**RESOLUT ION NO. 2016-5.\_\_\_**

**OF THE GOVERNING BODY**

**OF THE BOROUGH OF BLOOMINGDALE**

***RESOLUTION OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC, NEWJERSEY, AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT WITHOUTCOMPETITIVE BIDDING TO PHOENIX ADVISORS LLC FOR CONTINUING DISCLOSURE SERVICES***

**WHEREAS**, the Borough of Bloomingdale, in the County of Passaic, New Jersey has previously

issued its bonds, bond anticipation notes and/or other debt obligations (the “Bonds”) and

**WHEREAS**, in connection with the issuance of certain Bonds and for purposes of assisting

underwriters to comply with Rule 15c-12 under the Securities Exchange Act of 1934, the Borough has covenanted and/or entered into one or more undertakings or agreements to provide Continuing Disclosure Agent Services agreement (the “CDA’s”) to the public marketplace; and

**WHEREAS**, it is beneficial to retain assistance of appropriately registered experts in the field of

municipal bond finance, with knowledge and experience in these matters, to assist in assuring

compliance with CDA’s and to stand ready to provide advice as needed with the issuance of municipal debt as Municipal Advisor of Record; and

**WHEREAS**, Phoenix Advisors LLC provides such Continuing Disclosure Agent Services and is

an independent registered municipal advisor under the SEC regulations; and

**WHEREAS**, the Treasurer has certified the availability of funds for these services,

said funds to be encumbered from various accounts pursuant to “section 20” of the Local Bond Law in the amount not to exceed $\_\_\_\_\_\_ without prior written consent from the Borough Council; and

**WHEREAS**, Phoenix Advisors LLC has completed and submitted a Business Entity Disclosure

Certification which certifies that the firm has not made any reportable contributions to a political or candidate committee in the Borough of Bloomingdale with the elected officials in the previous one year, and that the contract will prohibit the firm of Phoenix Advisors from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Treasurer has recommended that Phoenix Advisors LLC be retained

to provide Continuing Disclosure Agent Services agreement services to the Borough of Bloomingdale;

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Bloomingdale, County of Passaic, State of New Jersey, the following:

1. The Mayor and Municipal Clerk be and are hereby authorized to execute a contract with Phoenix Advisors LLC for Continuing Disclosure Agent Services applicable to bonds and notes in an amount not to exceed $\_\_\_\_\_\_\_\_\_\_

2. This contract is awarded without competitive bidding as a “Professional Services” pursuant to

N.J.S.A. 19:44A-20 et seq. and the local public contracts law.

3. The term of this contract shall be until December 31, 2016.

4. The total fee authorized for this contract shall not exceed $\_\_\_\_\_\_\_\_\_\_ without the prior written approval of the Borough Council.

5. That a notice of this action shall be published in accordance with law, and said notice to provide that the contract awarded and this resolution authorizing same are available for public inspection in the office of Municipal Clerk

## Record of Council Vote on Passage

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Council person | aye | nay | Abstain | Absent | Council person | aye | nay | Abstain | Absent |
| Costa |  |  |  |  | Hudson |  |  |  |  |
| D’Amato |  |  |  |  | Sondermeyer |  |  |  |  |
| Dellaripa |  |  |  |  | Yazdi |  |  |  |  |
| Mayor Dunleavy |  |  |  |  |  |  |  |  |  |

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Governing Body of the Borough of Bloomingdale at an Official Meeting held on May 3, 2016.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Jane McCarthy, R.M.C.

Municipal Clerk, Borough of Bloomingdale