



UNION COUNTY IMPROVEMENT AUTHORITY

Resolution No. 10-2021
Adoption Date: January 13, 2021

Sufficiency of Funds Bibi Taylor
Form and Legality David Minichello

AUTHORIZING THE AMENDMENT OF THE LEASE PURCHASE AGREEMENT IN CONNECTION WITH THE UNION COUNTY IMPROVEMENT AUTHORITY'S COUNTY OF UNION GENERAL OBLIGATION LEASE REVENUE REFUNDING BONDS, SERIES 2015A (JUVENILE DETENTION CENTER FACILITY PROJECT)

WHEREAS, the **UNION COUNTY IMPROVEMENT AUTHORITY** (the "Authority"), is a public body corporate and politic, constituting an instrumentality of the State of New Jersey (the "State") created by an ordinance of the Board of County Commissioners of the County of Union, New Jersey (the "County") pursuant to the Improvement Authorities Law of the State of New Jersey (the "State"), constituting Chapter 183 of the Pamphlet Laws of the State of 1960, as amended and supplemented (N.J.S.A. 40:37A-44 et seq.) (the "Act"); and

WHEREAS, the Authority issued its County of Union General Obligation Lease Revenue Refunding Bonds, Series 2015A (Juvenile Detention Center Facility Project) (the "Series 2015A Bonds") to (i) currently refund all of the Authority's \$24,690,000 County of Union General Obligation Lease Revenue Bonds, Series 2005 (Juvenile Detention Center Facility Project) the proceeds of which were used to finance the completion of the juvenile detention center located in the City of Linden, New Jersey; and (ii) costs of issuance of the Series 2015A Bonds; and

WHEREAS, the Series 2015A Bonds are payable from and secured by a Lease Purchase Agreement (Juvenile Detention Center Project) dated as of December 15, 2004, as amended, between the County and the Authority (the "Lease Purchase Agreement") pursuant to which the County is obligated to make rental payments in an amount sufficient to pay debt service on the Series 2015A Bonds; and

Commissioner	Motion	Second	Yes/Aye	No-Nay	Abstain	Absent
David Barnett		✓	✓			
Steve Hockaday			✓			
Christopher Kolibas			✓			
Debra Marshall			✓			
Andrea Mojica			✓			
Ahmed Shehata			✓			
Scott Huff, Vice Chairman	✓		✓			
Sebastian D'Elia, Chairman			✓			



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WHEREAS, pursuant to Section 509 of the Lease Purchase Agreement, the County desires to modify or add items to the juvenile detention center project by delivering an amended Exhibit A attached to the Lease Purchase Agreement describing the amended project, which shall also include the use of such facility for the County's Fire Academy and for storage of voting machines (the "Amended Project");

NOW, THEREFORE, BE IT RESOLVED BY THE UNION COUNTY IMPROVEMENT AUTHORITY, AS FOLLOWS:

Section 1. Amendment No. 3 to Lease Purchase Agreement (the "Amendment No. 3") between the Authority and the County in substantially the form attached hereto as "**Exhibit A**" and all instruments attached as exhibits thereto in a form to be agreed upon by the Authority and the County, are hereby approved. The Chairman, Vice-Chairman, Project Manager, or any other officer of the Authority who shall have power to execute contracts pursuant to the By-laws of the Authority and any resolutions adopted thereunder are hereby authorized to execute, acknowledge and deliver the Amendment No. 3 and all instruments attached as exhibits thereto with any changes, insertions and omissions as may be approved by the Chairman, Vice-Chairman, Project Manager, or any other officer of the Authority who shall have power to execute contracts pursuant to the By-laws of the Authority and any resolutions adopted thereunder, and the Secretary or Assistant Secretary of the Authority or any other officer of the Authority who shall have power to do so under the By-laws of the Authority and any resolutions adopted thereunder is hereby authorized to affix the seal of the Authority on the Amendment No. 3 and all instruments attached as exhibits thereto and attest the same. The execution of the Amendment No. 3 shall be conclusive evidence of any approval required by this Section.

