

**PRELIMINARY OFFICIAL STATEMENT DATED FEBRUARY 11, 2021**

**NEW ISSUE  
SERIAL BONDS**

**RATING: SEE “BOND RATING” HEREIN  
BOOK-ENTRY-ONLY**

In the opinion of Hawkins Delafield & Wood LLP, Bond Counsel to the Fire District, under existing statutes and court decisions and assuming continuing compliance with certain tax certifications described herein, (i) interest on the Bonds is excluded from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”), and (ii) interest on the Bonds is not treated as a preference item in calculating the alternative minimum tax under the Code. In addition, in the opinion of Bond Counsel to the Fire District, under existing statutes, interest on the Bonds is exempt from personal income taxes of New York State and its political subdivisions, including The City of New York. (See “*Tax Matters*” herein).

*The Bonds WILL be designated by the Fire District as “qualified tax-exempt obligations” pursuant to the provision of Section 265 of the Code.*

**BELLMORE FIRE DISTRICT,  
IN THE  
TOWN OF HEMPSTEAD  
NASSAU COUNTY, NEW YORK**

**\$6,500,000  
FIRE DISTRICT SERIAL BONDS – 2021  
(the “Bonds”)**

**Dated: Date of Delivery**

**Due: March 1, 2023 to 2051**

The Bonds are general obligations of the Bellmore Fire District, in the Town Hempstead, Nassau County, New York (the “Fire District”), and will contain a pledge of the faith and credit of the Fire District for the payment of the principal of and interest on the Bonds and, unless paid from other sources, the Bonds are payable from ad valorem taxes which may be levied upon all the taxable real property within the Fire District, subject to certain statutory limitations imposed by Chapter 97 of the Laws of 2011, as amended (the “Tax Levy Limit Law”). (See “*Tax Levy Limit Law*” herein.)

The Bonds will be dated the date of delivery, will bear interest from such date payable on March 1, 2022, September 1, 2022 and semiannually thereafter on March 1 and September 1 in each year until maturity and will mature on March 1 in the years and amounts as set forth on the inside cover page hereof. The Bonds will be subject to optional redemption prior to maturity as described herein. (See “*Optional Redemption*” herein.)

The Bonds will be issued as fully registered bonds and, when issued, will be registered in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”). DTC will act as the securities depository for the Bonds. Individual purchases may be made in book-entry form only, in principal amounts of \$5,000 or integral multiples thereof. Purchasers will not receive certificates representing their ownership interests in the Bonds. Payment of the principal of and interest on such Bonds will be made by the Fire District to DTC, which will in turn remit such principal and interest to its participants for subsequent disbursement to the beneficial owners of such Bonds as described herein. (See “*Description of Book-Entry System*” herein.)

The Bonds are offered when, as and if issued and received by the purchaser and subject to the receipt of the final approving opinion of Hawkins Delafield & Wood LLP, New York, New York, Bond Counsel. Capital Markets Advisors, LLC has served as Municipal Advisor to the Fire District in connection with the issuance of the Bonds. It is expected that delivery of the Bonds in book-entry form will be made through the facilities of DTC in New York, New York on or about March 4, 2021.

THIS PRELIMINARY OFFICIAL STATEMENT IS IN A FORM DEEMED FINAL BY THE FIRE DISTRICT FOR PURPOSES OF SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12 (THE “RULE”). FOR A DESCRIPTION OF THE FIRE DISTRICT’S AGREEMENT TO PROVIDE CONTINUING DISCLOSURE FOR THE BONDS AS DESCRIBED IN THE RULE, SEE “*DISCLOSURE UNDERTAKING*” HEREIN.

Dated: February \_\_, 2021

\* Preliminary, subject to change.

The Bonds mature on Mach 1<sup>st</sup> in each of the years, subject to prior redemption, as set forth below:

<u>Year</u>	<u>Amount*</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>CUSIP***</u>	<u>Year</u>	<u>Interest Rate</u>	<u>Yield</u>	<u>CUSIP***</u>
						<u>Amount*</u>		
2023	\$180,000	%	%		2038**	\$220,000	%	%
2024	180,000				2039**	225,000		
2025	180,000				2040**	230,000		
2026	180,000				2041**	235,000		
2027	185,000				2042**	240,000		
2028	185,000				2043**	245,000		
2029	190,000				2044**	250,000		
2030**	190,000				2045**	260,000		
2031**	195,000				2046**	265,000		
2032**	195,000				2047**	270,000		
2033**	200,000				2048**	280,000		
2034**	205,000				2049**	285,000		
2035**	210,000				2050**	295,000		
2036**	210,000				2051**	300,000		
2037**	215,000							

\* The principal amounts of the Bonds are subject to adjustment following their sale, pursuant to the terms of the accompanying Notice of Sale.

\*\* The Bonds maturing in the years 2030 and thereafter will be subject to redemption prior to maturity, as described herein. (See “*Optional Redemption*” herein.)

\*\*\* CUSIP numbers have been assigned by an independent company not affiliated with the Fire District and are included solely for the convenience of the Bondholders. The Fire District is not responsible for the selection or uses of these CUSIP numbers and no representation is made as to their correctness.

**BELLMORE FIRE DISTRICT  
IN THE  
TOWN OF HEMPSTEAD  
NASSAU COUNTY, NEW YORK**

***Board of Fire Commissioners***

GARY A. HORN..... Chairman  
JOHN C. JOHNSTONE ..... Vice Chairman  
RICHARD K. HOLZHAUER ..... Commissioner  
JOHN J. PODOLSKI..... Commissioner  
PETER C. SCHMALENBERGER..... Commissioner  
  
JOHN M. FABIAN..... Facility Manager/Secretary  
KAREN B. WATERMAN ..... Fire District Treasurer  
JOSEPH F. PUSATERI, ESQ. .... Fire District Attorney

---

**BOND COUNSEL**

**Hawkins Delafield & Wood LLP  
New York, New York**

---

**MUNICIPAL ADVISOR**



**CAPITAL MARKETS ADVISORS, LLC**  
***Long Island \* Hudson Valley \* Southern Tier \* Western New York***  
**(516) 487-9817**

No dealer, broker, salesman or other person has been authorized by the Fire District to give any information or to make any representations, other than those contained in this Official Statement and if given or made, such other information or representations must not be relied upon as having been authorized by the Fire District. This Official Statement does not constitute an offer to sell or the solicitation of an offer to buy, nor shall there be any sale of the Bonds by any person in any jurisdiction in which it is unlawful for such person to make such offer, solicitation or sale. The information set forth herein has been obtained by the Fire District from sources which are believed to be reliable but it is not guaranteed as to accuracy or completeness. The information and expressions of opinion herein are subject to change without notice and neither the delivery of this Official Statement nor any sale made hereunder shall, under any circumstances, create any implication that there has been no change in the affairs of the Fire District since the date hereof.

**TABLE OF CONTENTS**

	<u>Page</u>		<u>Page</u>
THE BONDS .....	1	Certain Ongoing Federal Tax Requirements	
Description .....	1	and Certifications .....	8
Authority for and Purpose of the Bonds .....	2	Certain Collateral Federal Tax Consequences.....	9
Optional Redemption .....	2	Original Issue Discount.....	9
Nature of Obligation.....	2	Bond Premium.....	9
REMEDIES UPON DEFAULT .....	3	Information Reporting and Backup Withholding.....	10
No Past Due Debt.....	4	Miscellaneous .....	10
Bankruptcy .....	4	LEGAL MATTERS .....	10
DESCRIPTION OF BOOK-ENTRY SYSTEM.....	5	DISCLOSURE UNDERTAKING.....	10
RISK FACTORS .....	6	BOND RATING.....	11
CYBERSECURITY .....	7	MUNICIPAL ADVISOR .....	11
LITIGATION .....	7	MISCELLANEOUS.....	11
TAX MATTERS .....	8		
Opinion of Bond Counsel.....	8		

**APPENDIX A**

THE FIRE DISTRICT .....	A-1	Real Estate Tax Levying Limitation.....	A-7
General Information.....	A-1	Valuations and Tax Data .....	A-7
Form of Government .....	A-1	Tax Collection Procedures .....	A-7
Financial Organization.....	A-1	The Tax Levy Limit Law .....	A-7
Budgetary Procedure .....	A-1	Ten of the Largest Taxpayers in the	
Fire District Facilities .....	A-2	Town of Hempstead .....	A-8
Employees .....	A-2	FIRE DISTRICT INDEBTEDNESS.....	A-9
Employee Pension System.....	A-2	Constitutional and Statutory Requirements .....	A-9
Other Post Employment Benefits.....	A-4	Statutory Procedure .....	A-9
Service Award Program.....	A-4	Statutory Debt Limit and Net Indebtedness.....	A-11
FINANCIAL FACTORS .....	A-5	Details of Short-Term Indebtedness Outstanding.....	A-11
Independent Audit .....	A-5	Trend of Capital Indebtedness.....	A-11
Real Property Taxes.....	A-5	Overlapping and Underlying Debt .....	A-11
Revenues.....	A-6	Debt Ratios.....	A-12
State Aid .....	A-6	Debt Service Schedule.....	A-12
General Fund Operations .....	A-6	Future Capital Borrowings .....	A-12
Impacts of COVID-19 .....	A-6	ECONOMIC AND DEMOGRAPHIC DATA .....	A-13
TAX INFORMATION .....	A-7	Employment and Unemployment.....	A-13

**APPENDIX B – SUMMARY OF BUDGETS AND FINANCIAL STATEMENTS**

**APPENDIX C – LINK TO AUDITED FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED DECEMBER 31, 2019**

**APPENDIX D – FORM OF APPROVING LEGAL OPINION OF BOND COUNSEL**

**APPENDIX E - FORM OF UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE**

**OFFICIAL STATEMENT**  
**BELLMORE FIRE DISTRICT,**  
**IN THE**  
**TOWN OF HEMPSTEAD**  
**NASSAU COUNTY, NEW YORK**

**relating to**

**\$6,500,000\***  
**FIRE DISTRICT SERIAL BONDS – 2021**  
**(the “Bonds”)**

This Official Statement, which includes the cover page, inside cover page, and appendices hereto, presents certain information relating to the Bellmore Fire District in the Town of Hempstead, in the County of Nassau, in the State of New York (the “Fire District”, “Town”, “County” and “State,” respectively) in connection with the sale of \$6,500,000 Fire District Serial Bonds – 2021 (the “Bonds”).

All quotations from and summaries and explanations of provisions of the Constitution and laws of the State and acts and proceedings of the Fire District contained herein do not purport to be complete and are qualified in their entirety by reference to the official compilations thereof and all references to the Bonds and the proceedings of the Fire District relating thereto are qualified in their entirety by reference to the definitive form of the Bonds and such proceedings.

This Official Statement should be read with the understanding that the ongoing COVID-19 global pandemic has created prevailing economic conditions (at the global, national, State and local levels) that are highly uncertain, generally negative, and rapidly changing, and these conditions are expected to continue for an indefinite period of time. Accordingly, the Fire District’s overall economic situation and outlook (and all of the specific Fire District related information contained herein) should be carefully reviewed, evaluated and understood in the full light of this unprecedented world-wide event, the effects of which are extremely difficult to predict and quantify.

**THE BONDS**

***Description***

The Bonds are dated their date of delivery and mature on March 1<sup>st</sup> in each year as set forth on the inside cover page hereof. Interest on the Bonds will be payable on March 1, 2022, September 1, 2022 and semiannually thereafter on March 1 and September 1 in each year until maturity. The Bonds will be subject to redemption prior to maturity as described herein. (See “*Optional Redemption*” herein.)

The Bonds will be issued in book-entry form and when issued will be registered in the name of Cede & Co. as nominee of The Depository Trust Company, New York, New York (“DTC”). (See “*Description of Book-Entry System*” herein). DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or integral multiples thereof. Purchasers will not receive certificates representing their interest in the Bonds.

The Fire District will act as its own Paying Agent for the Bonds. The Paying Agent contact will be the Fire District’s Treasurer, Ms. Karen B. Waterman, (516) 781-9240, [kwaterman@bellmorefd.com](mailto:kwaterman@bellmorefd.com).

---

\* Preliminary, subject to change.

