TOWNSHIP OF MULLICA
ORDINANCE #11-2026

AN ORDINANCE OF THE TOWNSHIP OF MULLICA, IN THE COUNTY OF ATLANTIC, NEW JERSEY, AMENDING ORDINANCE NO. 4-2022, ADOPTED MAY 24, 2022, TO INCREASE THE AUTHORIZED AMOUNT OF A LEASE PURCHASE AGREEMENT WITH THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY RELATING TO THE ISSUANCE OF TOWNSHIP GUARANTEED LEASE REVENUE BONDS, SERIES 202_ (TOWNSHIP OF MULLICA PROJECT) AND ANY NOTES ISSUED IN ANTICIPATION THEREOF BY THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY AND AUTHORIZING THE EXECUTION OF AN AMENDED LEASE PURCHASE AGREEMENT

WHEREAS, The Atlantic County Improvement Authority (the "**Authority**"), a public body corporate and politic constituting an instrumentality of the State of New Jersey (the "**State**") established and created under the provisions of 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 (the "**Act**"), is authorized pursuant to the terms of the Act to provide public facilities, as such term is defined therein, within the County of Atlantic, New Jersey (the "**County**"), including financing for the construction of same; and

WHEREAS, the Township of Mullica, New Jersey (the "**Township**") desires to construct a new municipal building/police department complex (the "**Facility**") on real property owned by the Township, located at 4528 White Horse Pike, Elwood, New Jersey (the "**Property**"; and together with the Facility, the "**Project**"); and

WHEREAS, the Township requested the Authority's assistance in financing the Project as described herein; and

WHEREAS, the Project constitutes a "public facility" as such term is defined in the Act; and

WHEREAS, the Authority agreed to finance the Project on behalf of the Township through the issuance of bonds, and any notes issued in anticipation thereof, and shall, in connection therewith, lease the Property from the Township and simultaneously lease the Property back to the Township pursuant to a lease purchase agreement (the transactions contemplated hereinabove shall be referred to as the "**Financing**"); and

WHEREAS, the Authority adopted a resolution on May 25, 2022, entitled "Resolution Authorizing the Issuance of Lease Revenue Bonds, Series 2022 (Township of Mullica Municipal Complex Project), of The Atlantic County Improvement Authority and Determining Other Matters Related Thereto", which authorized the Authority to issue bonds to finance the construction of the Project in an aggregate amount not to exceed $5,000,000 (the "**Original Bond Resolution**"); and

WHEREAS, in accordance with the Original Bond Resolution, as supplemented, to finance the costs of the Project, the Authority previously issued $4,525,000 Township Secured Lease Revenue Project Notes, Series 2026 (Township of Mullica Municipal Complex Project) dated August 24, 2026, and maturing on August 23, 2027 (the "**2026 Notes**"), which 2026 Notes currently refunded the Authority's $4,465,000 Township Secured Lease Revenue Project Notes, Series 2025 (Township of Mullica Municipal Complex Project) dated August 26, 2025 (the "**2025 Notes**"), which 2025 Notes currently refunded the Authority's $4,405,000 Township Secured Lease Revenue Project Notes, Series 2024 (Township of Mullica Municipal Complex Project) dated August 28, 2024 (the "**2024 Notes**"), which 2024 Notes were originally issued to pay costs associated with the Project; and

WHEREAS, the Township Committee of the Township heretofore adopted Ordinance No. 4-2022 on May 24, 2022 ("**Ordinance No. 4**"), which authorized the Authority and the Township to enter into that certain Lease Purchase Agreement dated August 1, 2024 (the "**Lease Purchase Agreement**"), pursuant to which the Authority acquired a leasehold interest in the Property from the Township and, upon completion of construction of the Facility, the Township will acquire a leasehold interest in the same from the Authority; and

WHEREAS, at the time of adoption of Ordinance No. 4, the total costs of the Project (the "**Project Costs**") were estimated not to exceed $5,000,000; and

WHEREAS, in September, 2026, after the formal bid process was completed, the lowest bid for the Project received by the Authority was in the amount of $6,880,000; and

WHEREAS, in order to finance the additional Project costs, and subject to the approval of the Local Finance Board, the Authority intends to adopt (i) a supplemental resolution authorizing the issuance of additional bonds or notes, pursuant to the Original Bond Resolution, in the amount of $2,800,000, for a total authorization for the Project in the amount of $7,800,000 (the "**Supplemental Resolution**") and (ii) upon the maturity of any outstanding obligations under the Original Bond Resolution, a new general bond resolution authorizing bonds and notes in an amount not to exceed $7,800,000 (the "**2027 Bond Resolution**", and together with the Original Bond Resolution, the Supplemental Bond Resolution, and any amendments thereof or supplements thereto in accordance with the terms thereof and the Original Bond Resolution shall be collectively referred to as the "**General Bond Resolution**"); and

