



9/24/2009

UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

ORDINANCE NO: **694-2009**
 DATE OF INTRO: **9/24/2009**
 DATE OF ADOPTION: **10/8/2009**

ORDINANCE PROVIDING THE CONSENT OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF UNION TO THE "RENEWABLE ENERGY PROGRAM" BY THE UNION COUNTY IMPROVEMENT AUTHORITY (UCIA) AND THE EXECUTION OF A "COUNTY SERVICE AGREEMENT" BETWEEN THE COUNTY AND THE UNION COUNTY IMPROVEMENT AUTHORITY

WHEREAS, The Union County Improvement Authority (including any successors and assigns, the "Authority") has been duly created by resolution of the Board of Chosen Freeholders (the "Board of Freeholders") of the County of Union (the "County") in the State of New Jersey (the "State") as a public body corporate and politic of the 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 (as codified at N.J.S.A. 40:37A-44 *et seq.*, the "Act") and other applicable law; and

WHEREAS, the Authority desires to undertake the development and implementation of a program (the "Renewable Energy Program") for the financing, design, permitting, acquisition, construction, installation, operation and maintenance of renewable energy capital equipment and facilities such as solar panels, wind turbines, and hydro-electric, bio-diesel, geothermal, and bio-mass facilities, including any related electrical modifications or other work required or convenient for the installation of such systems (collectively, the renewable energy capital equipment and facilities, the "Renewable Energy Projects") for and on behalf of the County and local governmental units within the County, including without limitation municipalities, boards of education for school districts, local authorities and any other local government instrumentalities, public bodies or other local government entities; collectively, including the County, the "Local Units"); and

NO DEFICIENCY OF FUNDS REQUIRED
[Signature]

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INTRODUCTION								RECORD OF VOTE 9-24-09 FINAL ADOPTION							
FREEHOLDER	Aye	Nay	Abs	Pass	Ord.	Sec	NP	FREEHOLDER	Aye	Nay	Abs	Pass	Ord.	Sec	NP
ESTRADA	x							ESTRADA	x						
HOLMES	x							HOLMES	x						
KOWALSKI	x							KOWALSKI	x					x	
PROCTOR	x							PROCTOR	x						
SCANLON	x				x			SCANLON	x				x		
VAN BLAKE	x							VAN BLAKE	x						
WARD	x							WARD	x						
SULLIVAN VICE-CHAIRMAN	x					x		SULLIVAN VICE-CHAIRMAN							x
MIRABELLA CHAIRMAN	x							MIRABELLA CHAIRMAN	x						

APPROVED AS TO FORM
[Signature]
 COUNTY ATTORNEY

I hereby certify the above is an original ordinance adopted by the Board of Chosen Freeholders of the County of Union on the aforementioned date.
[Signature] CLERK

I hereby certify this is a true copy of a ordinance adopted by the Board of Chosen Freeholders of the County of Union on the aforementioned date.
 _____ CLERK

WHEREAS, the Renewable Energy Projects procured under the Renewable Energy Program are to be installed on, in, affixed or adjacent to and/or for any other Local Unit controlled buildings, other structures, lands or other properties of the Local Units (collectively, the “**Local Unit Facilities**”); and

WHEREAS, it may be necessary, desirable or convenient, in connection with the financing, design, permitting, acquisition, construction, installation, operation and maintenance of the Renewable Energy Projects, to finance, design, permit, acquire, construct, renovate and install certain capital improvements to the Local Unit Facilities, including without limitation, improvements to or replacement of, roofing systems (the “**Capital Improvement Projects**” and together with the Renewable Energy Projects and any Completion Project as defined in the hereinafter defined Bond Resolution, the “**Projects**”); and

WHEREAS, the primary goal of the Renewable Energy Program is to expand the use of renewable energy sources available and utilized by the Local Units for their Local Unit Facilities in accordance with the State’s Energy Master Plan dated October, 2008, with the attendant environmental and financial benefits associated thereby, and to reduce the energy related operating costs to the Local Units for their Local Unit Facilities, all intended to be offered at no net cost to the Local Units; and

WHEREAS, to assist the Authority with funding all of the engineering, legal, financial advisory and other preliminary costs of the Renewable Energy Program necessary, desirable or convenient for the development and implementation of the Renewable Energy Program prior to the issuance of the Bonds (the “**Preliminary Program Costs**”) prior to the issuance of the first series of bonds that shall finance the initial portion of the Renewable Energy Program (the “**Bonds**”), the Authority desires to enter into with the County that certain “Service Agreement (Renewable Energy Program)” (as the same may be amended or supplemented from time to time in accordance with its terms, the “**County Service Agreement**”), all pursuant to Section 36 of the Act (N.J.S.A. 40:37A-79) and other applicable law:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF UNION, NEW JERSEY, as follows:

Section 1. In accordance with all applicable law, the Board of Freeholders hereby consents to (i) the “Renewable Energy Program” of the Union County Improvement Authority, and (ii) the execution and delivery by the County, through the County Manager, of the “County Service Agreement” and such other documents as necessary and reasonable for the Program which documents shall be filed with the Clerk of the Board prior to the issuance of any Bonds, (iii) the adoption by the Authority of the Bond Resolution, and (iv) the issuance, sale and delivery of the Bonds to effect such purpose. The consent hereto given to the Financing Documents contemplates the insertion of the final financing terms.

Section 2. This ordinance shall take effect at the time and in the manner provided by law.

Section 3. Upon the adoption hereof, the Clerk of the Board of Freeholders shall forward certified copies of this ordinance to the County Manager, County Counsel and the Executive Director of the Authority