Principal of and interest on the Bonds will be paid by the Fire District to DTC, which will in turn remit such principal and interest to its Participants (Defined herein), for subsequent disbursement to the Beneficial Owners of the Bonds as described under “*Book-Entry-Only System*,” herein. The Bonds may be transferred in the manner described on the Bonds and as referenced in certain proceedings of the Fire District referred to therein.

The record date for the payment of principal and interest on the Bonds will be the be the fifteenth day of the calendar month immediately preceding each interest payment date.

### ***Authority for and Purpose of the Bonds***

The Bonds are issued pursuant to the Constitution and Laws of the State, including, among others, the General Municipal Law, Town Law, the Local Finance Law, and a bond resolution duly adopted by the Board of Fire Commissioners on September 9, 2020 authorizing the (i) acquisition by purchase of real property for use by the Fire District as the site of a storage and training facility, at the estimated maximum cost of \$1,200,000 and (ii) the construction of a new storage building and training tower thereon at the estimated maximum cost of \$5,300,000. The proceeds from the sale of the Bonds will be used to provide original financing pursuant to such resolution.

### ***Optional Redemption***

The Bonds maturing on or before March 1, 2029 will not be subject to redemption prior to maturity. The Bonds maturing on or after March 1, 2030 will be subject to redemption prior to maturity, at the option of the Fire District, on March 1, 2029 and thereafter on any date, in whole or in part, and if in part in any order of their maturity and in any amount within a maturity (selected by lot within a maturity), at a redemption price equal to the principal amount of the bonds to be redeemed, plus accrued interest to the date of redemption.

The Fire District may select the maturities of the Bonds to be redeemed and the amount to be redeemed of each maturity selected, as the Fire District shall determine to be in the best interest of the Fire District at the time of such redemption. If less than all of the Bonds of any maturity are to be redeemed prior to maturity, the particular Bonds of such maturity to be redeemed shall be selected by the Fire District by lot in any customary manner of selection as determined by the Fire District. Notice of such call for redemption shall be given by mailing such notice to the registered owner not less than thirty (30) days nor more than sixty (60) days prior to such date. Notice of redemption having been given as aforesaid, the Bonds so called for redemption shall, on the date of redemption set forth in such call for redemption, become due and payable, together with accrued interest to such redemption date, and interest shall cease to be paid thereon after such redemption date.

### ***Nature of Obligation***

Each Bond when duly issued and paid for will constitute a contract between the Fire District and the holder thereof.

The Bonds will be general obligations of the Fire District and will contain a pledge of the faith and credit of the Fire District for the payment of the principal thereof and the interest thereon. The pledge of the faith and credit of municipalities and school districts mandated by Article VIII, Section 2, of the New York Constitution was upheld by the Court of Appeals in several cases decided at the time of the New York City financial crisis in the 1970s and 1980s (see *Flushing National Bank v. Municipal Assistance Corporation for the City of New York*, 40 NY 2d 731 (1976) and subsequent cases). The opinion of the Court of Appeals in the *Flushing National Bank* decision states that “...an obligation containing a pledge of the City’s ‘faith and credit’ is secured by a promise both to pay and to use in good faith the City’s general revenue powers to produce sufficient funds to pay the principal and interest of the obligation as it becomes due. That is why both words ‘faith’ and ‘credit’ are used and they are not tautological.” In the words of the Court of Appeals, “That is what the words say and this is what the courts have held they mean...” is a clear statement as to the meaning of the pledge of faith and credit. Albeit the pledge of the faith and credit of a fire district (including the Fire District) is not constitutionally mandated, such pledge is required pursuant to the Local Finance Law (Section 100.00) for the incurrence of fire district indebtedness and should be accorded a similar judicial interpretation.

For the payment of such principal of and interest on the Bonds, the Fire District has the power and statutory authority to cause the levy of ad valorem taxes on all taxable real property in the Fire District, subject to certain statutory limitations imposed by the Tax Levy Limit Law. (See “*Tax Levy Limit Law*” herein).

Pursuant to the Section 100.00 of the New York State Local Finance Law, the Fire District is required to pledge its faith and credit for the payment of the principal of and interest on the Bonds. The State is precluded from restricting the power of the Fire District to require the levy of taxes on real estate for the payment of interest on or principal of indebtedness theretofore contracted. However, the Tax Levy Limit Law imposes a statutory limitation on the Fire District’s power to cause an increase to its annual tax levy, unless the Fire District complies with certain procedural requirements to permit the Towns, on behalf of the Fire District, to levy certain year-to year increases in real property taxes. (See “*Tax Levy Limit Law*” herein).

### **REMEDIES UPON DEFAULT**

Neither the Bonds, nor the proceedings with respect thereto, specifically provide any remedies which would be available to owners of the Bonds if the Fire District defaults in the payment of principal of or interest on the Bonds, nor do they contain any provisions for the appointment of a trustee to enforce the interests of the owners of the Bonds upon the occurrence of such default. Each Bond is a general obligation contract between the Fire District and the owner for which the faith and credit of the Fire District is pledged and while remedies for enforcement of payment are not expressly included in the Fire District’s contract with such holders, any permanent repeal by statute or constitutional amendment of a bondholder’s and/or noteholder’s remedial right to judicial enforcement of the contract should, in the opinion of Bond Counsel, be held unconstitutional. (See also “*Security and Source of Payment*” herein for discussion of the statutory (but not constitutional) mandate that a fire district, including the Fire District, pledge its faith and credit to the payment of its indebtedness.)

Upon default of the payment of principal of or interest on the Bonds, at suit of the owner, a Court has power in proper and appropriate proceedings to render a judgment against the Fire District. The present statute limits interest on the amount adjudged due to contract creditors to nine per centum per annum from the date due to the date of payment. As a general rule, property and funds of a municipal corporation serving the public welfare and interest have not been judicially subjected to execution or attachment to satisfy a judgment. Courts also have the power in proper and appropriate proceedings to order payment of a judgment on such Bonds from funds lawfully available therefor or, in the absence thereof, to order the Fire District to take all lawful action to obtain the same, including the inclusion of the required amount in the next request to the Town to place such amount in the next annual tax levy. In exercising its discretion as to whether to enter such an order, the Courts may take into account all relevant factors, including the current operating needs of the Fire District and the availability and adequacy of other remedies. Upon any default in the payment of the principal of or interest on a Bond, the owner of such Bond could, among other things, seek to obtain a writ of mandamus from a Court requiring the governing body of the Fire District to cause the assessment, levy and collection of an ad valorem tax, upon all property of the Fire District subject to taxation by the Fire District, sufficient to pay the principal of and interest on the Bonds as the same shall come due (and interest from the due date to date of payment) and otherwise to observe the covenants contained in the Bonds and the proceedings with respect thereto, all of which are included in the contract with the owners of the Bonds. The mandamus remedy, however, may be impracticable and difficult to enforce. Further, the right to enforce payment of the principal of or interest on the Bonds may be limited by bankruptcy, insolvency, reorganization, moratorium and similar laws and equitable principles, which may limit the specific enforcement of certain remedies.

In 1976, the New York Court of Appeals, the State’s highest court, held in *Flushing National Bank v. Municipal Assistance Corporation for the City of New York*, 40 N.Y.2d 731 (1976), that the New York State legislation purporting to postpone the payment of debt service on New York City obligations was an unconstitutional moratorium in violation of the New York State constitutional faith and credit mandate included in all municipal debt obligations. While that case can be viewed as a precedent for protecting the remedies of holders of bonds and notes, there can be no assurance as to what a Court may determine with respect to future events, including financial crises as they may occur in the State and in municipalities of the State, that require the exercise by the State of its emergency and police powers to assure the continuation of essential public services. (See also, *Flushing National Bank v. Municipal Assistance Corporation for the City of New York*, 41 N.Y.2d 644 (1977), where the Court of Appeals described the pledge as a direct Constitutional mandate.)

As a result of the Court of Appeals decision, the constitutionality of that portion of Title 6-A of Article 2 of the Local Finance Law enacted at the 1975 Extraordinary Session of the State legislature authorizing any county, city, town or village with respect to which the State has declared a financial emergency to petition the State Supreme Court to stay the enforcement against such municipality of any claim for payment relating to any contract, debt or obligation of the municipality during the emergency period, is subject to doubt. In any event, no such emergency has been declared with respect to the Fire District.

Pursuant to Article VIII, Section 2 of the State Constitution, municipalities and school districts are required to provide an annual appropriation of monies for the payment of due principal of and interest on indebtedness. Specifically, this Constitutional provision states: "If at any time the respective appropriating authorities shall fail to make such appropriations, a sufficient sum shall be set apart from the first revenues thereafter received and shall be applied to such purposes. The fiscal officer of any county, city, town, village or school district may be required to set aside and apply such revenues as aforesaid at the suit of any holder of obligations issued for any such indebtedness." This Constitutional provision providing for first revenue set aside does not apply by its terms to the Fire District. However, pursuant to Section 100.00 of the Local Finance Law, a fire district, including the Fire District, must pledge its faith and credit to the payment of its indebtedness.

While the courts in the State have historically been protective of the rights of holders of general obligation debt of political subdivisions, it is not possible to predict what a future court might hold.

In prior years, certain events and legislation affecting a holder's remedies upon default have resulted in litigation. While Courts in the State have upheld and sustained the rights of bondholders and/or noteholders, a Court might hold that future events, including a financial crisis as such may occur in the State or in any of its political subdivisions, including municipalities and fire districts of the State, may require the exercise by the State or its political subdivisions of emergency and police powers to assure the continuation of essential public services prior to the payment of debt service.

### ***No Past Due Debt***

No principal or interest payment on Fire District indebtedness is past due. The Fire District has never defaulted in the payment of the principal of and/or interest on any indebtedness.

### ***Bankruptcy***

The Federal Bankruptcy Code (Chapter IX) allows public bodies, such as municipalities, recourse to the protection of a Federal Court for the purpose of adjusting outstanding indebtedness. Title 6-A of the Local Finance Law specifically authorizes any municipality in the State or its emergency control board to file a petition under any provision of Federal bankruptcy law for the composition or adjustment of municipal indebtedness. While this Local Finance Law provision does not apply to school districts and fire districts, there can be no assurance that it will not become applicable in the future. As such, the undertakings of the Fire District should be considered with reference, specifically, to Chapter IX, and, in general, to other bankruptcy laws affecting creditors' rights and municipalities. Bankruptcy proceedings by the Fire District if authorized by the State in the future could have adverse effects on bondholders and/or noteholders including (a) delay in the enforcement of their remedies, (b) subordination of their claims to those supplying goods and services to the Fire District after the initiation of bankruptcy proceedings and to the administrative expenses of bankruptcy proceedings and (c) imposition without their consent of a reorganization plan reducing or delaying payment of the Bonds.

The above references to said Chapter IX are not to be construed as an indication that the State will consent in the future to the right of the Fire District to file a petition with any United States district court or court of bankruptcy under any provision of the laws of the United States, now or hereafter in effect for the composition or adjustment of municipal indebtedness or that the Fire District is currently considering or expects to resort to the provisions of Chapter IX if authorized to do so in the future.



## **DESCRIPTION OF BOOK-ENTRY SYSTEM**

The Depository Trust Company (“DTC”) will act as securities depository for the Bonds. The Bonds will be issued as fully-registered bonds registered in the name of Cede & Co. (DTC’s partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered bond certificate will be issued for each maturity of the Bonds and will be deposited with DTC.

DTC, the world’s largest depository, is a limited-purpose trust company organized under the New York Banking Law, a “banking organization” within the meaning of the New York Banking Law, a member of the Federal Reserve System, a “clearing corporation” within the meaning of the New York Uniform Commercial Code, and a “clearing agency” registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC’s participants (“Direct Participants”) deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants’ accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation (“DTCC”). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly (“Indirect Participants”). The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at [www.dtcc.com](http://www.dtcc.com) and [www.dtc.org](http://www.dtc.org).

Purchases of the Bonds under the DTC system must be made by or through Direct Participants, which will receive a credit for the Bonds on DTC’s records. The ownership interest of each actual purchaser of each note (“Beneficial Owner”) is in turn to be recorded on the Direct and Indirect Participants’ records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Bonds are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in the Bonds, except in the event that use of the book-entry system for the Bonds is discontinued.

