

ORDINANCE NO. 1089
OF THE COUNCIL
OF THE BOROUGH OF AMBLER,
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE THAT APPROVES CERTAIN CAPITAL PROJECTS; AUTHORIZES A BORROWING BY THE BOROUGH OF AMBLER, MONTGOMERY COUNTY, PENNSYLVANIA (THE "BOROUGH") FROM THE COUNTY OF MONTGOMERY, PENNSYLVANIA (THE "COUNTY") AND THE ISSUANCE OF A PROMISSORY NOTE, 2015 SERIES (THE "2015 NOTE") IN THE MAXIMUM PRINCIPAL AMOUNT OF \$92,342.64; APPROVES THE SUBSTANTIAL FORM OF THE 2015 NOTE AND APPROVES THE EXECUTION OF THE 2015 NOTE AND DELIVERY OF THE 2015 NOTE TO THE COUNTY OF MONTGOMERY, PENNSYLVANIA (THE "COUNTY"); AUTHORIZES EXECUTION AND DELIVERY OF ALL OTHER NECESSARY DOCUMENTS; STATES THE AMORTIZATION SCHEDULE FOR THE 2015 NOTE; STATES THAT THE BOROUGH IS OBLIGATED TO MAKE PAYMENTS ON THE 2015 NOTE ONLY FROM FUNDS IF AND TO THE EXTENT APPROPRIATED FOR THE THEN CURRENT FISCAL YEAR OF THE BOROUGH; AUTHORIZES ANY PAYMENTS MADE ON THE 2015 NOTE TO BE MADE AS DIRECTED BY THE DELAWARE VALLEY REGIONAL FINANCE AUTHORITY WHICH HAS BEEN APPOINTED AS COLLECTION AGENT FOR THE COUNTY; AUTHORIZES ADVERTISEMENT OF ENACTMENT; AND REPEALS INCONSISTENT ORDINANCES.

WHEREAS, Borough of Ambler, Montgomery County, Pennsylvania (the "Borough") is a borough and a local government unit of the Commonwealth of Pennsylvania (the "Commonwealth"); and

WHEREAS, the County of Montgomery, Pennsylvania (the "County") has entered into a Bulk Purchasing Agreement with Motorola Solutions, Inc. ("Motorola") with respect to emergency radio equipment and services; and

WHEREAS, the County has made available to municipalities within the County, the ability to purchase from Motorola emergency radio equipment at a discount, and has further agreed to provide an interest-free loan (the "Loan") from funds borrowed by the County from the Delaware Valley Regional Finance Authority ("DelVal") to any municipality that desires to

purchase such emergency radio equipment through the County arranged Bulk Purchasing Agreement; and

WHEREAS, the Borough desires to receive the Loan from the County and issue a Promissory Note, Series 2015 (the "2015 Note") to the County to evidence its obligations under the Loan in order to: (i) purchase certain radio equipment and services for the Borough police, fire and emergency personnel; and (ii) pay of costs of issuance incurred by the Borough in connection with the Bulk Purchasing Agreement and the 2015 Note (collectively, the "2015 Project"); and

WHEREAS, the payments due on the 2015 Note are subject to annual appropriation by the Borough, will not constitute a debt or general obligation of the Borough and will be a current expense solely payable from funds appropriated and lawfully available for such use during the then current fiscal year of the Borough; and

WHEREAS, the 2015 Project will benefit the health and welfare of the residents of the Borough; and

WHEREAS, the 2015 Project shall be for the benefit and use of the general public, and no private party shall have any special legal entitlement to the beneficial use of the 2015 Project, through a lease, management contract, or any other arrangement that would result in a private business use under the *Internal Revenue Code of 1986*, as amended; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF AMBLER, MONTGOMERY COUNTY, PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED BY THE AUTHORITY OF SAID COUNCIL THAT:

SECTION 1. APPROVAL OF THE 2015 PROJECT AND AUTHORIZATION TO ISSUE THE 2015 NOTE

The Borough of Ambler Council hereby authorizes and approves the 2015 Project. The Board hereby authorizes and approves the Loan from the County in the maximum principal amount of \$92,342.64 as evidenced by the issuance of the 2015 Note.

SECTION 2. APPROVAL OF THE FORMS OF THE 2015 NOTE AND AUTHORIZATION TO EXECUTE AND DELIVER ALL NECESSARY DOCUMENTS

The substantial form of the 2015 Note attached hereto as Exhibit A is hereby approved. The President or Vice-President of the Council, and the Secretary (collectively, the "Authorized Officers") are hereby authorized and directed to execute and deliver the 2015 Note, in the substantial form attached hereto, but with such alterations, deletions and additions as the Authorized Officers may approve (such approval to be conclusively established by the execution of the 2015 Note by the Authorized Officers). The Authorized Officers also are hereby authorized and directed (i) to execute and deliver such other certificates, instruments, and agreements (including those required by DelVal or otherwise related to the 2015 Note) and (ii) to take all actions that may be necessary or beneficial to issue the 2015 Note.

SECTION 3. AMORTIZATION SCHEDULE

The indebtedness of the 2015 Note shall be a current expense subject to annual appropriation by the Borough and payable solely from funds lawfully available for such use during the then current fiscal year of the Borough and shall be evidenced by the 2015 Note in the maximum principal amount of ninety two thousand three hundred forty two dollars and sixty four cents (\$92,342.64). The 2015 Note shall not bear interest. The 2015 Note shall be subject to optional redemption by the Borough as set forth in the 2015 Note. The amortization schedule of the principal payments under the 2015 Note (the "Loan Principal") are shown below:

Promissory Note, 2015 Series Principal Amortization Schedule

\$92,342.64

Paid in five equal annual installments of \$18,468.53 beginning January 25th of 2016 and ending January 25, 2020.

SECTION 4. CURRENT EXPENSE

Payments due on the 2015 Notes are a current expense, subject to annual appropriation by the Borough, payable solely from funds lawfully available to the Borough for such purpose during the then current fiscal year of the Borough. The obligations of the Borough to pay the Loan Principal under the 2015 Note (and any other sums due thereunder) do not constitute a lien or charge upon the funds of the Borough beyond the fiscal year for which the Borough has

appropriated money to pay the Loan Principal (and any other sums due thereunder) and that the obligations of the Borough under the 2015 Note do not constitute a debt or general obligation of the Borough. Neither the full faith and credit nor the taxing power of the Borough or of any other political subdivision of the Commonwealth has been or will be pledged to the payment of the Loan Principal (and any other sums due thereunder).

SECTION 5. ACH DEBIT AUTHORIZATION

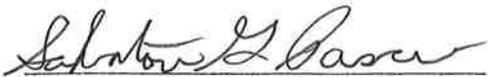
The Borough hereby authorizes payments on the 2015 Note to be made by ACH Debit Authorization to Wells Fargo Bank, N.A., acting as co-Trustee for DelVal, the collection agent of the County with respect to the 2015 Note. The Authorized Officers are hereby authorized and directed to execute and deliver the ACH Debit Authorization form, the IRS Form W-9 and such other certificates, instruments, and agreements as may be required for purposes of making payments on the 2015 Note.

SECTION 6. CONFLICTING ORDINANCES

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

IN WITNESS WHEREOF, we, the undersigned Authorized Officers, have hereunto set our signatures and affixed hereto the Seal of the BOROUGH OF AMBLER, Montgomery County, Pennsylvania.

Dated: November 17, 2015



Name: Salvatore G. Pasceri
Title: Borough Council President

[Seal]

ATTEST:



Name: Mary Aversa
Title: (~~Assistant~~) Secretary