

**RESOLUTION PROVIDING FOR RATIFICATION AND READOPTION OF THE RESOLUTION PROVIDING FOR THE SPECIAL SCHOOL DISTRICT ELECTION SCHEDULED FOR DECEMBER 11, 2018 FOR CONSIDERATION OF A BOND PROPOSAL BY THE LEGALLY QUALIFIED VOTERS OF THE SCHOOL DISTRICT.**

**WHEREAS** The Board of Education of the Township of North Bergen in the County of Hudson, New Jersey adopted a resolution on November 7, 2018 entitled, "Resolution Providing for a Special School District election to be held on December 11, 2018 for consideration of a Bond Proposal by the Legally Qualified Voters of the School District" (the "November 7 Special Election Resolution"); and

**WHEREAS** the adoption of the November 7 Special Election Resolution has been challenged under the New Jersey Open Public Meetings Act; and

**WHEREAS** in order to confirm the Board's transparency under the Open Public Meetings Act and in an excess of caution, the Board of Education has determined to ratify its adoption and to readopt the November 7 Special Election Resolution; now, therefore

**BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE TOWNSHIP OF NORTH BERGEN IN THE COUNTY OF HUDSON, NEW JERSEY** (with not less than a majority of the full membership of the Board concurring) **AS FOLLOWS:**

The November 7 Special Election Resolution is hereby ratified and readopted.

I, Hugo D. Cabrera, hereby certify as follows

I am the Board Secretary of The Board of Education of the Township of North Bergen in the County of Hudson New Jersey and the foregoing resolution is a true and complete copy of the resolution adopted at a meeting of the Board of Education held in accordance with the requirements of the New Jersey Open Public Meetings Act on December 7, 2018 by the following vote:

**AYES: LUIS DIAZ, LUIS RABELO, PATRICIA BARTOLI, CLAUDIA BASELICE, KANAIYALAL PATEL, CLAUDIA RODRIGUEZ, RUTH SHAW, HAISSAM JAAFAR AND SAI RAO**

**NAYS: NONE**

  
Hugo D. Cabrera  
Board Secretary

**RATIFICATION AND READOPTION RESOLUTION 1**  
**RESOLUTION FOR SPECIAL ELECTION**

TRUSTEE	MOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Diaz			x			
Rabelo	x		x			
Bartoli			x			
Baselice			x			
Patel			x			
Rogers					x	
Rodriguez			x			
Shaw			x			
Jaafar		x	x			
Rao			x			

EXTRACT from the minutes of a special meeting of The Board of Education of the Township of North Bergen in the County of Hudson, New Jersey held at the administrative offices of the Board located at 7317 Kennedy Boulevard, North Bergen, New Jersey on November 7, 2018 at 5:30 p.m

PRESENT: LUIS DIAZ, LUIS RABELO, PATRICIA BARTOLI,  
CLAUDIA BASELICE, KANAIYALAL PATEL,  
CLAUDIA RODRIGUEZ, RUTH SHAW, HAISSAM  
JAAFAR, & SAI RAO

ABSENT: MARK ROGERS

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Claudia Rodriguez introduced and moved the adoption of the following resolution and Sai Rao seconded the motion:

RESOLUTION PROVIDING FOR A  
SPECIAL SCHOOL DISTRICT ELECTION  
TO BE HELD ON DECEMBER 11, 2018  
FOR CONSIDERATION OF A BOND  
PROPOSAL BY THE LEGALLY  
QUALIFIED VOTERS OF THE SCHOOL  
DISTRICT.

BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE  
TOWNSHIP OF NORTH BERGEN IN THE COUNTY OF HUDSON,  
NEW JERSEY (with not less than a majority of the full membership of the  
Board concurring) AS FOLLOWS:

Bond Proposal

RESOLUTION 1

TRUSTEE	NOTION	SECOND	YES	NO	ABSENT	ABSTAIN
Diaz			X			
Rabelo			X			
Bartoli			X			
Baselice			X			
Patel			X			
Rogers					X	
Rodriguez	X		X			
Shaw			X			
Jaafar			X			
Rao		X	X			

1. It is hereby determined that a proposal shall be submitted for voter approval at a special school district election to be held on December 11, 2018 between the hours of 2:00 p.m. and 8:00 p.m. as permitted and required by law. The form of the proposal shall read substantially as follows with such adjustments as may be provided by bond counsel:

PROPOSAL

The Board of Education of the Township of North Bergen in the County of Hudson, New Jersey is authorized: (a) to acquire real property formerly known as the Hudson County Technical High School, located at Tonnelle Avenue and 85th Street, in North Bergen and described on the Township tax map as Block 458, Lot 1 and Block, 458.01, Lots 1 and 6.01 (High School West), and to provide for additions, renovations, alterations and improvements thereto and also to the existing North Bergen High School facilities (High School East), including fixtures, furnishings, equipment, site work and related work; (b) to appropriate \$64,958,000 for such purposes, including \$4,958,000 from capital reserve; and (c) to issue bonds of the school district in the principal amount of \$60,000,000.

The final eligible costs of the projects approved by the Commissioner of Education are \$52,331,912 (with \$37,087,622 allocated to High School West and \$15,244,290 allocated to High School East). The proposed improvements include \$12,497,548 allocated to High School West and \$0 allocated to High School East for elements in addition to the facilities efficiency standards developed by the Commissioner of Education or not otherwise eligible for State support pursuant to N.J.S.A. 18A:7G-5(g). The State debt service aid percentage will equal 48.694% of the annual debt service due with respect to the final eligible costs of the projects. The Board of Education is authorized to transfer funds among the projects approved at this special election.