To facilitate subsequent transfers, all Bonds deposited by Direct Participants with DTC are registered in the name of DTC’s partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of the Bonds with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Bonds; DTC’s records reflect only the identity of the Direct Participants to whose accounts such Bonds are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time.

Redemption notices shall be sent to DTC. If less than all of the securities within an issue are being redeemed, DTC’s practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.

Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to securities unless authorized by a Direct Participant in accordance with DTC’s MMI Procedures. Under its usual procedures, DTC

mails an Omnibus Proxy to the issuer as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts the securities are credited on the record date (identified in a listing attached to the Omnibus Proxy).

Redemption proceeds, distributions, and dividend payments on the Bonds will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the issuer, on the payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC or the Fire District, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions, and dividend payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the Fire District, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.

DTC may discontinue providing its services as depository with respect to the Bonds at any time by giving reasonable notice to the Fire District. Under such circumstances, in the event that a successor depository is not obtained, bond certificates are required to be printed and delivered.

The Fire District may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, bond certificates will be printed and delivered to DTC.

The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the Fire District believes to be reliable, but the Fire District takes no responsibility for the accuracy thereof.

Source: The Depository Trust Company

## **RISK FACTORS**

There are certain potential risks associated with an investment in the Bonds, and investors should be thoroughly familiar with this Official Statement, including its appendices, in order to make an informed investment decision. Investors should consider, in particular, the following factors:

The Fire District's credit rating could be affected by circumstances beyond the Fire District's control. Economic conditions such as the rate of unemployment and inflation, termination of commercial operations by corporate taxpayers and employers, as well as natural catastrophes, could adversely affect the assessed valuation of Fire District property and its ability to maintain fund balances and other statistical indices commensurate with its current credit rating. Accordingly, a decline in the Fire District's credit rating could adversely affect the market value of the Bonds.

If and when a holder of any of the Bonds should elect to sell a Bond prior to its maturity, there can be no assurance that a market shall have been established, maintained and be in existence for the purchase and sale of any Bonds. The price or principal value of the Bonds is dependent on the prevailing level of interest rates. If interest rates should increase, the price of a bond or note may decline causing the bond or noteholder to potentially incur a capital loss if such bond or note is sold prior to its maturity.

The financial condition of the Fire District as well as the market for the Bonds could be affected by a variety of factors, some of which are beyond the Fire District's control. There can be no assurance that adverse events in the State, including, for example, the seeking by a municipality of remedies pursuant to the Federal Bankruptcy Act or otherwise, will not occur which might affect the market price of and the market for the Bonds. If a significant default or other financial crisis should occur in the affairs of the State or at any of its agencies or political subdivisions thereby further impairing the acceptability of obligations issued by borrowers within the State, both the ability of the Fire District to arrange for additional borrowings and the market for and market value of outstanding debt obligations, including the Bonds, could be adversely affected.

An outbreak of disease or similar public health threat, such as the COVID-19 outbreak, or fear of such an event, could have an adverse impact on the Fire District's financial condition and operating results by potentially delaying the receipt of real property taxes. Currently, the COVID-19 outbreak has spread globally, including to the United States, and has been declared a pandemic by the World Health Organization. The outbreak of the disease has affected travel, commerce and financial markets globally and is widely expected to continue to affect economic growth worldwide. The outbreak caused the Federal government to declare a national state of emergency, which was followed by the enactment of a variety of stimulus measures designed to address financial stability and liquidity issues caused by the outbreak. The State also declared a state of emergency and the Governor took steps and continues to take steps designed to mitigate the spread and impacts of COVID-19. Efforts to contain the spread of COVID-19 has reduced the spread of the virus in some areas and there have been efforts to relax some of the restrictions put in place following the initial outbreak. Nevertheless, the outbreak of COVID-19 and the dramatic steps taken by the Federal government and State to address it are expected to negatively impact federal and local economies, including the economy of the State. The full impact of COVID-19 on the State's operations and financial condition is not expected to be known for some time. Similarly, the degree of the impact to the Fire District's operations and finances as a result of COVID-19 is extremely difficult to predict due to the uncertainties relating to its (i) duration, and (ii) severity, as well as with regard to what actions have been or may continue to be taken by governmental and other health care authorities, including the State, to contain or mitigate its impact. The spread of the outbreak or resurgence later in the year could have a material adverse effect on the State and municipalities and school districts located in the State, including the Fire District. The Fire District is monitoring the situation and will take such proactive measures as may be required to maintain its operations and meet its obligations.

Future amendments to applicable statutes whether enacted by the State or the United States of America affecting the treatment of interest paid on municipal obligations, including the Bonds, for income taxation purposes could have an adverse effect on the market value of the Bonds (see "*TAX MATTERS*" herein).

The enactment of the Tax Levy Limit Law, which imposes a tax levy limitation upon municipalities, school districts and fire districts in the State, including the Fire District, without providing exclusion for debt service on obligations issued by municipalities and fire districts, including the Fire District, may affect the market price and/or marketability for the Bonds. (See "*Tax Levy Limit Law*" herein.)

Federal or State legislation imposing new or increased mandatory expenditures by municipalities, school districts and fire districts in the State, including the Fire District could impair the financial condition of such entities, including the Fire District and the ability of such entities, including the Fire District, to pay debt service on their respective obligations.

## **CYBERSECURITY**

The Fire District, like many other public and private entities, relies on technology to conduct its operations. As such, it may face multiple cybersecurity threats including, but not limited to, hacking, viruses, malware and other attacks on computer or other sensitive digital systems and networks. There can be no assurances that any security and operational control measures implemented by the Fire District will be completely successful to guard against and prevent cyber threats and attacks. The result of any such attacks could impact business operations and/or digital networks and systems and the costs of remedying any such damage could be significant.

## **LITIGATION**

Except as otherwise set forth herein and apart from matters provided for by applicable insurance coverage, the attorneys for the Fire District are unaware of any claims or action pending which, if determined against the Fire District, would have an adverse material effect on the financial condition of the Fire District.

There is no action, suit, proceedings or investigation, at law or in equity, before or by any court, public board or body pending or, to the best knowledge of the Fire District, threatened against or affecting the Fire District to restrain or enjoin the issuance, sale or delivery of the Bonds or the levy and collection of taxes or assessments to pay same, or in any way contesting or affecting the validity of the Bonds or any proceedings or authority of the Fire District take with respect to the authorization, issuance or sale of the Bonds or contesting the corporate existence or boundaries of the Fire District.

## **TAX MATTERS**

### ***Opinion of Bond Counsel***

In the opinion of Hawkins Delafield & Wood LLP, Bond Counsel to the Fire District, under existing statutes and court decisions and assuming continuing compliance with certain tax certifications described herein, (i) interest on the Bonds is excluded from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”), and (ii) interest on the Bonds is not treated as a preference item in calculating the alternative minimum tax under the Code. The Tax Certificate of the Fire District (the “Tax Certificate”), which will be delivered concurrently with the delivery of the Bonds, will contain provisions and procedures relating to compliance with applicable requirements of the Code. In rendering its opinion, Bond Counsel has relied on certain representations, certifications of fact, and statements of reasonable expectations made by the Fire District and others in connection with the Bonds, and Bond Counsel has assumed compliance by the Fire District with certain ongoing provisions and procedures set forth in the Tax Certificate relating to compliance with applicable requirements of the Code to assure the exclusion of interest on the Bonds from gross income under Section 103 of the Code.

In addition, in the opinion of Bond Counsel to the Fire District, under existing statutes, interest on the Bonds is exempt from personal income taxes of New York State and its political subdivisions, including The City of New York.

Bond Counsel expresses no opinion as to any other federal, state or local tax consequences arising with respect to the Bonds, or the ownership or disposition thereof, except as stated above. Bond Counsel renders its opinion under existing statutes and court decisions as of the issue date, and assumes no obligation to update, revise or supplement its opinion to reflect any action thereafter taken or not taken, any fact or circumstance that may thereafter come to its attention, any change in law or interpretation thereof that may thereafter occur, or for any other reason. Bond Counsel expresses no opinion as to the consequence of any of the events described in the preceding sentence or the likelihood of their occurrence. In addition, Bond Counsel expresses no opinion on the effect of any action taken or not taken in reliance upon an opinion of other counsel regarding federal, state or local tax matters, including, without limitation, exclusion from gross income for federal income tax purposes of interest on the Bonds.

### ***Certain Ongoing Federal Tax Requirements and Certifications***

The Code establishes certain ongoing requirements that must be met subsequent to the issuance and delivery of the Bonds in order that interest on such Bonds be and remain excluded from gross income under Section 103 of the Code. These requirements include, but are not limited to, requirements relating to use and expenditure of gross proceeds of the Bonds, yield and other restrictions on investments of gross proceeds, and the arbitrage rebate requirement that certain excess earnings on gross proceeds be rebated to the federal government. Noncompliance with such requirements may cause interest on the Bonds to become included in gross income for federal income tax purposes retroactive to their issue date, irrespective of the date on which such noncompliance occurs or is discovered. The Fire District, in executing the Tax Certificate, will certify to the effect that the Fire District will comply with the provisions and procedures set forth therein and that it will do and perform all acts and things necessary or desirable to assure the exclusion of interest on the Bonds from gross income under Section 103 of the Code.

### ***Certain Collateral Federal Tax Consequences***

The following is a brief discussion of certain collateral federal income tax matters with respect to the Bonds. It does not purport to address all aspects of federal taxation that may be relevant to a particular owner of a Bond. Prospective investors, particularly those who may be subject to special rules, are advised to consult their own tax advisors regarding the federal tax consequences of owning and disposing of the Bonds.

Prospective owners of the Bonds should be aware that the ownership of such obligations may result in collateral federal income tax consequences to various categories of persons, such as corporations (including S corporations and foreign corporations), financial institutions, property and casualty and life insurance companies, individual recipients of Social Security and railroad retirement benefits, individuals otherwise eligible for the earned income tax credit, and taxpayers deemed to have incurred or continued indebtedness to purchase or carry obligations the interest on which is excluded from gross income for federal income tax purposes. Interest on the Bonds may be taken into account in determining the tax liability of foreign corporations subject to the branch profits tax imposed by Section 884 of the Code.

### ***Original Issue Discount***

“Original issue discount” (“OID”) is the excess of the sum of all amounts payable at the stated maturity of a Bond (excluding certain “qualified stated interest” that is unconditionally payable at least annually at prescribed rates) over the issue price of that maturity. In general, the “issue price” of a maturity (a bond with the same maturity date, interest rate, and credit terms) means the first price at which at least 10 percent of such maturity was sold to the public, i.e., a purchaser who is not, directly or indirectly, a signatory to a written contract to participate in the initial sale of the Bonds. In general, the issue price for each maturity of the Bonds is expected to be the initial public offering price set forth in this Official Statement. Bond Counsel further is of the opinion that, for any Bond having OID (a “Discount Bond”), OID that has accrued and is properly allocable to the owners of the Discount Bond under Section 1288 of the Code is excludable from gross income for federal income tax purposes to the same extent as other interest on the Bonds.

In general, under Section 1288 of the Code, OID on a Discount Bond accrues under a constant yield method, based on periodic compounding of interest over prescribed accrual periods using a compounding rate determined by reference to the yield on that Discount Bond. An owner’s adjusted basis in a Discount Bond is increased by accrued OID for purposes of determining gain or loss on sale, exchange, or other disposition of such Discount Bond. Accrued OID may be taken into account as an increase in the amount of tax-exempt income received or deemed to have been received for purposes of determining various other tax consequences of owning a Discount Bond even though there will not be a corresponding cash payment.

Owners of Discount Bonds should consult their own tax advisors with respect to the treatment of original issue discount for Federal income tax purposes, including various special rules relating thereto, and the state and local tax consequences of acquiring, holding, and disposing of Discount Bonds.

