



Legislation Details (With Text)

File #: 19-1365 **Version:** 2 **Name:** Emergency Temporary Appropriation for the lead service line replacement
Type: Resolution **Status:** Adopted
File created: 8/23/2019 **In control:** Administration
On agenda: 8/27/2019 **Final action:** 8/27/2019

Title: Dept/ Agency: Administration/Office of Management and Budget
Action: () Ratifying (X) Authorizing () Amending
Type of Service: Temporary Emergency Appropriation
Purpose: Replacement of Lead Service Lines within the City of Newark on an emergency basis
Funding Source: Bonds or Notes
Appropriation Amount: \$120,000,000.00
Budget Year: 2019
Contract Period: N/A
Contract Basis: () Bid () State Vendor () Prof. Ser. () EUS
() Fair & Open () No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient (X) n/a
Additional Information:
TE#37
Resolution providing for an Emergency Temporary Appropriation in the amount of \$120,000,000.00 pursuant to N.J.S.A. 40A:4-20, to accomplish the Replacement of Lead Service Lines within the City of Newark on an Emergency Basis.
Funds accepted by Resolution
Operating Agency: Department of Water and Sewer Utilities

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
8/27/2019	1	Municipal Council	Adopt	Pass

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Operating Agency: Department of Water and Sewer Utilities

WHEREAS, emergent conditions have arisen with respect to the payment by the City of Newark, in the County of Essex, New Jersey (the "City"), of the amount of \$120,000,000 which is necessary to fund, on an emergency basis, the payment of the costs relating to the replacement of the lead service lines within the City from the water main in the street to the meter inside the structure and all work and materials necessary therefor and relating thereto; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose mentioned above; and

WHEREAS, the total emergency temporary appropriation resolutions adopted by the City in fiscal year 2019, pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20), including this resolution, total \$537,659,337.18; and

WHEREAS, the amount of \$120,000,000 is for a purpose for which appropriations may lawfully be made by the City for the period between the beginning of the current fiscal year and the date of adoption of a budget for such year; and

WHEREAS, the City, subject to the approval of the Local Finance Board in the Division of Local Government Services, Department of Community Affairs, State of New Jersey (the "Local Finance Board"), intends to reimburse the expenditure of the emergency temporary appropriation provided for herein with proceeds of the City's refunding bonds and/or refunding bond anticipation notes.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, COUNTY OF ESSEX, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. An emergency temporary appropriation is and the same is hereby made in the amount of \$120,000,000 to accomplish the payment of the costs of the replacement of lead service lines within the City from the water main in the street to the meter inside the structure on an emergency basis.

2. Except to the extent that provision for paying, funding or refunding said emergency temporary appropriation shall previously have been made by the authorization of bonds pursuant to the Local Bond Law and approved by the Local Finance Board, said emergency temporary appropriation will be provided for in full in the City's 2019 budget under the title "Payment of Lead Service Lines Replacement", and is requested to be excluded from the limitation on increases in appropriations pursuant to N.J.S.A. 40A:4-45.3(c) and to be excluded from the calculation of the adjusted tax levy pursuant to N.J.S.A. 40A:4-45.45(b)(1).

3. Subject to the approval of the Local Finance Board, it is the City's intention is to reimburse the emergency temporary appropriation provided for herein with proceeds of the City refunding bonds and/or refunding bond anticipation notes which will be financed through the Essex County Improvement Authority.

4. The Chief Financial Officer of the City is hereby authorized and directed to file one (1) certified copy of this resolution with the Director of the Division of Local Government Services.

5. This resolution shall take effect immediately upon adoption.

STATEMENT

This resolution authorizes and establishes a temporary emergency appropriation for the replacement of lead service lines within the City of Newark on an emergency basis for City refunding bonds and/or refunding bond anticipation notes, which will be financed through the Essex County Improvement Authority in the amount of \$120,000,000.00 for Department of Water and Sewer Utilities.

CERTIFICATE

I, Kenneth Louis, City Clerk of the City of Newark, in the County of Essex, State of New Jersey, DO HEREBY CERTIFY, that the foregoing is a true and compared copy of an original resolution now on file and of record in my office which was duly adopted at a Special Meeting of the Municipal Council of the City of Newark, County of Essex, State of New Jersey, on the 27th day of August, 2019, at which meeting a quorum was present and acting throughout.

I DO HEREBY FURTHER CERTIFY, that said Municipal Council consists of _____ members and that _____ members thereof were present at said meeting members voted affirmatively for the meeting and that members voted affirmatively for the adoption of said resolution.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this ____ day of _____, 2019.

SEAL

Kenneth
Clerk

Louis,

City