



## Legislation Details (With Text)

**File #:** 21-1463      **Version:** 1      **Name:** Third Amendment to NPA-City Agreement

**Type:** Resolution      **Status:** Adopted

**File created:** 9/30/2021      **In control:** Administration

**On agenda:** 10/20/2021      **Final action:** 10/20/2021

**Title:** Dept/ Agency: Administration/Office of the Business Administrator  
 Action:  Ratifying  Authorizing  Amending  
 Type of Service: Inter-Governmental Agreement (Third Amendment)  
 Purpose: To minimize the City of Newark Parking Authority's loss of parking ticket revenue due to the COVID-19 Pandemic.  
 Entity Name: The Parking Authority of the City of Newark  
 Entity Address: 47-63 Green Street, Newark, New Jersey 07102  
 Grant Amount: \$1,650,095.00  
 Funding Source: American Rescue Plan Act of 2021(ARPA) - Department of Treasury Coronavirus State and Local Fiscal Recovery Funds/\$500,000.00, NW051-Department G21- Div./Proj. ARPLO-Activity A- Account # 72090- Budget Ref: B2021/Waiver of parking ticket revenue from June 1, 2021, through December 31, 2021  
 Contract Period: June 1, 2021 through December 31, 2021  
 Contract Basis:  Bid  State Vendor  Prof. Ser.  EUS  
 Fair & Open  No Reportable Contributions  RFP  RFQ  
 Private Sale  Grant  Sub-recipient  n/a  
 List of Property: (Not applicable)  
 (Address/Block/Lot/Ward)  
 Additional Information:  
 Resolution 7R1-b adopted on August 6, 2008, authorized an inter-governmental agreement between the City and the Newark Parking Authority to appropriate parking powers and authority and obtain rights and interest in existing parking assets that were owned and controlled by the City.  
  
 First Amendment Resolution 7R1-a(S), adopted on April 27, 2010, authorized an amendment to the Agreement related to parking meters and revenue sharing.  
  
 Second Amendment Resolution 7R1-x, adopted on August 7, 2013, authorized an amendment to the Agreement, transferring all towing related duties and responsibilities back to the City.  
  
 This is a Third Amendment to the inter-governmental agreement where the City is allocating \$500,000.00 from the American Rescue Funds Act to minimize the Newark Parking Authority's loss of revenue due to the COVID-19 Pandemic.

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
10/20/2021	1	Municipal Council	Adopt	Pass

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**Contract Basis:** ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( X ) n/a

**List of Property:** (Not applicable)

**(Address/Block/Lot/Ward)**

**Additional Information:**

Resolution 7R1-b adopted on August 6, 2008, authorized an inter-governmental agreement between the City and the Newark Parking Authority to appropriate parking powers and authority and obtain rights and interest in existing parking assets that were owned and controlled by the City.

First Amendment Resolution 7R1-a(S), adopted on April 27, 2010, authorized an amendment to the Agreement related to parking meters and revenue sharing.

Second Amendment Resolution 7R1-x, adopted on August 7, 2013, authorized an amendment to the Agreement, transferring all towing related duties and responsibilities back to the City.

This is a Third Amendment to the inter-governmental agreement where the City is allocating \$500,000.00 from the American Rescue Funds Act to minimize the Newark Parking Authority's loss of revenue due to the COVID-19 Pandemic.

**WHEREAS**, Resolution 7R1-be, adopted on August 6, 2008, authorized the Business Administrator to execute an Agreement with Newark Parking Authority (the "NPA"), in order for NPA to appropriate parking powers and authority and obtain rights and interest in existing parking assets that were owned and controlled by the City; and

**WHEREAS**, Resolution 7R1-A(s), adopted on April 27, 2010, authorized an Amendment to the Agreement related to parking meters and revenue sharing; and

**WHEREAS**, Resolution 7R1-x adopted on August 7, 2013, a Second Amendment to the Agreement, transferred all towing related duties and responsibilities back to the City; and

**WHEREAS**, on March 10, 2021, the 117th Congress of the United States and President Joseph R. Biden, enacted a \$1.9 Trillion stimulus package, the American Rescue Plan Act of 2021 (ARPA) - Treasury's Coronavirus State and Local Fiscal Recovery Funds, in response to the economic crisis brought on by the ongoing Covid-19 pandemic; and