### ***Bond Premium***

In general, if an owner acquires an obligation for a purchase price (excluding accrued interest) or otherwise at a tax basis that reflects a premium over the sum of all amounts payable on the obligation after the acquisition date (excluding certain “qualified stated interest” that is unconditionally payable at least annually at prescribed rates), that premium constitutes “bond premium” on that obligation (a “Premium Bond”). In general, under Section 171 of the Code, an owner of a Premium Bond must amortize the bond premium over the remaining term of the Premium Bond, based on the owner’s yield over the remaining term of the Premium Bond, determined based on constant yield principles (in certain cases involving a Premium Bond callable prior to its stated maturity date, the amortization period and yield may be required to be determined on the basis of an earlier call date that results in the lowest yield on such Premium Bond). An owner of a Premium Bond must amortize the bond premium by offsetting the qualified stated interest allocable to each interest accrual period under the owner’s regular method of accounting against the bond premium allocable to that period. In the case of a tax-exempt Premium Bond, if the bond premium allocable to an accrual period exceeds the qualified stated interest allocable to that accrual period, the excess is a nondeductible

loss. Under certain circumstances, the owner of a Premium Bond may realize a taxable gain upon disposition of the Premium Bond even though it is sold or redeemed for an amount less than or equal to the owner's original acquisition cost. Owners of any Premium Bonds should consult their own tax advisors regarding the treatment of bond premium for federal income tax purposes, including various special rules relating thereto, and state and local tax consequences, in connection with the acquisition, ownership, amortization of bond premium on, sale, exchange, or other disposition of Premium Bonds.

### ***Information Reporting and Backup Withholding***

Information reporting requirements will apply to interest on tax-exempt obligations, including the Bonds. In general, such requirements are satisfied if the interest recipient completes, and provides the payor with, a Form W-9, "Request for Taxpayer Identification Number and Certification," or if the recipient is one of a limited class of exempt recipients. A recipient not otherwise exempt from information reporting who fails to satisfy the information reporting requirements will be subject to "backup withholding," which means that the payor is required to deduct and withhold a tax from the interest payment, calculated in the manner set forth in the Code. For the foregoing purpose, a "payor" generally refers to the person or entity from whom a recipient receives its payments of interest or who collects such payments on behalf of the recipient.

If an owner purchasing a Bond through a brokerage account has executed a Form W-9 in connection with the establishment of such account, as generally can be expected, no backup withholding should occur. In any event, backup withholding does not affect the excludability of the interest on the Bonds from gross income for federal income tax purposes. Any amounts withheld pursuant to backup withholding would be allowed as a refund or a credit against the owner's federal income tax once the required information is furnished to the Internal Revenue Service.

### ***Miscellaneous***

Tax legislation, administrative actions taken by tax authorities, or court decisions, whether at the federal or state level, may adversely affect the tax-exempt status of interest on the Bonds under federal or state law or otherwise prevent beneficial owners of the Bonds from realizing the full current benefit of the tax status of such interest. In addition, such legislation or actions (whether currently proposed, proposed in the future, or enacted) and such decisions could affect the market price or marketability of the Bonds.

Prospective purchasers of the Bonds should consult their own tax advisors regarding the foregoing matters.

## **LEGAL MATTERS**

Legal matters incident to the authorization, issuance and sale of the Bonds are subject to the approving legal opinion of Hawkins Delafield & Wood LLP, New York, New York, Bond Counsel. Bond Counsel's opinion will be in substantially the form attached hereto in Appendix D.

## **DISCLOSURE UNDERTAKING**

In order to assist the purchaser(s) in complying with Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended ("Rule 15c2-12") with respect to the Bonds, the Fire District will execute an Undertaking to Provide Continuing Disclosure for the Bonds, the form of which is attached hereto as Appendix E.

## **BOND RATING**

On February 3, 2021, Moody's Investors Service, Inc. ("Moody's") affirmed the District's underlying rating of "Aa3" on its outstanding, uninsured bonded indebtedness and assigned such rating to the Bonds.

Such rating reflects only the views of such organization and any desired explanation of the significance of such rating should be obtained from the rating agency furnishing the same, at the following address: Moody's Investors Service, Inc., 7 World Trade Center at 250 Greenwich Street, New York, New York 10007. There can be no assurance that such rating will continue for any specified period of time or that such rating will not be revised or withdrawn, if in the judgment of Moody's circumstances so warrant. Any such change or withdrawal of such rating may have an adverse effect on the market price of the Bonds or the availability of a secondary market for the Bonds.

## **MUNICIPAL ADVISOR**

Capital Markets Advisors, LLC has acted as Municipal Advisor to the Fire District in connection with the sale of the Bonds.

In preparing the Official Statement, the Municipal Advisor has relied upon governmental officials, and other sources, which have access to relevant data to provide accurate information for the Official Statement, and the Municipal Advisor has not been engaged, nor has it undertaken, to independently verify the accuracy of such information. The Municipal Advisor is not a public accounting firm and has not been engaged by the Fire District to compile, review, examine or audit any information in the Official Statement in accordance with accounting standards. The Municipal Advisor is an independent advisory firm and is not engaged in the business of underwriting, trading or distributing municipal securities or other public securities and therefore will not participate in the underwriting of the Bonds.

## **MISCELLANEOUS**

Periodic public reports relating to the financial condition of the Fire District, its operations and the balances, receipts and disbursements of the various funds of the Fire District are available for the public inspection at the business office of the Fire District.

Additional information may be obtained from the Fire District's Municipal Advisor, Capital Markets Advisors, LLC, 11 Grace Avenue, Suite 308, Great Neck, New York 11021, (516) 487-9817 or from the Fire District's Treasurer, Ms. Karen B. Waterman, (516) 781-9240, [kwaterman@bellmorefd.com](mailto:kwaterman@bellmorefd.com).

Any statements in this Official Statement involving matters of opinion or estimates, whether or not expressly so stated, are intended as such and not as representations of fact. No representation is made that any of such statements will be realized. This Official Statement is not to be construed as a contract or agreement between the Fire District and the original purchasers or holders of any of the Bonds.

Capital Markets Advisors, LLC may place a copy of this Official Statement on its website at [www.capmark.org](http://www.capmark.org). Unless this Official Statement specifically indicates otherwise, no statement on such website is included by specific reference or constitutes a part of this Official Statement. Capital Markets Advisors, LLC has prepared such website information for convenience, but no decisions should be made in reliance upon that information. Typographical or other errors may have occurred in converting original source documents to digital format, and neither the Fire District nor Capital Markets Advisors, LLC assumes any liability or responsibility for errors or omissions on such website. Further, Capital Markets Advisors, LLC and the Fire District disclaim any duty or obligation either to update or to maintain that information or any responsibility or liability for any damages caused by viruses in the electronic files on the website. Capital Markets Advisors, LLC and the Fire District also assume no liability or responsibility for any errors or omissions or for any updates to dated website information.

Statements in this official statement, and the documents included by specific reference, that are not historical facts are forward-looking statements, which are based on the Fire District management’s beliefs as well as assumptions made by, and information currently available to, the Fire District’s management and staff. Because the statements are based on expectations about future events and economic performance and are not statements of fact, actual results may differ materially from those projected. Important factors that could cause future results to differ include legislative and regulatory changes, changes in the economy, and other factors discussed in this and other documents that the Fire District files with the repositories. When used in Fire District documents or oral presentation, the words “anticipate”, “estimate”, “expect”, “objective”, “projection”, “forecast”, “goal”, or similar words are intended to identify forward-looking statements.

This Official Statement is submitted only in connection with the sale of the Bonds by the Fire District and may not be reproduced or used in whole or in part for any other purpose.

BELLMORE FIRE DISTRICT  
NASSAU COUNTY, NEW YORK

By: \_\_\_\_\_  
Karen B. Waterman  
Fire District Treasurer

DATED: February \_\_, 2021



**APPENDIX A**  
**THE FIRE DISTRICT**

**(THIS PAGE WAS INTENTIONALLY LEFT BLANK)**

## **THE FIRE DISTRICT**

### ***General Information***

The Bellmore Fire District (the “Fire District”) was established in 1922 and is located in the Town of Hempstead (the “Town”) on the south shore of Nassau County (the “County”). The Fire District encompasses a land area of approximately 2.4 square miles and has a population of 16,218 according to the 2010 U.S. Census.

The character of the Fire District has been and remains largely suburban residential. The majority of the homes within the Fire District are single-family residences; however, there are several apartment complexes.

The proximity of the Fire District to East Bay and the Atlantic Ocean has led to substantial development of waterfront activity including commercial fishing and pleasure boating. Many marinas and yacht areas cater to recreational boaters.

Transportation is provided to and from the Fire District by the Metropolitan Suburban Bus Authority and a network of highways. The Fire District is served by the Meadowbrook State Parkway, Southern State Parkway, Atlantic Avenue, Merrick Road, and Sunrise Highway. Rail passenger service is provided by the Long Island Railroad with a station located within the Fire District. Major airline service is provided at J.F. K. International Airport, LaGuardia Airport, and L.I. MacArthur Airport.

The Long Island Power Authority and National Grid provide natural gas and electricity to the Fire District, and water services are provided by New York Water.

### ***Form of Government***

The Fire District is governed by a five-member Board of Fire Commissioners. Each Commissioner is elected for a five-year term. Terms are staggered and Commissioners are elected at large. The Chairman is elected by the Commissioners themselves. There is no limitation as to the number of terms which may be served by members of the Board. The Board appoints a Fire District Treasurer and Fire District Secretary.

The Fire District hires a Fire District Manager to administer its day-to-day business along with full-time and part-time Firehouse attendants to clean the buildings. Dispatch of emergency alarms is contracted out with North Bellmore Fire District.

### ***Financial Organization***

Pursuant to the Local Finance Law, the Fire District Treasurer is the chief fiscal officer of the Fire District. However, certain of the financial functions of the Fire District are the responsibility of the Chairman of the Board of Fire Commissioners. The Treasurer is responsible for all accounting and bookkeeping functions, review and analysis of the financial condition, and providing assistance to the Board in determining future financing needs of the Fire District and preparation of Fire District budgets.

### ***Budgetary Procedure***

The Fire District’s fiscal year begins on January 1 and ends on December 31. The Board of Fire Commissioners, with the assistance of the Treasurer, prepares a budget each year. The budget is then adopted by the Board as its final budget for the coming fiscal year. The budget is not subject to referendum unless the operating portion exceeds limitations provided by law. The budget is submitted to the Town which levies taxes for Fire District purposes. The Town has no authority to change the Fire District’s budget.

## ***Fire District Facilities***

The Fire District's currently maintains three firehouses and one administrative building. Equipment includes one ladder, four pumpers, three ambulances, one heavy rescue vehicle and various ancillary vehicles and trucks.

## ***Employees***

The Fire District has three full time employees and two part-time employees.

## ***Employee Pension System***

Substantially all employees of the Fire District are members of the New York State and Local Employees' Retirement System ("ERS") (the "Retirement System"). The ERS is generally also known as the "Common Retirement Fund". The Retirement System are cost-sharing multiple public employer retirement systems. The obligation of employers and employees to contribute and the benefit to employee are governed by the New York State Retirement System and Social Security Law (the "Retirement System Law"). The Retirement System offers a wide range of plans and benefits which are related to years of service and final average salary, vesting of retirement benefits, death and disability benefits and optional methods of benefit payments. All benefits generally vest after five years of credited service. The Retirement System Law generally provides that all participating employers in each retirement system are jointly and severally liable for any unfunded amounts. Such amounts are collected through annual billings to all participating employers. Generally, all employees, except certain part-time employees, participate in the Retirement System.

The ERS is non-contributory with respect to members hired prior to July 27, 1976 (Tier 1 & 2); members hired from July 27, 1976 through December 31, 2009 (Tier 3 & 4) contribute 3% for the first 10 years of service and then become non-contributory; members hired from January 1, 2010 through March 31, 2012 (Tier 5) must contribute 3% for their entire careers; members hired April 1, 2012 (Tier 6) or after will contribute between 3 and 6 percent for their entire careers based on their annual wage.

For ERS, Tier 5 provides for:

- Raising the minimum age at which most civilians can retire without penalty from 55 to 62 and imposing a penalty of up to 38% for any civilian who retires prior to age 62.
- Requiring employees to continue contribution 3% of their salaries toward pension costs so long as they accumulate additional pension credits.
- Increasing the minimum years of service required to draw pension from 5 years to 10 years.
- Capping the amount of overtime that can be considered in the calculation of pension benefits for civilians at \$15,000 per year, and for police & firefighters at 15% of non-overtime wages.

For both ERS, Tier 6 provides for:

- Increase contribution rates of between 3% and 6% base on annual wage.
- Increase in the retirement age from 62 years to 63 years.
- A readjustment of the Pension multiplier.
- A change in the period for final average salary calculation from 3 years to 5 years.

