CITY OF BRIGANTINE
ORDINANCE NO. 16 OF 2026

A BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE EAST SHORE DRIVE PLAYGROUND IN AND BY THE CITY OF BRIGANTINE, IN THE COUNTY OF ATLANTIC, NEW JERSEY, APPROPRIATING $754,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $188,500 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRIGANTINE, IN THE COUNTY OF ATLANTIC, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement described in Section 3(a) of this bond ordinance is hereby authorized to be undertaken by the City of Brigantine, in the County of Atlantic, New Jersey (the "City"), as a general improvement. For the improvement or purpose described in Section 3(a), there is hereby appropriated the sum of $754,000, including a Green Acres Grant in the amount of $565,500 from the State of New Jersey (the "State Grant") and a Green Acres Loan in the amount of $184,500 from the State of New Jersey. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is required for the cost of the improvement or purpose described in Section 3(a) since the improvement or purpose is being partially funded by the State Grant.

Section 2. In order to finance the cost of the improvement or purpose not covered by the State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of $188,500 pursuant to the Local Bond Law. In anticipation of the

issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to the East Shore Drive Playground, including, but not limited to, the installation of a safety surface, accessible picnic tables, a sensory wave wall, fences and walkways, and further including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or bond anticipation notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no bond anticipation note shall mature later than one year from its date, unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The bond anticipation 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 bond anticipation notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the bond anticipation notes shall be conclusive evidence as to all such determinations. All bond anticipation notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law or other applicable law. The chief financial officer is hereby authorized to sell part or all of the bond anticipation 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 bond anticipation notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 5. The City hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $188,500, and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding $151,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. The City hereby makes the following covenants and declarations with respect to obligations determined to be issued by the chief financial officer on a tax-exempt basis. The City 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 the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The chief financial officer is hereby authorized to act on behalf of the City to deem the obligations authorized herein as bank-qualified for the purposes of Section 265 of the Code, when appropriate. The City hereby declares the intent of the City to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the cost of the purpose described in Section 3(a) of this bond ordinance.

This Section 7 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.

Section 8. Any grant moneys received for the purpose described in Section 3(a) hereof shall be applied either to direct payment of the cost of the improvement or, if other than the State Grant referred to in Section 1 hereof, to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City

shall be obligated to levy *ad valorem* taxes upon all the taxable property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ACTION ON INTRODUCTION:

Motion made by: Deputy Mayor Bew

Motion seconded by: Councilman Virgilio

VOTE ON INTRODUCTION:

Deputy Mayor Bew:	☒ Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Lettieri:	☒Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Haney:	☐Yes	☐ No	☐ Abstain	☒ Not Present
Councilman Virgilio	☒Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Kane:	☐Yes	☐ No	☐ Abstain	☒ Not Present
Councilman Riordan:	☒Yes	☐ No	☐ Abstain	☐ Not Present
Mayor Sera:	☒Yes	☐ No	☐ Abstain	☐ Not Present

ACTION ON ADOPTION (after public hearing)

Motion made by: Councilman Kane

Motion seconded by: Councilman Riordan

VOTE ON ADOPTION:

Deputy Mayor Bew:	☒ Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Lettieri:	☒Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Haney:	☒Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Virgilio	☒Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Kane:	☒Yes	☐ No	☐ Abstain	☐ Not Present
Councilman Riordan:	☒Yes	☐ No	☐ Abstain	☐ Not Present
Mayor Sera:	☒Yes	☐ No	☐ Abstain	☐ Not Present

I certify that this ordinance was introduced at a properly advertised public meeting on September 16, 2026, published pursuant to law and the subject of a second reading and public hearing on October 7, 2026 prior to final adoption.

Christine Murray, RMC, City Clerk

Vince Sera, Mayor