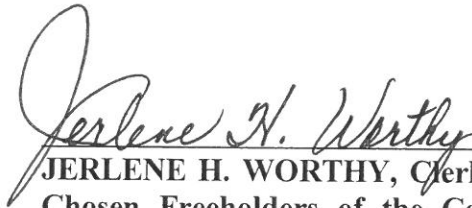


JERLENE H. WORTHY, Clerk of the Board of
Chosen Freeholders of the County of Mercer,
New Jersey

Statement to be Published With Complete Ordinance After Final Adoption.

STATEMENT

The Ordinance published herewith has been finally adopted on Sept. 12, 2019 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such Ordinance can be commenced has begun to run from the date of the first publication of this statement.



JERLENE H. WORTHY, Clerk of the Board of
Chosen Freeholders of the County of Mercer,
New Jersey

COUNTY OF MERCER, NEW JERSEY
ORDINANCE NO. 2019- 4

1st Reading..... August 13, 2019.....
 2nd Reading..... September 12, 2019.....
 Public Hearing..... September 12, 2019.....

Date to County Executive.....
 Date Returned.....

Date Adopted:
 September 12, 2019.....

Date Resubmitted to Board.....
 Approved as to Form and Legality

October 2, 2019.....

Effective Date

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 County Counsel

AN ORDINANCE AMENDING AN
 ORDINANCE TO ADOPT A MERCER
 COUNTY NEW JERSEY ADMINISTRATIVE
 CODE, PURSUANT TO THE COUNTY
 EXECUTIVE PLAN OF THE OPTIONAL
 COUNTY CHARTER LAW (N.J.S.A.40:41A-1
 ET SEQ.)—ORDINANCE AUTHORIZING THE
 ESTABLISHMENT OF A THIRD DEPUTY
 ADMINISTRATOR TITLE (AMENDMENT
 NO. 20)

RECORD OF VOTE													
First Reading							Second Reading						
FREEHOLDER	Aye	Nay	N.V.	Abs.	Res.	Sec.	FREEHOLDER	Aye	Nay	N.V.	Abs.	Res.	Sec.
Cannon	X					✓	Cannon	X					✓
Colavita	X						Colavita				X		
Frisby	X						Frisby	X					
Koontz	X						Koontz	X				✓	
Melker	X						Melker	X					
Walter	X				✓		Walter	X					
Cimino	X						Cimino	X					

X—Indicates Vote Abs.—Absent N.V.—Not Voting
 Res.—Resolution Moved Sec.—Resolution Secended

Rejected By Ben Myle.....
 Approved County Executive
 Reconsidered Override
 By Board..... Vote Aye Nay
[Signature] Jerlene N. Worthy
 Chair of the Board Clerk to the Board

ORDINANCE NO. 2019-4

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WHEREAS, on or about April 24, 2003, the Mercer County Board of Chosen Freeholders adopted Ordinance No. 2003-8, which restated, amended and adopted in its entirety the Mercer County New Jersey Administrative Code (“Code”); and,

WHEREAS, pursuant to Section 2.01.02 of the Code, the Board of Chosen Freeholders has the power to adopt Ordinances to amend the Code as it deems appropriate and necessary; and,

WHEREAS, pursuant to Ordinance No. 2014-10, adopted September 25, 2014, two (2) Deputy Administrator titles were created in the Department of Administration; and,

WHEREAS, it is in the best interest of County government to create a third Deputy Administrator title, said position to be within and assigned to the Department of Administration, to assist with the daily responsibilities of that Department; now, therefore,

BE IT ORDAINED, by the Mercer County Board of Chosen Freeholders that the Mercer County Administrative Code shall be amended to provide as follows:

1. Chapter 2.05, Department of Administration.

Section 2.05.030. Deputy Administrators

There shall be three (3) Deputy Administrators. There shall be a Deputy Administrator/Finance; a Deputy Administrator/Transportation and Infrastructure; and a Deputy Administrator/Department of Administration. The respective Deputy Administrators shall perform such functions as assigned to them from time to time by the Administrator, and shall report to the Administrator.

2. The Administrative Code’s index shall be amended and renumbered to reflect this amendment to the Code, as may be necessary.
3. All remaining provisions of Ordinance No. 2003-8, adopted April 24, 2003, as amended, shall remain in full force and effect.

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4. The Clerk to the Board is hereby directed to comply with the publication of the Ordinance with the provisions of law.
5. This Ordinance shall take effect immediately upon adoption.
6. Upon adoption the Clerk to the Board shall forward a certified copy of this Ordinance to the Office of the County Executive, County Counsel, County Administrator, Chief of Staff, and the Personnel Director.