Pursuant to various laws enacted between 1991 and 2002, the State Legislature authorized local governments to make available certain early retirement incentive programs to its employees. The Fire District does not have any early retirement incentives outstanding.

Historically there has been a State mandate requiring full (100%) funding of the annual actuarially required local governmental contribution out of current budgetary appropriations. With the strong performance of

the Retirement System in the 1990s, the locally required annual contribution declined to zero. However, with the subsequent decline in the equity markets, the pension system became underfunded. As a result, required contributions increased substantially to 15% to 20% of payroll for the employees' and the police and fire retirement systems, respectively. Wide swings in the contribution rate resulted in budgetary planning problems for many participating local governments.

Chapter 49 of the Laws of 2003 amended the Retirement and Social Security Law and Local Finance Law. The amendments empowered the State Comptroller to implement a comprehensive structural reform program that establishes a minimum contribution for any employer equal to 4.5% of pensionable salaries for required contributions due December 15, 2003 and for all years thereafter where the actual rate would otherwise be 4.5% or less. In addition, it instituted a billing system that will advise employers over one year in advance concerning actual pension contribution rates.

Chapter 57 of the Laws of 2010 (Part TT) amended the Retirement and Social Security Law to authorize participating local government employers, if they so elect, to amortize an eligible portion of their annual required contributions to both ERS and PFRS, when employer contribution rates rise above certain levels. The option to amortize the eligible portion began with the annual contribution due February 1, 2011. The amortizable portion of an annual required contribution is based on a "graded" rate by the State Comptroller in accordance with formulas provided in Chapter 57. Amortized contributions are to be paid in equal annual installments over a ten-year period, but may be prepaid at any time. Interest is to be charged on the unpaid amortized portion at a rate to be determined by State Comptroller, which approximates a market rate of return on taxable fixed rate securities of a comparable duration issued by comparable issuers. The interest rate is established annually for that year's amortized amount and then applies to the entire ten years of the amortization cycle of that amount. When in any fiscal year, the participating employer's graded payment eliminates all balances owed on prior amortized amounts, any remaining graded payments are to be paid into an employer contribution reserve fund established by the State Comptroller for the employer, to the extent that amortizing employer has no currently unpaid prior amortized amounts, for future such use.

The 2013-14 Adopted State Budget included a provision that authorized local governments, including the Fire District, with the option to "lock-in" long-term, stable rate pension contributions for a period of years determined by the State Comptroller and ERS and PFRS. For 2014 and 2015 the rate is 12.0% for ERS and 20% for PFRS; the rates applicable to 2016 and thereafter are subject to adjustment. The pension contribution rates under this program would reduce near-term payments for employers, but require higher than normal contributions in later years.

The Fire District is not amortizing or smoothing any pension payments nor does it intend to do so in the foreseeable future.

The investment of monies and assumptions underlying same, of the Retirement Systems covering the Fire District's employees is not subject to the direction of the Fire District. Thus, it is not possible to predict, control or prepare for future unfunded accrued actuarial liabilities of the Retirement Systems ("UAALS"). The UAAL is the difference between total actuarially accrued liabilities and actuarially calculated assets available for the payment of such benefits. The UAAL is based on assumptions as to retirement age, mortality, projected salary increases attributed to inflation, across-the-board raises and merit raises, increases in retirement benefits, cost-of-living adjustments, valuation of current assets, investment return and other matters. Such UAALs could be substantial in the future, requiring significantly increased contributions from the Fire District which could affect other budgetary matters. Concerned investors should contact the Retirement Systems administrative staff for further information on the latest actuarial valuations of the Retirement System.

The Fire District is required to contribute an actuarially determined rate. The Fire District's contributions made to the Retirement System were equal to 100% of the contributions required for each year.

The Fire District contributions to the Retirement System:

<u>Fiscal Year Ending December 31:</u>	<u>ERS</u>
2015	\$45,400
2016	36,940
2017	38,184
2018	38,734
2019	39,293
2020 (Unaudited)	40,848
2021 (Budgeted)	45,000

### ***Other Post Employment Benefits***

An accounting rule, GASB Statement No. 75 (“GASB 75”) of the Governmental Accounting Standards Board (“GASB”), which replaced GASB Statement No. 45 as of fiscal year ended December 31, 2018. GASB 75 requires state and local governments to account for and report their costs associated with post-retirement healthcare benefits and other non-pension benefits, known as other post-employment benefits (“OPEB”). GASB 75 generally requires that employers account for and report the annual cost of OPEB and the outstanding obligations and commitments related to OPEB similarly to GASB Statement No. 68 reporting requirements for pensions. The Fire District does not provide healthcare or retirement benefits to any previously retired employees, however it does provide such benefits to the current facility manager.

### ***Service Award Program***

The Fire District established a defined benefit Length of Service Awards Program (“LOSAP”) for the active volunteer firefighters of the Bellmore Fire Department. The program took effect on February 1, 1991. The program was established pursuant to Article 11-A of the General Municipal Law. The program provides municipally-funded pension-like benefits to facilitate the recruitment and retention of active volunteer firefighters. The Fire District is the sponsor of the program.

Active volunteer firefighters who have reached the age of 18 and who have completed 1 year of firefighting service are eligible to participate in the program. Participants acquire a non-forfeitable right to a service award after being credited with 5 years of firefighting service or upon attaining the program’s entitlement age. The program’s entitlement age is the anniversary date after reaching age 60. In general, an active volunteer firefighter is credited with a year of firefighting service for each calendar year after the establishment of the program in which he or she accumulates fifty points. Points are granted for the performance of certain activities in accordance with a system established by the sponsor on the basis of a statutory list of activities and point values. A participant may also receive credit for 5 years of firefighting service rendered prior to the establishment of the program.

A participant’s benefit under the program is the actuarial equivalent of a monthly payment for life equal to \$20 multiplied by the person’s total number of years of firefighting service. The number of years of firefighting service used to compute the benefit cannot exceed forty. Except in the case of disability or death, benefits are payable when a participant reaches entitlement age.

The Fire District contributions to the LOSAP:

<u>Fiscal Year Ending December 31:</u>	<u>LOSAP</u>
2015	\$150,000
2016	160,543
2017	164,000
2018	179,282
2019	179,262
2020 (Unaudited)	261,085
2021 (Budgeted)	268,897

### ***Investment Policy and Permitted Investments***

Pursuant to State law, including Sections 10 and 11 of the General Municipal Law (the "GML"), the Fire District is generally permitted to deposit moneys in banks and trust companies located and authorized to do business in the State. All such deposits, including special time deposit accounts and certificates of deposit, in excess of the amount insured under the Federal Deposit Insurance Act, are required to be secured in accordance with the provisions of and subject to the limitations of Section 10 of the GML.

## **FINANCIAL FACTORS**

### ***Independent Audit***

From 2007 through 2016, inclusive, the financial statements of the Fire District were audited by the firm of Ross Strent & Company, LLP, independent certified public accountants. Since 2017, the financial statements of the Fire District have been audited by the firm of Craig, Fitzsimmons & Michaels, LLP, Certified Public Accountants, Management and IT Consultants. Financial summaries for (i) the five-year period ending December 31, 2019 based upon the Audited Financial Statements of the Fire District are contained in Appendix B. A link to the Fire District's Annual Audited Financial Statements for the fiscal year ended December 31, 2019 is set forth in Appendix C. The Fire District's audits for the fiscal years ending December 31, 2015 through 2018, inclusive, are available upon request from the Fire District's financial advisor.

The Fire District also prepares and files an Annual Update Document ("AUD") with the Office of the State Comptroller.

### ***Real Property Taxes***

The Fire District derives substantially all of its revenues from a tax on real property (see "Statement of Revenues, Expenditures and Changes in Fund Balance" in Appendix B.) Property taxes accounted for 94.1% of total general fund revenues for the fiscal year ended, December 31, 2019.

The following table sets forth total general fund revenues and real property tax revenues during the Fire District’s last five fiscal years, and the amounts budgeted for the two most recent fiscal years.

**Property Taxes**

Fiscal Year <u>Ended December 31:</u>	Total <u>Revenues<sup>(1)</sup></u>	Real Property <u>Taxes</u>	Real Property Taxes to <u>Revenues</u>
2015	\$2,989,960	\$2,707,766	90.6%
2016	3,159,468	2,776,996	87.9
2017	3,122,502	2,795,512	89.5
2018	3,079,338	2,919,053	94.8
2019	3,257,820	3,065,006	94.1
2020 (Adopted Budget)	3,478,045	3,147,045	95.0
2021 (Adopted Budget)	3,477,078	3,138,078	94.9

(1) General Fund.

Source: Audited Financial Statements and Adopted Budgets for the Fire District.

***Revenues***

Other than property taxes, the Fire District receives a small portion of their revenues from interest and earnings, sale of property and other miscellaneous sources. For more information regarding real property taxes received by the Fire District, see “*Tax Information*” herein.

***State Aid***

The Fire District does not receive any significant aid from the State.

***General Fund Operations***

Appendix B sets forth the General Fund operations for the last five fiscal years which are derived from the Fire District’s Annual Audited Financial Statements.

***Impacts of COVID-19***

The Fire District has incurred certain expenses associated with COVID-19 pandemic, including but not limited to, costs related to hiring additional personnel, cleaning and disinfectant supplies and equipment, personal protection supplies and equipment among other items. The Fire District has paid such costs from available funds totaling approximately \$29,000. The Fire District had previously submitted two reimbursement claims to the Town and both were approved. The Fire District’s COVID-19 related expenses have been fully reimbursed by the Town. The Fire District does not believe that the increased costs described above will have a material adverse impact on the finances of the Fire District.



## TAX INFORMATION

### ***Real Estate Tax Levying Limitation***

Other than the Tax Levy Limit Law, the Fire District is not subject to real property taxing limitations. See “*Tax Levy Limit Law*” herein.

### ***Valuations and Tax Data***

The following table shows the trend during the last five years for taxable assessed valuations, state equalization ratios, full valuations, real property taxes and real property tax rates per \$1,000 assessed valuation.

#### **Valuations and Tax Data** **(For the Fiscal Year Ended December 31:)**

	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Assessed Value	\$6,969,195	\$6,465,075	\$6,353,139	\$6,016,001	\$5,805,281
Equal. Ratio	0.31%	0.29%	0.28%	0.26%	0.24%
Full Value	3,292,818,065	3,443,583,448	3,505,424,643	3,691,270,385	3,806,927,500
Tax Levy:	2,772,195	2,795,512	2,919,053	3,065,006	3,312,545
Tax Rate <sup>(1)</sup> :	\$397.78	\$432.40	\$459.47	\$509.48	\$570.61

(1) Per \$1,000 AV.

Source: Fire District officials and the New York State Office of Real Property Services.

### ***Tax Collection Procedures***

Real property tax payments are due in two equal installments. First half taxes may be paid without penalty to February 10, and second half taxes may be paid without penalty to August 10. Penalties for delinquent tax payments are 1% per month.

The Town Receiver of Taxes collects all real estate taxes for the Town, County, Fire District and special district purposes on a single bill. The Town Receiver of Taxes distributes the collected tax money to both the Town and Fire District prior to distributing the balance collected to the County. The Fire District thereby is assured of 100% tax collections.

### ***The Tax Levy Limit Law***

Prior to the enactment of Chapter 97 of the New York Laws of 2011, as amended (the “*Tax Levy Limit Law*”) all the taxable real property within the Fire District had been subject to the levy of ad valorem taxes to pay the bonds and notes of the Fire District and interest thereon without limitation as to rate or amount. However, the Tax Levy Limit Law imposes a tax levy limitation upon the Fire District for any fiscal year commencing after January 1, 2012, without providing an exclusion for debt service on obligations issued by the Fire District. As a result, the power of the Fire District to cause the levy of real estate taxes on all the taxable real property within the Fire District, to pay the principal of and interest on the Bonds, is subject to the statutory limitations imposed by the Tax Levy Limit Law.

The following is a brief summary of certain relevant provisions of Tax Levy Limit Law. The summary is not complete and the full text of the Tax Levy Limit Law should be read in order to understand the details and implications thereof.

