

AMENDED ORDINANCE NO. 53 OF 1982
OF THE
COUNTY COMMISSIONERS
OF THE
COUNTY OF BUCKS

TO AUTHORIZE AND DIRECT THE INCURRING OF NON-ELECTORAL DEBT THROUGH THE ISSUANCE OF A GENERAL OBLIGATION NOTE OF THE COUNTY OF BUCKS, PENNSYLVANIA, IN THE MAXIMUM PRINCIPAL AMOUNT OF ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000) FOR THE PURPOSE OF PROVIDING FINANCING FOR AND TOWARD THE COST OF CONSTRUCTION OF THE CENTRAL BUCKS SENIOR CITIZENS CENTER AND THE COSTS RELATING TO THE ISSUANCE OF SUCH NOTE; STATING THE REALISTIC ESTIMATED USEFUL LIFE OF THE PROJECT FOR WHICH SAID NOTE IS ISSUED; DIRECTING THE CHAIRMAN OF THE COUNTY COMMISSIONERS AND THE CHIEF CLERK OF THE COUNTY TO PREPARE, VERIFY AND FILE THE REQUIRED DEBT STATEMENT; COVENANTING THAT THE COUNTY SHALL INCLUDE THE AMOUNT OF ANNUAL DEBT SERVICE IN ITS BUDGET FOR EACH FISCAL YEAR; PROVIDING FOR A NOTE DENOMINATION, PRINCIPAL AND INTEREST PAYMENT DATES, AND PROVISION FOR REDEMPTION OF THE NOTE; STATING THAT THE NOTE SHALL BE PAYABLE WITHOUT DEDUCTION FOR CERTAIN TAXES; PROVIDING FOR THE METHOD OF EXECUTING THE NOTE; APPROVING THE FORM OF NOTE; AWARDED SUCH NOTE AT PRIVATE SALE; PROVIDING FOR THE APPOINTMENT OF A SINKING FUND DEPOSITORY FOR THE NOTE; AUTHORIZING AND DIRECTING THE CHIEF CLERK TO CERTIFY AND TO FILE WITH THE DEPARTMENT OF COMMUNITY AFFAIRS CERTIFIED COPIES OF THE NECESSARY PROCEEDINGS; COVENANTING THAT THE PROCEEDS OF THE NOTE SHALL NOT BE USED IN SUCH MANNER AS TO CAUSE THE NOTE TO BE AN ARBITRAGE NOTE UNDER FEDERAL TAX PROVISIONS; AUTHORIZING PROPER OFFICERS OF THE COUNTY TO DO ALL THINGS NECESSARY TO CARRY OUT THE AMENDED ORDINANCE; AND REPEALING ALL INCONSISTENT ORDINANCES.

WHEREAS, the Board of County Commissioners of the County Commissioners of the County of Bucks, Pennsylvania (the "County"), deems it in the best interest of the County that the County undertake a certain capital project (the "Project") known as the Central Bucks Activity Center of the Bucks County Association for Retired and Senior Citizens, consisting of a Senior Citizens Activity Center located on Shady Retreat and Broad Streets, Doylestown Township, Bucks County, Pennsylvania; and

WHEREAS, the Board of County Commissioners has heretofore obtained realistic estimates of the costs of the Project in accordance with Section 106 of the Local Government Unit Debt Act of the Commonwealth of Pennsylvania, Act of July 12, 1972, No. 185, as reenacted, amended and revised by the Act of April 28, 1978, No. 52 (the "Act") and the total estimated cost of the Project exceeds \$664,501; and

WHEREAS, The Board of Bucks County Commissioners proposes to finance part of the Project by an increase in the non-electoral debt of the County through the issuance of the General Obligation Note of 1982 of the County in the principal amount of \$125,000 in accordance with the Act; and

WHEREAS, the existing net non-electoral debt of the County as determined under the provisions of Article II of the Act, including the increase of non-electoral debt authorized hereby does not in the aggregate exceed the limitations of the Act.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the County of Bucks, Pennsylvania, and it is hereby ordained and enacted by the authority of same as follows:

SECTION I. That the aggregate principal amount of the note of the County of

Bucks, Pennsylvania, proposed to be issued is \$125,000, same to be issued for the foregoing purposes and same to be incurred as nonelectoral debt.