2. This Board of Education hereby approves and adopts the proposal set forth above, and, subject to the approval of the legal voters of the school district, hereby determines to carry out the improvements described therein (the "Projects").

3. This Board of Education hereby acknowledges and confirms that in accordance with N.J.S.A. 18A:24-16 and 18A:24-17 a supplemental debt statement has been prepared by the chief financial officer of the Township of North Bergen (the "Township"), giving effect to the proposed

authorization of bonds of the school district in the maximum amount of bonds authorized in the proposal. The supplemental debt statement has been filed in the office of the Township Clerk and in the office of the Board Secretary of this Board of Education prior to the adoption of the proposal and will be filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs prior to the date of the special election.

4. The Business Administrator and/or the Board Secretary are hereby authorized and directed to send a certified copy of the proposal to the County Clerk as required by N.J.S.A. 19:60-2, to request the County Clerk to submit the proposal to the voters at the special school district election and to seek the assistance of the county officials and the municipal clerk in conducting the special school district election.

5. The Board of Education hereby acknowledges receipt of the Preliminary Eligible Costs (PEC) letters for the Projects from the Department of Education. The Board hereby elects to receive debt service aid pursuant to Section 9 of the Educational Facilities Construction and Financing Act, N.J.S.A. 18A:7G-1 *et seq.* (the "Act"). The Board further agrees to accept the determination of the space eligible for State support and the preliminary eligible costs as final eligible costs as set forth in the PEC letters by the Department of Education and not to appeal. The Business Administrator and/or the Board Secretary are authorized, if necessary, to notify the Department of Education of the Board's election with respect to the eligible spaces and costs and its election to receive debt service aid.

6. Grace Lynch, L & C Design Consultants PA, the School District's appointed architect for the Projects (the "Project Architect"), has heretofore been authorized and delegated the responsibility to prepare the plans and specifications for the Projects in consultation with and under the supervision of the Business Administrator, who has heretofore been delegated the responsibility to work with the Project Architect for this purpose on behalf of the Board of Education, in accordance with the requirements of N.J.S.A. 18A:18A-16, and such authorizations and delegations are hereof reconfirmed.

7. The educational plans, where required, and the schematic plans for the construction of the Projects have heretofore been approved by this Board of Education, and such approval is hereby reconfirmed.

8. The Board President, the Superintendent of Schools, the Business Administrator, the Board Secretary, the Project Architect, Bond Counsel and other appropriate representatives of the Board of Education (the "Board Representatives") have heretofore been authorized, and such authorization is hereby reconfirmed, to submit the educational plans, where required, and the schematic plans for the Projects, together with such other information as may be required, to the State Department of Education for approval and to make application to the Commissioner of Education for approval of the educational plans, where required, the schematic plans, the acquisition of the real property and the Projects and, if necessary, any required amendment to the long-range facilities plan, in accordance with the requirements of the Act and N.J.A.C. 6A:26-2.1(f), 6A:26-2.3(c), 6A:26-3.1, 6A:26-3.2, 6A:26-3.12 and 6A:26-7.1 as appropriate.

9. The Board Representatives have heretofore been and are hereby further authorized and directed to submit the plans and any other required information to the Planning Board and the Department of Environmental Protection for review and comment as necessary, and such authorization and direction are hereby reconfirmed.

10. This Board of Education hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Business Administrator through a public offering or private placement or through a conduit borrower on a tax-exempt basis. The Board of Education hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on its bonds or notes if issued as tax exempt, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on its bonds or notes. The Business Administrator is hereby authorized to act on behalf of the

Board of Education to deem any obligations authorized herein as Bank Qualified for the purposes of Section 265 of the Code, when appropriate. The Board of Education hereby declares the intent of the Board of Education to issue bonds or temporary notes in the amount not to exceed the amount set forth in the bond proposal approved by the voters as set forth in Section 1 and to use the proceeds to pay or to reimburse expenditures for the costs of the school capital projects authorized therein. This resolution is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

11. The Board Representatives are hereby authorized to take all steps necessary to implement this resolution. Any actions authorized herein and taken prior hereto are hereby ratified. The Business Administrator and/or the Board Secretary are further authorized to act on behalf of the Board of Education to make such determinations required of the Board of Education for the conduct of the election as may become necessary.

12. The reference to officers of this school district herein includes any interim, acting or successor officer holding that position.

13. This resolution shall take effect immediately.

The foregoing resolution was adopted by the following vote:

AYES:       LUIS DIAZ, LUIS RABELO, PATRICIA BARTOLI,  
              CLAUDIA BASELICE, KANAIYALAL PATEL,  
              CLAUDIA RODRIGUEZ, RUTH SHAW, HAISSAM  
              JAAFAR, & SAI RAO

NAYS:       NONE

STATE OF NEW JERSEY       )  
  )  
COUNTY OF HUDSON       )       SS:

Hugo D. Cabrera, being first duly sworn on oath, deposes and says:

That deponent is the Board Secretary of The Board of Education of the Township of North Bergen in the County of Hudson New Jersey and that the annexed extract from the minutes of a meeting of the Board of Education held on November 7, 2018 at the time and place therein stated has been compared by deponent with the original minutes of the meeting recorded in full in the official Minute Book of the Board and is a true copy thereof and of the whole of the original so far as it relates to the subject matters referred to in this extract.

  
Hugo D. Cabrera  
Board Secretary