The Tax Levy Limit Law imposes a limitation on increases in the real property tax levy of the Fire District, subject to certain exceptions. The Tax Levy Limit Law permits the Fire District to increase its overall real

property tax levy over the tax levy of the prior year by no more than the “Allowable Levy Growth Factor”, which is the lesser of one and two-one hundredths or the sum of one plus the Inflation Factor; provided, however that in no case shall the levy growth factor be less than one. The "Inflation Factor" is the quotient of: (i) the average of the 20 National Consumer Price Indexes determined by the United States Department of Labor for the twelve-month period ending six months prior to the start of the coming fiscal year minus the average of the National Consumer Price Indexes determined by the United States Department of Labor for the twelve-month period ending six months prior to the start of the prior fiscal year, divided by: (ii) the average of the National Consumer Price Indexes determined by the United States Department of Labor for the twelve-month period ending six months prior to the start of the prior fiscal year, with the result expressed as a decimal to four places. The Fire District is required to calculate its tax levy limit for the upcoming year in accordance with the provisions above and provide all relevant information to the New York State Comptroller prior to adopting its budget. The Tax Levy Limit Law sets forth certain exclusions to the real property tax levy limitation of the Fire District, including exclusions for certain portions of the expenditures for retirement system contributions and tort judgments payable by the Fire District. The Board of Fire Commissioners of the Fire District can adopt a resolution, approved by a vote of sixty percent of the total voting power of the Board of Fire Commissioners, to override the tax levy limit for a given year.

There can be no assurances that the Tax Levy Limit Law will not come under legal challenge for violating applicable law (i) for not providing an exception for debt service on obligations issued prior to the enactment of the Tax Levy Limit Law, (ii) by effectively eliminating the exception for debt service to general real estate tax limitations, and (iii) by limiting the pledge of its faith and credit by a fire district for the payment of debt service on obligations issued by such fire district because the Tax Levy Limit Law does not contain an exception from the levy limitation for the payment of debt service on either outstanding general obligation bonds or notes of the Fire District or such indebtedness incurred after the effective date of the Tax Levy Limit Law.

***Ten of the Largest Taxpayers in the Town of Hempstead***

The following table presents the taxable assessments of ten of the Town’s largest taxpayers for the 2020 fiscal year.

**Taxable Assessments<sup>(1)</sup>**

<u>Taxpayer</u>	<u>Nature of Business</u>	<u>Assessed Valuation</u>	<u>% of Total Assessed Valuation<sup>(2)</sup></u>
Keyspan East	Utility	\$10,859,994	4.40%
Retail Property Trust (Roosevelt Field)	Commercial	4,042,039	1.64
State of New York	Various	1,307,921	0.53
New York Water	Utility	1,107,108	0.45
Verizon	Utility	1,003,334	0.40
LIPA	Utility	867,631	0.35
Reckson Association	Commercial	865,970	0.35
Rexcorp Plaza SPE LLC	Office Building	787,670	0.32
Long Island Water Co.	Utility	700,869	0.28
JMM Raceway Inc.	Real Estate Developer	<u>530,666</u>	<u>0.21</u>
Total		<u>\$22,073,202</u>	<u>8.94%</u>

(1) The ten largest taxpayers are listed for the Town of Hempstead and are not necessarily indicative of the Fire District.

(2) The total assessed value for the Town of Hempstead for the 2020 year is \$247,067,608.

Source: Nassau County Assessor’s Office

## **FIRE DISTRICT INDEBTEDNESS**

### ***Constitutional and Statutory Requirements***

***Constitutional Requirements.*** The New York State Constitution (Article VIII, Section 2) does not directly address the power of fire districts, including the Fire District, to contract indebtedness and the levy of taxes upon real estate in support thereof (although Article VIII, Section 3 thereof excludes, inter alia, fire districts from limitations imposed therein upon municipal or other corporations possessing the power to contract indebtedness or to levy or require the levy of taxes or benefit assessments upon real estate).

***Local Finance Law Requirements.*** The New York State Local Finance Law limits the power of the Fire District (and municipalities, school and other fire districts of the State) to issue obligations and contract indebtedness. Such limitations include the following, in summary form, and are generally applicable to the Fire District and the Bonds.

***Purpose and Pledge.*** Pursuant to the Local Finance Law, the Fire District shall not give or loan any money or property to or in aid of any individual or private corporation or private undertaking or give or loan its credit to or in aid of any of the foregoing or any public corporation.

The Fire District may contract indebtedness only for a Fire District purpose and shall pledge its faith and credit for the payment of principal of and interest thereon.

***Payment and Maturity.*** Except for certain short-term indebtedness contracted in anticipation of taxes, or to be paid in one of the two fiscal years immediately succeeding the fiscal year in which such indebtedness was contracted, indebtedness shall be paid in annual installments commencing no later than two years after the date such indebtedness shall have been contracted and ending no later than the expiration of the periods of probable usefulness of the objects or purposes as determined by statute or in the alternative, the weighted average period of probable usefulness of the several objects or purposes for which such indebtedness is to be contracted; no installment may be more than fifty per centum in excess of the smallest prior installment, unless the Fire District has authorized the issuance of indebtedness having substantially level or declining annual debt service. The Fire District is required to provide an annual appropriation for the payment of interest due during the fiscal year on its indebtedness and for the amounts required in such year for amortization and redemption of its serial bonds, bond anticipation notes and capital notes.

***General.*** The Fire District is subject to certain statutory limitations restricting the powers of the Fire District in the areas of taxation, assessment, borrowing money, contracting indebtedness and loaning the credit of the Fire District, so as to prevent abuses in the exercise of such powers. As has been noted under “*Nature of Obligation*”, the State Legislature is prohibited from restricting the power of the Fire District to cause the levy of taxes on real estate for the payment of interest on or principal of indebtedness theretofore contracted. However, the Tax Levy Limit Law imposes a statutory limitation on the Fire District’s power to increase its annual tax levy, unless the Fire District complies with certain procedural requirements to permit the Fire District to cause the levy of certain year-to-year increases in real property taxes. (See “*Tax Levy Limit Law*” herein).

### ***Statutory Procedure***

In general, the State Legislature has authorized the power and procedure for the Fire District to borrow and incur indebtedness subject, of course, to the provisions set forth above. The power to spend money, however, generally derives from other laws, including the Town Law and the General Municipal Law.

Pursuant to the Local Finance Law, the Fire District authorizes the issuance of bonded indebtedness by the adoption of a bond resolution approved by a vote of at least three-fifths of the entire membership of the Board of Fire Commissioners, which, pursuant to the Local Finance Law, is the finance board of the Fire District. All of such resolutions are subject to referendum.

Each bond resolution usually authorizes the construction, acquisition or installation of the object or purpose to be financed, appropriates the requisite funds, authorizes the issuance of serial bonds to finance the appropriation, sets forth the plan of financing and specifies the maximum maturity of the bonds subject to the legal (Constitution, Local Finance Law and case law) restrictions relating to the period of probable usefulness with respect to such object or purpose.

Each bond resolution also provides for the authorization of the issuance of bond anticipation notes prior to the issuance of the subject serial bonds. Statutory law in New York permits notes to be renewed each year provided that (i) amortization of principal commences within two years of the date of incurrence of the debt, and, (ii) such renewals do not (with certain exceptions) extend more than five years beyond the original date of borrowing. (See "*Payment and Maturity*" under "*Constitutional Requirements*" herein).

The Local Finance Law also provides for a twenty-day statute of limitations commenced by publication of the bond resolution or a summary thereof, following its effective date which, in effect, thereafter estops legal challenges to the validity of obligations authorized by such bond resolution except for alleged constitutional violations.

In addition, pursuant to the bond resolution, the Board of Fire Commissioners may delegate to the Fire District Treasurer, the chief fiscal officer of the Fire District, the power to issue and sell bonds and bond anticipation notes.

In general, the Local Finance Law contains similar provisions providing the Fire District with power to issue general obligation revenue anticipation notes, tax anticipation notes, deficiency notes and budget notes, subject to the prescribed statutory procedures and limitations.

***Debt Limit.*** The Fire District has the power to contract indebtedness for any Fire District purpose authorized by the Legislature of the State so long as the aggregate principal amount thereof shall not exceed three per centum (3.00%) of the full valuation of taxable real property of the Fire District, except as otherwise provided by the New York Local Finance Law, and subject to certain enumerated exclusions and deductions such as cash or appropriations for principal of debt. The three per centum limit may be exceeded if the proposition for approval of the bond resolution is approved by a two-thirds vote of the qualified voters of the Fire District and the State Comptroller consents thereto. The method for determining full valuation is by taking the assessed valuation of taxable real property for the last completed assessment roll and applying thereto the ratio (equalization rate) which such assessed valuation bears to the full valuation; such ratio is determined by the State Board of Real Property Services. The State Legislature is required to prescribe the manner by which such ratio shall be determined.

There is no constitutional limitation on the amount that may be raised by the Fire District by tax on real estate in any fiscal year to pay principal and interest on all indebtedness. However, the Tax Levy Limit Law imposes a statutory limitation on the power of the Fire District to increase its annual tax levy, unless the Fire District complies with certain procedural requirements to permit the Fire District to cause the levy of certain year-to-year increases in real property taxes. (See "Tax Levy Limit Law" herein).

The following pages set forth certain details with respect to the indebtedness of the Fire District.

### ***Statutory Debt Limit and Net Indebtedness***

The debt limit of the Fire District is \$114,207,825 as of February 11, 2021. This is calculated by taking 3% of the current full value of the taxable real property of the Fire District.

#### **Statutory Debt Limit and Net Indebtedness** **(As of February 11, 2021)**

Full Valuation of Taxable Real Property		\$3,806,927,500
Debt Contracting Margin (3% of Full Valuation)		<u>114,207,825</u>
Outstanding Indebtedness (Principal Only):		
Bonds	\$ 565,000	
Bond Anticipation Notes	0	
Gross Indebtedness	565,000	
Less: Exclusions	<u>0</u>	
Total Net Indebtedness		<u>\$ 565,000</u>
Net Debt-Contracting Margin		<u>\$113,642,825</u>
Percentage of Debt-Contracting Margin Exhausted		<u>0.49%</u>

Source: Fire District Officials.

### ***Details of Short-Term Indebtedness Outstanding***

The Fire District does not have any bond anticipation notes (“BANs”), tax anticipation notes (“TANs”) or revenue anticipation notes (“RANs”) outstanding and has not issued any BANs, TANs or RANs in recent years.

### ***Trend of Capital Indebtedness***

The following table sets forth the amount of direct capital indebtedness outstanding in the Fire District for each of the last five fiscal years ended December 31.

	<b><u>Direct Capital Indebtedness Outstanding</u></b>				
	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020<sup>(1)</sup></u>
Bond Anticipation Notes:	\$1,580,000	\$1,345,000	\$1,095,000	\$835,000	\$565,000
Bonds:	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total:	<u>\$1,580,000</u>	<u>\$1,345,000</u>	<u>\$1,095,000</u>	<u>\$835,000</u>	<u>\$565,000</u>

(1) Unaudited.

Source: Fire District officials.

### ***Overlapping and Underlying Debt***

In addition to the Fire District, other political subdivisions have the power to issue bonds and to levy taxes or cause taxes to be levied on taxable real property in the Fire District. The real property taxpayers of the Fire District are responsible for a proportionate share of outstanding debt obligations of these subdivisions. Such taxpayers’ share of overlapping and underlying debt is based on the amount of the Fire District’s equalized property values taken as a percentage of each separate unit’s total values. The following table presents the amount of overlapping and underlying debt and the Fire District’s share of this debt. Authorized but unissued debt has not been included.

**Statement of Direct and Overlapping Indebtedness**

<u>Issuer</u>	<u>Net Debt Outstanding</u>	<u>As of</u>	<u>Fire District Share</u>	<u>Amount Applicable To Fire District</u>
Nassau County	\$3,216,531,000	11/30/20	1.00%	\$32,165,310
Town of Hempstead	340,884,053	11/24/20	2.00	3,408,841
Bellmore UFSD	13,650,000	10/01/20	100.00	13,650,000
Bellmore Merrick C.H.S.D.	17,503,000	12/15/20	100.00	<u>17,503,000</u>
Total Net Overlapping Debt				\$66,727,151
Total Net Direct Debt				<u>565,000</u>
Net Direct and Overlapping Debt				<u>\$67,292,151</u>

***Debt Ratios***

The following table presents certain debt ratios relating to the Fire District's direct and overlapping indebtedness.