SECTION 2. The period of useful life of the improvements for which this obligation is to be issued is estimated to be in excess of 40 years.

SECTION 3. Said indebtedness shall be evidenced by one general obligation note, in registered form, in the principal sum of \$125,000 dated and bearing interest from the earliest date of possible issue of said note under the statutory time requirements as set forth in the Act of the General Assembly of the Commonwealth of Pennsylvania approved the 28th day of April, 1978, being Act 52 of 1978 Session, at the rate of interest of 70% of the Bank's prime rate but not to exceed 14% per annum, payable annually on the unpaid balance of said note on the anniversary date of said note during the term of said note, together with interest on overdue principal.

The County of Bucks reserves the right to anticipate any or all installments of principal or any payment of interest at any time prior to the respective payment dates thereof, without notice or penalty.

The principal and interest of said note shall be payable at the office of the sinking fund depository selected for the note as hereinafter provided.

SECTION 4. The said note is hereby declared to be a general obligation of the County of Bucks. The municipality hereby covenants that the municipality shall include the amount of debt service on the note for each fiscal year in which such sums are payable in its budget for that year; shall appropriate such amounts to the payment of such debt service; and shall duly and punctually pay or cause to be paid the principal of the note and the interest thereon at the dates and places and in the manner stated in the note according to the true intent and meaning thereof, and for such proper budgeting, appropriation, and payment, the full faith, credit and taxing power of the County of Bucks is hereby irrevocably pledged.

SECTION 5. The form of said note shall be substantially as follows:

UNITED STATES OF AMERICA
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF BUCKS
GENERAL OBLIGATION NOTE OF 1982

FOR VALUE RECEIVED, County of Bucks, Pennsylvania (the "County") acknowledges itself indebted and promises to pay to the Bucks County Bank and Trust Company the sum of One Hundred Twenty Five Thousand Dollars (\$125,000) plus interest in one hundred twenty (120) monthly payments in accordance with the following schedule.

(a) Beginning one month from the date of this Note and on the same day of each succeeding month for a total of twelve (12) months, County shall repay the principal sum plus interest at the rate of 70% of the Bank's prime rate, but not to exceed 14%, in equal monthly payments of \$ _____, which, if amortized over a period of ten (10) years would fully amortize the principal and interest of the loan if the prime rate did not change.

(b) On each annual anniversary date of this Note, Bank shall reset the interest rate at 70% of the Bank's then current prime rate, but not more than 14% per annum and shall reset the schedule for amortizing the principal sum and interest as if the principal sum and interest were to be amortized at the rate over the remaining term of a ten (10) year loan.

County shall continue to repay the principal sum and interest on the outstanding balance monthly in accordance with the annually adjusted amortization schedule. "Prime rate" is defined as the prevailing rate of interest charged by Bank to its "prime" or best or most financially sound borrowers.

This Note shall be subject to redemption at the option of the Board of County Commissioners in whole or in part at any time without premium or penalty.

Both principal of, and interest on, this Note are payable at the principal office of the Bucks County Bank and Trust Company, Perkasio, Pennsylvania.

This Note is issued in accordance with the provisions of the Act of the General Assembly of the Commonwealth of Pennsylvania, approved July 12, 1972, P.L. 781, as amended (the "Act") and by virtue of an ordinance of the County Commissioners duly enacted on September 1, 1982, (the "Ordinance"), and the sworn statement of the duly authorized officers of the County as appears of record in the office of the Pennsylvania Department of Community Affairs in Harrisburg, Pennsylvania.