**WHEREAS**, on or about May 19, 2021, the City of Newark (the "City") received notification of a total award in the amount of \$176,667,606.00, in two (2) separate allocations, over a period of four (4) years, which will help the City recover from the economic downturn experienced in fiscal year 2021 and mitigate the financial impact over the next four (4) years; and

**WHEREAS**, on or about May 19, 2021, the United States Department of Treasury issued the first of the two (2) allocations in the amount of \$88,333,803.00, from ARPA to respond to the economic crisis brought on by the ongoing Covid-19 pandemic; and

**WHEREAS**, the Department of Treasury has provided guidance and eligible uses of ARPA funds, which include: Mitigate Revenue Decline, Rehiring State, Local and Tribal Government Staff, Aide to Business Districts; and

**WHEREAS**, for calendar year 2019 NPA's actual revenue was Six Million Two Hundred Five Thousand One Hundred Twenty-Six Dollars and Twenty-One Cents (\$6,205,126.21) and for 2021 is projected to be Three Million One Hundred Thirty-Three Thousand Five Hundred Sixteen Dollars and Six-Nine Cents (\$3,133,516.69); and

**WHEREAS**, NPA requested a grant of the ARPA funds for expected loss of revenue in the amount of \$2,913,000.00 (NPA letters dated May 26, 2021 and July 12, 2021); and

**WHEREAS**, the City projects revenue loss to the NPA from the onset of COVID-19 pandemic on or around March 2020, through December 31, 2021 will be a total of \$2,686,959.65 (a loss of \$1,396,883.65 in 2020 and a projected loss of \$1,290,076 in 2021); and

**WHEREAS**, the City seeks to grant the NPA funds to offset the loss of revenue from the onset of the pandemic from March 2020, through December 31, 2021; and

**WHEREAS**, pursuant to ARPA and associated federal regulations and guidance, the City desires to amend the agreement for the term of June 1, 2021 through December 31, 2021, by waiving any payments due and owing to the City from the NPA as of June 1, 2021 through December 31, 2021, which is estimated at \$1,150,095.00, and granting NPA, Five Hundred Thousand Dollars and Zero Cents (\$500,000.00) from the City's allocated American Rescue Funds Act Funds to minimize the NPA's loss of revenue due to the COVID-19 Pandemic (City's Forecast of NPA Revenue and Five Year Actual and 2021 Charts attached).

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Mayor of the City of Newark and/or his designee, the Business Administrator are authorized to execute a Third Amendment to the Agreement between the City of Newark and the Newark Parking Authority, of 47-63 Green Street, Newark, New Jersey 07102, waiving the City's share of parking ticket revenue from June 1, 2021, through December 31, 2021 and granting \$500,000.00 in ARPA funds, thereby granting an estimated total of \$1,650,095.00 in economic relief to NPA to offset loss revenue due to the COVID-19 pandemic.
2. The Third Amendment is ratified from June 1 2021, to the date of adoption of this authorizing resolution.
3. The Director of the Department of Finance shall resume accepting the City's share of revenue effective January 1, 2022.
4. Attached hereto is a Certification of Funds from the Chief Financial Officer, which states

that funds in the amount of \$500,000.00, are available from Budget Line: NW051 - Department G21 - Div/Proj. ARPLO - Activity A - Account # 72090 - Budget Ref: B2021.

5. If any inconsistencies arise between the Agreement and this Amendment, this Amendment shall prevail.
6. All other terms and conditions of the Agreement remain the same.

### **STATEMENT**

This Resolution ratifies and authorizes the Mayor of the City of Newark and/or his designee, the Business Administrator to enter into and execute a Third Amendment to the Agreement between the City of Newark and the Newark Parking Authority waiving the City's share of revenue from June 1, 2021, through December 31, 2021 and granting \$500,000.00 in American Rescue Funds Act (ARPA) Funds for an estimated total of \$1,650,095.00 in economic relief to NPA to offset loss revenue due to the COVID-19 pandemic.