**Debt Ratios**

	<u>Amount</u>	<u>Debt Per Capita <sup>(1)</sup></u>	<u>Debt to Full Value <sup>(2)</sup></u>
Net Direct Debt	\$ 565,000	\$ 34.84	0.01%
Net Direct and Overlapping Debt	67,292,151	4,149.23	1.77

(1) The population of the Fire District is 16,218 according to the 2010 U.S. Census.

(2) The full valuation of real property located in the Fire District for the 2020 fiscal year is \$3,806,927,500.

***Debt Service Schedule***

The following table shows the debt service requirements to maturity on the Fire District's outstanding bonded indebtedness, exclusive of the Bonds.

**Bond Principal and Interest Maturity Table**

Fiscal Year Ending <u>December 31:</u>	<u>Total Principal</u>	<u>Total Interest</u>	<u>Total Debt Service</u>
2021	\$ 280,000	\$ 17,306	\$ 297,306
2022	<u>285,000</u>	<u>8,906</u>	<u>293,906</u>
Totals:	<u>\$ 565,000</u>	<u>\$ 26,212</u>	<u>\$591,212</u>

***Future Capital Borrowings***

Following the issuance of the Bonds, the Fire District has no plans for borrowings in the foreseeable future.

**ECONOMIC AND DEMOGRAPHIC DATA**

***Employment and Unemployment***

The following tables provide information concerning employment and unemployment in the Town, County and State. Data provided for the Town, County and State are not necessarily representative of the Fire District.

**Civilian Labor Force**

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Town	397,800	398,600	402,400	402,000	402,900
County	697,600	699,800	706,400	706,600	708,100
State	9,558,800	9,551,900	9,549,100	9,521,900	9,514,400

Source: New York State Department of Labor, Bureau of Labor Statistics. Information not seasonally adjusted.

Unemployment rates are not compiled for the Fire District but are available for the Town, County and State. The following tables are not necessarily representative of the Fire District.

**Yearly Average Unemployment Rates**

<u>Year</u>	<u>Town</u>	<u>County</u>	<u>State</u>
2015	3.6%	4.2%	5.3%
2016	3.7	3.9	4.9
2017	4.3	4.1	4.7
2018	4.1	3.5	4.1
2019	4.4	3.4	4.0

Source: New York State Department of Labor statistics. Information not seasonally adjusted.

**Monthly Unemployment Rates**

<u>Month</u>	<u>Town</u>	<u>County</u>	<u>State</u>
December 2019	3.6%	3.4%	3.7%
January 2020	3.8	3.6	4.1
February	3.6	3.5	3.9
March	3.7	3.6	4.2
April	16.0	15.6	15.1
May	12.6	12.1	14.2
June	13.5	12.9	15.5
July	14.7	14.0	16.0
August	11.1	10.6	12.5
September	6.9	6.5	9.3
October	7.0	6.5	9.0
November	5.9	5.5	8.1

Source: New York State Department of Labor statistics. Information not seasonally adjusted.

**End of Appendix-A**

**(THIS PAGE WAS INTENTIONALLY LEFT BLANK)**



**APPENDIX B**

**SUMMARY OF BUDGETS AND FINANCIAL STATEMENTS**

**(THIS PAGE WAS INTENTIONALLY LEFT BLANK)**

**Bellmore Fire District**  
Adopted Budgets - General Fund  
Fiscal Year Ending December 31:

	<u>2020</u>	<u>2021</u>
Revenues:		
Real Property Tax	\$3,147,045	\$3,138,078
PILOT Payments	146,000	150,000
Interest and Earnings	19,500	19,500
Appropriated Fund Balance	0	0
	<hr/>	<hr/>
Total Revenues	<u>\$3,312,545</u>	<u>\$3,307,578</u>
Expenditures:		
Personal Services	\$290,165	\$297,188
Equipment	541,500	395,000
Other Expenditures	1,166,200	1,231,150
Employee Benefits	604,582	615,997
Debt Service	298,106	297,306
Transfer to Other Funds	411,992	470,937
	<hr/>	<hr/>
Total Expenditures	<u>\$3,312,545</u>	<u>\$3,307,578</u>

**Bellmore Fire District**  
 Balance Sheet  
 General Fund  
 Fiscal Year Ended December 31:

	<u>2018</u>	<u>2019</u>
Current Assets:		
Cash	\$601,498	\$418,097
Cash in Time Deposits	76,404	81,863
Accounts Receivable	53,955	78,253
Prepaid Expenditures	9,999	0
Service Award Program	0	0
Land, Buildings, and Equipment	0	0
Provisions to be made in future budgets	0	0
	<u>\$741,856</u>	<u>\$578,213</u>
Total Current Assets:		
Liabilities		
Accounts Payable	\$77,932	\$78,802
Accrued Expenditures	11,287	14,441
Service Award Program	0	0
Bonds Payable	0	0
Net Pension Liability - Proportionate Share	0	0
Installment Purchase Debt	0	0
Compensated Absences	0	0
Other Liabilities	0	0
	<u>\$89,219</u>	<u>\$93,243</u>
Total Liabilities		
Deferred Inflows:		
Deferred Inflows of Resources - Rental Income	\$144,796	\$145,944
	<u>\$234,015</u>	<u>\$239,187</u>
Total Liabilities & Deferred inflows		
Fund Balance		
Non-Current Government Assets	\$0	\$0
Restricted Funds		
Building Reserve	0	0
Apparatus Reserve	0	0
Employee Benefit Reserve	0	0
Nonspendable	9,999	78,253
Unassigned	497,842	260,773
	<u>\$507,841</u>	<u>\$339,026</u>
Total Fund Balance		
Total Liabilities, Deferred Inflows and Fund Balances	<u>\$741,856</u>	<u>\$578,213</u>

Source: Audited Financial Statements of the Fire District.

**Bellmore Fire District**  
 Combined Statement of Revenues, Expenditure  
 and Changes in Fund Balance  
 General Fund  
 Fiscal Year Ended December 31

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Revenues:					
Real Property Taxes:	\$2,707,766	\$2,776,996	\$2,795,512	\$2,919,053	\$3,065,006
Payments in Lieu of Taxes:	0	0	145,223	2,174	147,768
Hall Rentals	0	0	4,400	5,400	4,975
Interest and Earnings	6,185	6,517	6,789	6,849	14,706
Sales of Assets	251,600	349,300	46,641	50,430	23,023
Insurance Recoveries	10,087	0	0	34,474	2,342
Gifts and Donations	0	0	4,840	0	0
Refund of Prior Year's Expenditures	0	0	57,466	56,617	0
Federal Aid, Other Public Safety	0	0	48,921	2,387	0
Grants from Local Governments	0	0	11,000	0	0
Other Revenues	14,322	26,655	1,710	1,954	0
<b>Total Revenue</b>	<u>\$2,989,960</u>	<u>\$3,159,468</u>	<u>\$3,122,502</u>	<u>\$3,079,338</u>	<u>\$3,257,820</u>
Expenditures:					
Personal Services	\$262,416	\$269,328	\$285,921	\$274,770	\$281,611
Equipment and Capital Outlay	652,284	838,488	270,124	249,351	516,453
Fire Protection	795,639	1,168,409	1,103,741	1,086,017	1,040,827
State Retirement System	45,004	36,940	28,638	38,596	39,154
Local Pension Fund	190,010	207,840	164,000	179,282	175,000
Social Security	19,879	20,306	21,856	21,002	21,526
Workers' Compensation	162,851	153,676	117,329	110,528	100,386
Life Insurance	0	0	46,017	46,540	37,174
Unemployment Insurance	1,242	1,069	992	540	389
Hospital and Medical Insurance	102,617	108,379	118,747	119,030	104,352
Disability Insurance	0	0	0	0	18,510
Debt Service - Principals	0	0	235,000	250,000	260,000
Debt Service - Interest	71,406	82,950	57,906	48,506	38,506
<b>Total Expenditures</b>	<u>\$2,303,348</u>	<u>\$2,887,385</u>	<u>\$2,450,271</u>	<u>\$2,424,162</u>	<u>\$2,633,888</u>
Excess (Def) of Revenues Over Expenditures	686,612	272,083	672,231	655,176	623,932
Other Financing Sources and (Uses)					
Operating Transfers In	\$20,845	\$1,265,001	\$0	\$0	\$0
Operating Transfers (Out)	(635,338)	(768,124)	(564,724)	(613,234)	(792,747)
<b>Total Other Financing Sources</b>	<u>(\$614,493)</u>	<u>\$496,877</u>	<u>(\$564,724)</u>	<u>(\$613,234)</u>	<u>(\$792,747)</u>
<b>Net Change in Fund Balance for Year</b>	<u>\$72,119</u>	<u>\$768,960</u>	<u>\$107,507</u>	<u>\$41,942</u>	<u>(\$168,815)</u>
Fund Balance - Beg. of Year	(\$482,687)	(\$410,568)	\$358,392	\$465,899	\$507,841
<b>Fund Balance - End of Year</b>	<u>(\$410,568)</u>	<u>\$358,392</u>	<u>\$465,899</u>	<u>\$507,841</u>	<u>\$339,026</u>

Source: Audited Financial Statements of the Fire District.

**(THIS PAGE WAS INTENTIONALLY LEFT BLANK)**

**APPENDIX C**

**AUDITED FINANCIAL STATEMENTS  
FOR THE FISCAL YEAR ENDED  
DECEMBER 31, 2019\***

**Can be accessed on the Electronic Municipal Market Access (“EMMA”) website  
of the Municipal Securities Rulemaking Board (“MSRB”)  
at the following link:**

**<https://emma.msrb.org/P21522007.pdf>**

**\* Such Financial Statements and opinion are intended to be representative only as of the date thereof. Craig, Fitzsimmons & Michaels, LLP, has not been requested by the Fire District to further review and/or update such Financial Statements or opinion in connection with the preparation and dissemination of this Official Statement.**

**(THIS PAGE WAS INTENTIONALLY LEFT BLANK)**



**APPENDIX D**

**FORM OF APPROVING LEGAL OPINION OF BOND COUNSEL**

**(THIS PAGE WAS INTENTIONALLY LEFT BLANK)**

Hawkins Delafield & Wood LLP  
7 World Trade Center at 250 Greenwich Street 41<sup>st</sup> floor  
New York, New York 10007

March 4, 2021

The Board of Fire Commissioners of  
the Bellmore Fire District,  
in the Town of Hempstead,  
Nassau County, New York

Ladies and Gentlemen:

We have acted as Bond Counsel to the Bellmore Fire District, in the Town of Hempstead, Nassau County (the "Fire District"), a district corporation of the State of New York, and have examined a record of proceedings relating to the authorization, sale and issuance of the Fire District's \$6,500,000 Fire District Serial Bonds-2021 (the "Bonds"), dated and delivered on the date hereof.

In such examination, we have assumed the genuineness of all signatures, the authenticity of all documents submitted to us as originals and the conformity with originals of all documents submitted to us as copies thereof.

Based on and subject to the foregoing, and in reliance thereon, as of the date hereof, we are of the following opinions:

1. The Bonds are valid and legally binding general obligations of the Fire District for which the Fire District has validly pledged its faith and credit and, unless paid from other sources, all the taxable real property within the Fire District is subject to the levy of ad valorem real estate taxes to pay the Bonds and interest thereon, subject to certain statutory limitations imposed by Chapter 97 of the New York Laws of 2011, as amended. The enforceability of rights or remedies with respect to such Bonds may be limited by bankruptcy, insolvency or other laws affecting creditors' rights or remedies heretofore or hereafter enacted.

2. Under existing statutes and court decisions and assuming continuing compliance with certain tax certifications described herein, (i) interest on the Bonds is excluded from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code"), and (ii) interest on the Bonds is not treated as a preference item in calculating the alternative minimum tax under the Code.

The Code establishes certain requirements which must be met subsequent to the issuance of the Bonds in order that the interest on the Bonds be and remain excluded from gross income for federal income tax purposes under Section 103 of the Code. These requirements include, but are not limited to, requirements relating to the use and expenditure of proceeds of the Bonds, restrictions on the investment of proceeds of the Bonds prior to expenditure and the requirement that certain earnings be rebated to the federal government. Noncompliance with such requirements may cause the interest on the Bonds to become subject to federal income taxation

retroactive to the date of issuance thereof, irrespective of the date on which such noncompliance occurs or is ascertained.