It is covenanted with the holders from time to time of this Note that the County shall include the amount of debt service for each fiscal year in which sums are payable in its budget for that year, shall appropriate such amounts to the payment of such debt service, and shall duly and punctually pay or cause to be paid the principal of this Note and the interest thereon at the date and places and in the manner stated in this Note according to the true intent and meaning thereof, and for such budgeting, appropriation and payment, the County pledges its full faith, credit and taxing power. This covenant shall specifically be enforceable; subject as to the enforceability of remedies to any applicable bankruptcy, insolvency, moratorium or other laws or equitable principles affecting the enforcement of creditors' rights.

The County and the Paying Agent may deem and treat the person in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal hereof and interest hereon, and for all other purposes.

IN WITNESS WHEREOF, the County of Bucks, Pennsylvania, has caused this Note to be signed by the Commissioners of the County of Bucks and its corporate seal to be hereunto affixed, duly attested by the Chief Clerk of the County, and to be dated the _____ day of September, 1982.

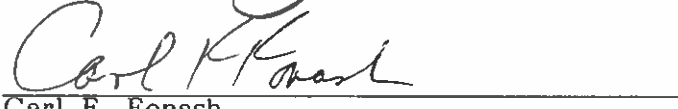
Attest:

COUNTY OF BUCKS


Chief Clerk


Andrew L. Warren, Chairman


Elaine P. Zettick


Carl F. Fonash

SECTION 6. The said note shall be executed in the name and under the corporate seal of the County of Bucks by the County Commissioners and attested to by the Chief Clerk of the County of Bucks. The Treasurer is hereby authorized and directed to deliver said note to the purchaser, and receive payment therefor on behalf of the County of Bucks. The Finance Director, and Chief Clerk of the County of Bucks are authorized and directed to prepare, verify and file the debt statement required by Section 410 of Act 52 of 1978, and to take other necessary action, including, if necessary or desirable, any statements required to qualify any portion of the debt from the appropriate debt limit as selfliquidating or subsidized debt.

SECTION 7. Bucks County Bank and Trust Bank is hereby designated as the Sinking Fund Depository for the obligation herein authorized, and there is hereby created and established a Sinking Fund, to be known as "Sinking Fund 1982 General Obligation Note", for the payment

of the principal and interest thereon which shall be deposited into the Sinking Fund no later than the date upon which the same becomes due any payable. The Treasurer shall deposit into the Sinking Fund, which shall be maintained until such obligation is paid in full, sufficient amounts for payment of principal and interest on the obligation no later than the date upon which such payments shall become due. The Sinking Fund Depository shall, as and when said payments are due, without further action by the County of Bucks, withdraw available monies in the Sinking Fund and apply said monies to payment of the principal of and interest on the obligation.

SECTION 8. The County Commissioners of Bucks County are hereby authorized to contract with Bucks County Bank and Trust Company for its services as Sinking Fund Depository for the note and paying agent for the same.

SECTION 9. In compliance with Section 701 of Act 52 of 1978, the members of the governing body have determined that a private sale by negotiation rather than public sale is in the best interest of the municipality. Therefore, the general obligation note in the amount of \$125,000 herein authorized to be issued is hereby awarded and sold to the Bucks County Bank and Trust Company in accordance with its proposal to purchase the said note at part; provided the said note is dated the date of delivery thereof to the Bucks County Bank and Trust Company and is in the form set forth in Section 5 of this Ordinance; and further provided that the proceedings have been approved by the Department of Community Affairs if such approval is required under the provisions of the Act.

SECTION 10. The action of the proper officers and the advertising of a summary of this Ordinance as required by law in the Daily Intelligencer, a newspaper of general circulation, is ratified and confirmed. The advertisement in said paper of the enactment the Ordinance is hereby directed within fifteen (15) days following the day of final enactment.

SECTION 11. All ordinances or parts of ordinances not in accord with this Ordinance are hereby repealed insofar as they conflict herewith.

ORDAINED AND ENACTED this day of , 1982.


Attest:


Chief Clerk

COUNTY OF BUCKS
BY:


Andrew L. Warren, Chairman


Elaine P. Zettick


Carl F. Fonash