WHEREAS, the Lease Purchase Agreement shall be amended (the "**Amended Lease Purchase Agreement**") to reflect the total authorization of Lease Revenue Bonds, or notes issued in anticipation thereof, for the Project in the amount of $7,800,000 (the "**Bonds**"); and

WHEREAS, the Township Committee still believes it to be in the best interests of the residents of the Township to move forward with the construction of the Project and, through the adoption of this Ordinance, the Township Committee intends to increase the Township's appropriation for the Project by $2,800,000, from $5,000,0000, as approved and authorized by Ordinance No. 4, to $7,800,000, and to ratify and affirm all actions taken by the Township and officials thereof under and pursuant to Ordinance No. 4.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MULLICA, IN THE COUNTY OF ATLANTIC, NEW JERSEY, AS FOLLOWS:

Section 1. The Township hereby approves and authorizes an increase in the amount of debt service/lease payment schedules for the Project under the Amended Lease Purchase Agreement in the amount of $2,800,000, for a total aggregate authorization amount for the Project of $7,800,000, subject to the required approval of the Local Finance Board, in the Division of Local Government Services, Department of Community Affairs, and the parameters set forth herein. The Mayor, the Clerk/Administrator and the Chief Financial Officer of the Township (each, an "**Authorized Officer**") are hereby each severally authorized and directed to execute or acknowledge and deliver the Amended Lease Purchase Agreement, and such other agreements, amendments, documents or certificates as may be necessary or required in connection with the Financing (the "**Project Documents**"), including without limitation, the execution and delivery of a modification to the Amended Lease Purchase Agreement and the issuance, from time to time, of the Bonds to be so executed or acknowledged by the Township, with such changes thereto as such Authorized Officers, after consultation with counsel to the Township, bond counsel to the Township and other professional advisors to the Township and the Authority (together, the "**Consultants**"), deem in their discretion to be necessary, desirable or convenient for the execution thereof and to consummate the transactions contemplated hereby, which execution thereof shall conclusively evidence such Authorized Officers' approval of any changes to the forms thereof.

Section 2. The Clerk of the Township is hereby authorized and directed, upon the execution or acknowledgment of the documents set forth in Section 1 hereof in accordance with Section 1 hereof, to attest to each Authorized Officer's execution nor acknowledgment of such document and is hereby further authorized and directed to thereupon affix the seal of the Township to such documents.

Section 3. Upon the execution or acknowledgment and attestation of and, if required, the placing of the seal on the documents set forth in Section 2 hereof as contemplated by Sections 1 and 2 hereof, each Authorized Officer is hereby authorized and directed to (i) deliver the fully executed or acknowledged, attested and sealed documents to the other parties thereto and (ii) perform such other actions as such Authorized Officer deems necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 4. Each Authorized Officer is hereby authorized and directed to execute and deliver any and all documents 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 Amended Lease Purchase Agreement, the Project Documents, the leasing of the Property, the undertaking of the Project and all related transactions contemplated by this ordinance and by the Project Documents and necessary or desirable in connection with the issuance of the Bonds, including all determinations with respect to the refunding of Bonds and the severance or conveyance of any property from the Amended Lease Purchase Agreement (to the extent permitted thereby).

Section 5. The full faith and credit of the Township are hereby pledged to the punctual payment of all payments due under the Amended Lease Purchase Agreement. The obligation to make such payments shall be a general obligation of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payments due under the Amended Lease Purchase Agreement without limitation as to rate or amount.

Section 6. 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 shall continue to be in full force and effect.

Section 7. Ordinance No. 4 is hereby reaffirmed in its entirety and shall remain in full force except as modified herein.

Section 8. This ordinance shall take effect in accordance with applicable law.

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed at a meeting of the Township Committee of the Township of Mullica, held on October 27, 2026. Ordinance #11-2026 will be further considered for final passage after public hearing at a meeting of said Township Committee to be held in the Mullica Township School, 500 Elwood Road, Elwood, New Jersey, on November 24, 2026 beginning at 7:00 P.M., at which time and place all persons interested will be given an opportunity to be heard concerning such ordinance A copy of this Ordinance is available online and a copy shall be made immediately available at the Township Clerk's Office in the Township Municipal Building located at 4528 S. White Horse Pike, Elwood, New Jersey at no cost to those members of the general public requesting same.

Monica Newton,
Acting Municipal Clerk