On the date of issuance of the Bonds, the Fire District will execute a Tax Certificate relating to the Bonds containing provisions and procedures pursuant to which such requirements can be satisfied. In executing the Tax Certificate, the Fire District represents that it will comply with the provisions and procedures set forth therein and that it will do and perform all acts and things necessary or desirable to assure that the interest on the Bonds will, for federal income tax purposes, be excluded from gross income.

In rendering the opinion in this paragraph 2, we have relied upon and assumed (i) the material accuracy of the Fire District's representations, statements of intention and reasonable expectations, and certifications of fact contained in the Tax Certificate with respect to matters affecting the status of the interest on the Bonds, and (ii) compliance by the Fire District with the procedures and representations set forth in the Tax Certificate as to such tax matters.

3. Under existing statutes, interest on the Bonds is exempt from personal income taxes of New York State and its political subdivisions, including The City of New York.

We express no opinion as to any other federal, state or local tax consequences arising with respect to the Bonds, or the ownership or disposition thereof, except as stated in paragraphs 2 and 3 above. We render our opinion under existing statutes and court decisions as of the date hereof, and assume no obligation to update, revise or supplement our opinion to reflect any action hereafter taken or not taken, any fact or circumstance that may hereafter come to our attention, any change in law or interpretation thereof that may hereafter occur, or for any other reason. We express no opinion as to the consequence of any of the events described in the preceding sentence or the likelihood of their occurrence. In addition, we express no opinion on the effect of any action taken or not taken in reliance upon an opinion of other counsel regarding federal, state or local tax matters, including, without limitation, exclusion from gross income for federal income tax purposes of interest on the Bonds.

We give no assurances as to the adequacy, sufficiency or completeness of the Preliminary Official Statement and/or Official Statement relating to the Bonds or any proceedings, reports, correspondence, financial statements or other documents, containing financial or other information relative to the Fire District, which have been or may hereafter be furnished or disclosed to purchasers of ownership interests in the Bonds.

Very truly yours,

**APPENDIX E**

**FORM OF UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE**

**(THIS PAGE WAS INTENTIONALLY LEFT BLANK)**

## UNDERTAKING TO PROVIDE CONTINUING DISCLOSURE

### Section 1. Definitions

“Annual Information” shall mean the information specified in Section 3 hereof.

“EMMA” shall mean the Electronic Municipal Market Access System implemented by the MSRB.

“Financial Obligation” means “financial obligation” as such term is defined in the Rule.

“GAAP” shall mean generally accepted accounting principles as in effect from time to time in the United States.

“Holder” shall mean any registered owner of the Securities and any beneficial owner of Securities within the meaning of Rule 13d-3 under the Securities Exchange Act of 1934.

“Issuer” shall mean the Bellmore Fire District, in the Town of Hempstead, Nassau County, New York, a district corporation of the State of New York.

“MSRB” shall mean the Municipal Securities Rulemaking Board established in accordance with the provisions of Section 15B(b)(1) of the Securities Exchange Act of 1934, or any successor thereto or to the functions of the MSRB contemplated by this Agreement.

“Purchaser” shall mean the financial institution referred to in the Certificate of Award executed by the Fire District Treasurer as of February 23, 2021.

“Rule” shall mean Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934 (17 CFR Part 240, §240.15c2-12), as amended, as in effect on the date of this Undertaking, including any official interpretations thereof issued either before or after the effective date of this Undertaking which are applicable to this Undertaking.

“Securities” shall mean the Issuer’s **\$6,500,000 Fire District Serial Bonds-2021**, dated March 4, 2021, maturing in various principal amounts on March 1 in each of the years 2023 to 2051, inclusive, and delivered on the date hereof.

Section 2. Obligation to Provide Continuing Disclosure. (a) The Issuer hereby undertakes, for the benefit of Holders of the Securities, to provide or cause to be provided either directly or through Capital Markets Advisors, LLC, 11 Grace Avenue, Suite 308, Great Neck, New York, 11776, to the EMMA System:

- (i) no later than nine (9) months following the end of each fiscal year, commencing with the fiscal year ending December 31, 2021, the Annual Information relating to such fiscal year, together with audited financial statements of the Issuer for such fiscal year if audited financial statements are then available; provided, however, that if audited financial statements are not then available, unaudited financial statements shall be provided with the Annual Information no later than nine (9) months following the end of each fiscal year, and audited financial statements, if any, shall be delivered to the EMMA System within sixty (60) days after they become available and in no event later than one (1) year after the end of each fiscal year; provided further, however, that the unaudited financial statement shall be

provided for any fiscal year only if the Issuer has made a determination that providing such unaudited financial statement would be compliant with federal securities laws, including Rule 10b-5 of the Securities Exchange Act of 1934 and Rule 17(a)(2) of the Securities Act of 1933; and

- (ii) in a timely manner, not in excess of ten (10) business days after the occurrence of such event, notice of any of the following events with respect to the Securities:
  - (i) principal and interest payment delinquencies;
  - (ii) non-payment related defaults, if material;
  - (iii) unscheduled draws on debt service reserves reflecting financial difficulties;
  - (iv) unscheduled draws on credit enhancements reflecting financial difficulties;
  - (v) substitution of credit or liquidity providers, or their failure to perform;
  - (vi) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices of determinations with respect to the tax status of the Securities, or other material events affecting the tax status of the Securities;
  - (vii) modifications to rights of Securities holders, if material;
  - (viii) Bond calls, if material, and tender offers;
  - (ix) defeasances;
  - (x) release, substitution, or sale of property securing repayment of the Securities, if material;
  - (xi) rating changes;
  - (xii) bankruptcy, insolvency, receivership or similar event of the Issuer;

Note to clause (12): For the purposes of the event identified in clause (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the Issuer in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or government authority has assumed jurisdiction over substantially all of the assets or business of the Issuer, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Issuer;



- (xiii) the consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
- (xiv) appointment of a successor or additional trustee or the change of name of a trustee, if material;
- (xv) incurrence of a Financial Obligation of the Issuer, if material, or agreement to covenants, events of default, remedies, priorities rights, or other similar terms of a Financial Obligation of the Issuer, any of which affect security holders, if material; and
- (xvi) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a Financial Obligation of the Issuer, any of which reflect financial difficulties.

(iii) in a timely manner, not in excess of ten (10) business days after the occurrence of such event, notice of a failure to provide by the date set forth in Section 2(a)(i) hereof any Annual Information required by Section 3 hereof.

(b) Nothing herein shall be deemed to prevent the Issuer from disseminating any other information in addition to that required hereby in the manner set forth herein or in any other manner. If the Issuer disseminates any such additional information, the Issuer shall have no obligation to update such information or include it in any future materials disseminated hereunder.

(c) Nothing herein shall be deemed to prevent the Issuer from providing notice of the occurrence of certain other events, in addition to those listed above, if the Issuer determines that any such other event is material with respect to the Securities; but the Issuer does not undertake to commit to provide any such notice of the occurrence of any material event except those events listed above.

Section 3. Annual Information. (a) The required Annual Information shall consist of the financial information and operating data for the preceding fiscal year, in a form generally consistent with the information contained or cross-referenced in the Issuer's final official statement relating to the Securities under the headings: "THE FIRE DISTRICT," "FINANCIAL FACTORS," "TAX INFORMATION," "FIRE DISTRICT INDEBTEDNESS," "ECONOMIC AND DEMOGRAPHIC DATA" and "LITIGATION" and in Appendix B.

(b) All or any portion of the Annual Information may be incorporated in the Annual Information by cross reference to any other documents which are (i) available to the public on the EMMA System or (ii) filed with the SEC. If such a document is a final official statement, it also must be available from the EMMA System.

(c) Annual Information for any fiscal year containing any modified operating data or financial information (as contemplated by Section 7(e) hereof) for such fiscal year shall explain, in narrative form, the reasons for such modification and the effect of such modification on the Annual Information being provided for such fiscal year. If a change in accounting principles is included in any such modification, such Annual Information shall present a comparison between the financial statements or information prepared on the basis of the modified accounting principles and those prepared on the basis of the former accounting principles.

Section 4. Financial Statements. The Issuer's annual financial statements for each fiscal year, if prepared, shall be prepared in accordance with GAAP or New York State regulatory requirements as in effect from time to time. Such financial statements, if prepared, shall be audited by an independent accounting firm. The Issuer's Annual Financial Report Update Document prepared by the Issuer and filed annually with New York State in accordance with applicable law, shall not be subject to the foregoing requirements.

Section 5. Remedies. If the Issuer shall fail to comply with any provision of this Undertaking, then any Holder of Securities may enforce, for the equal benefit and protection of all Holders similarly situated, by mandamus or other suit or proceeding at law or in equity, this Undertaking against the Issuer and any of the officers, agents and employees of the Issuer, and may compel the Issuer or any such officers, agents or employees to perform and carry out their duties under this Undertaking; provided that the sole and exclusive remedy for breach of this Undertaking shall be an action to compel specific performance of the obligations of the Issuer hereunder and no person or entity shall be entitled to recover monetary damages hereunder under any circumstances. Failure to comply with any provision of this Undertaking shall not constitute an event of default on the Securities.

Section 6. Parties in Interest. This Undertaking is executed to assist the Purchaser to comply with paragraph (b)(5) of the Rule and is delivered for the benefit of the Holders. No other person shall have any right to enforce the provisions hereof or any other rights hereunder.

Section 7. Amendments. Without the consent of any holders of Securities, the Issuer at any time and from time to time may enter into any amendments or changes to this Undertaking for any of the following purposes:

- (a) to comply with or conform to any changes in Rule 15c2-12 (whether required or optional);
- (b) to add a dissemination agent for the information required to be provided hereby and to make any necessary or desirable provisions with respect thereto;
- (c) to evidence the succession of another person to the Issuer and the assumption of any such successor of the duties of the Issuer hereunder;
- (d) to add to the duties of the Issuer for the benefit of the Holders, or to surrender any right or power herein conferred upon the Issuer;
- (e) to modify the contents, presentation and format of the Annual Information from time to time to conform to changes in accounting or disclosure principles or practices and legal requirements followed by or applicable to the Issuer or to reflect changes in the identity, nature or status of the Issuer or in the business, structure or operations of the Issuer or any mergers, consolidations, acquisitions or dispositions made by or affecting any such person; provided that any such modifications shall comply with the requirements of Rule 15c2-12 or Rule 15c2-12 as in effect at the time of such modification; or
- (f) to cure any ambiguity, to correct or supplement any provision hereof which may be inconsistent with any other provision hereof, or to make any other provisions with respect to matters or questions arising under this Undertaking which, in each case, comply with Rule 15c2-12 or Rule 15c2-12 as in effect at the time of such amendment or change;

provided that no such action pursuant to this Section 7 shall adversely affect the interests of the Holders in any material respect. In making such determination, the Issuer shall rely upon an opinion of nationally recognized bond counsel.

Section 8. Termination. This Undertaking shall remain in full force and effect until such time as all principal, redemption premiums, if any, and interest on the Securities shall have been paid in full or the Securities shall have otherwise been paid or legally defeased pursuant to their terms. Upon any such legal defeasance, the Issuer shall provide notice of such defeasance to the EMMA System. Such notice shall state whether the Securities have been defeased to maturity or to redemption and the timing of such maturity or redemption.

In addition, this Agreement, or any provision hereof, shall be null and void in the event that those portions of the Rule which require this Agreement, or such provision, as the case may be, do not or no longer apply to the Securities, whether because such portions of the Rule are invalid, have been repealed, or otherwise.

Section 9. Undertaking to Constitute Written Agreement or Contract. This Undertaking shall constitute the written agreement or contract for the benefit of Holders of Securities, as contemplated under Rule 15c2-12.

Section 10. Governing Law. This Undertaking shall be governed by the laws of the State of New York determined without regard to principles of conflict of law.

IN WITNESS WHEREOF, the undersigned has duly authorized, executed and delivered this Undertaking as of **March 4, 2021**.

By \_\_\_\_\_  
**FIRE DISTRICT TREASURER**