Section 2. The Chairman, Vice-Chairman and Project Manager are hereby authorized and directed to execute and deliver such other documents and to take such other action as may be necessary or appropriate in order to effectuate the execution and delivery of the Amendment No. 3, all in accordance with the foregoing Section hereof.

Section 3. This resolution shall take effect immediately.

AMENDMENT NO. 3 TO LEASE PURCHASE AGREEMENT
(JUVENILE DETENTION CENTER FACILITY PROJECT)

BY AND BETWEEN

THE UNION COUNTY IMPROVEMENT AUTHORITY
as Lessor

AND

COUNTY OF UNION, NEW JERSEY
as Lessee

Dated as of January 15, 2021

**AMENDMENT NO. 3 TO LEASE PURCHASE AGREEMENT
(JUVENILE DETENTION CENTER FACILITY PROJECT)**

THIS AMENDMENT NO. 3 TO LEASE PURCHASE AGREEMENT (JUVENILE DETENTION CENTER FACILITY PROJECT) dated as of January 15, 2021 (the “Amendment No. 3”), by and between the Union County Improvement Authority (the “Authority”) and the County of Union, New Jersey (the “County”).

WITNESSETH

WHEREAS, the Authority is a public body corporate and politic, constituting an instrumentality of the State of New Jersey (the “State”) created by an ordinance of the Board of County Commissioners of the County of Union, New Jersey pursuant to the Improvement Authorities Law of the State of New Jersey (the “State”), constituting Chapter 183 of the Pamphlet Laws of the State of 1960, as amended and supplemented (N.J.S.A. 40:37A-44 et seq.) (the “Act”); and

WHEREAS, the Authority issued its County of Union General Obligation Lease Revenue Refunding Bonds, Series 2015A (Juvenile Detention Center Facility Project) (the “Series 2015A Bonds”) to (i) currently refund all of the Authority’s \$24,690,000 County of Union General Obligation Lease Revenue Bonds, Series 2005 (Juvenile Detention Center Facility Project) the proceeds of which were used to finance the completion of the juvenile detention center located in the City of Linden, New Jersey; and (ii) costs of issuance of the Series 2015A Bonds; and

WHEREAS, the Series 2015A Bonds are payable from and secured by a Lease Purchase Agreement (Juvenile Detention Center Project) dated as of December 15, 2004, as amended, between the County and the Authority (the “Lease Purchase Agreement”) pursuant to which the County is obligated to make rental payments in an amount sufficient to pay debt service on the Series 2015A Bonds; and

WHEREAS, pursuant to Section 509 of the Lease Purchase Agreement, the County desires to modify or add items to the juvenile detention center project by delivering an amended Exhibit A attached to the Lease Purchase Agreement describing the amended project, which shall also include the use of such facility for the County’s Fire Academy and for storage of voting machines (the “Amended Project”).

NOW THEREFORE, for the consideration as set forth in the preambles hereof and certain other consideration, the sufficiency of which is hereby acknowledged, the parties hereto hereby agree as follows:

Section 1. Capitalized terms not defined herein shall have the meanings ascribed to such terms in the preambles hereof or, if not defined therein, in the Lease Purchase Agreement.

Section 2. Exhibit A of the Lease Purchase Agreement (including Schedule B hereto) is hereby amended and replaced in its entirety by the Amended Exhibit A attached as Exhibit "A" hereto.

Section 3. Except as set forth above, the Lease Purchase Agreement has not been amended and, as such, remains in full force and effect.

IN WITNESS WHEREOF, the Authority has caused this instrument to be signed by its duly authorized officer and the County has caused this instrument to be executed in its name by its duly authorized representative and its official seal to be hereunto affixed, all as of the day and year first above written.

THE UNION COUNTY
IMPROVEMENT AUTHORITY

Sebastian D'Elia
Chairman

COUNTY OF UNION

Name:
Title: