



Legislation Text

File #: 23-0427, Version: 1

Dept/ Agency: Economic and Housing Development

Action: (X) Ratifying (X) Authorizing () Amending

Type of Service: 2023 Annual Budget for Newark Downtown District Management Corporation (NDD)

Purpose: Introducing the 2023 Annual Budget for the Newark Downtown District Management Corporation.

Amount: \$8,335,000.00

Budget Period: January 1, 2023 through December 31, 2023

Additional Information:

Ordinance 6S&F-e adopted on September 2, 1998 created an expanded Downtown SID and changed regulations for the operations of the Downtown SID. Ordinance 6PSF-c adopted on February 20, 2013 repealed.

Ordinance 6PSF-b(S) adopted on November 22, 2022 expanded Downtown SID and clarified the responsibilities and powers of the Newark Downtown District Management Corporation.

WHEREAS, by Ordinance 6PSF-c, adopted on February 20, 2013, the Mayor of the City of Newark and the Municipal Council created and designated, within the City of Newark, a Special Improvement District authorized pursuant to N.J.S.A. 40:56-65 et seq., to be known as the Newark Downtown Special Improvement District ("Downtown SID") to provide supplemental services within the District and collect a special assessment on all affected property within the Downtown SID, which assessments shall be collected by the City of Newark, for the purpose of promoting the economic and general welfare of the Downtown SID and the municipality; and

WHEREAS, pursuant to Ordinance 6PSF-c, adopted on February 20, 2013, the Mayor of the City of Newark and the Municipal Council designated a non-profit corporation, the Newark Downtown Special Improvement District Management Corporation, ("Newark Downtown District Management Corporation") to serve as the management and operating organization for the Downtown SID; and

WHEREAS, pursuant to Ordinance 6PSF-b (s), adopted on November 22, 2022, the Mayor of the City of Newark and the Municipal Council, amended Title X, Finance and Taxation, Chapter 10:32-3, Newark Downtown Special Improvement District, of the revised general ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, by amending various subsections, expanding the special improvement district, and clarifying the responsibilities and powers of the Newark Downtown District Management Corporation; and

WHEREAS, the Newark Downtown District Management Corporation provides administrative and other services to benefit businesses, employees, residents, visitors and consumers in the Downtown SID and shall have all powers necessary and requisite to effectuate the purposes of Ordinance 6PSF-c, adopted on February 20, 2013, Ordinance 6PSF-b adopted on November 22, 2022, and the Downtown SID; and

WHEREAS, in accordance with N.J.S.A. 40:56-80 and the provisions of Ordinance 6PSF-c adopted on February 20, 2013, and Ordinance 6PSF-b adopted on November 22, 2022, the Newark Downtown District Management Corporation must prepare an annual budget that includes an estimate of the annual costs of operating the Downtown SID, including a summary of the categories of cost property chargeable as follows:

- (1) the amount of such costs to be charged against the general funds of the municipality, which shall be that amount which the municipality would pay from its general funds for street maintenance and operation on a street of similar size and location, but not improved in a special improvement district; and
- (2) the costs charged and assessed against properties within the District in proportion to the benefits conferred by the annual improvement; and
- (3) the amount of costs, if any, to be specially assessed against properties in the District; and

WHEREAS, upon receipt of the budget, the Municipal Council is required to consider the budget, approve the budget, schedule a public hearing and adopt the budget with such amendments as the Governing Body considers necessary to operate and maintain the Downtown SID during the ensuing fiscal year; and

WHEREAS, upon approval of the budget, the Tax Assessor must comply with N.J.S.A. 40:56-81(c) including, but not limited to, preparing an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the Downtown SID; and

WHEREAS, the estimated annual budget for the 2023 calendar year (January 1, 2023 through December 31, 2023), is in the amount of Eight Million Three Hundred Thirty-Five Thousand Dollars and Zero Cents (\$8,335,000.00), for the Downtown SID, attached hereto, was unanimously approved by the Newark Downtown District Management Corporation at its September 15, 2022 Board of Directors Meeting; and

WHEREAS, the amount anticipated to be raised by the special assessments to support the Budget of the Downtown SID is estimated to be Eight Million Three Hundred Thirty-Five Thousand Dollars and Zero Cents (\$8,335,000.00) and shall be paid to the Newark Downtown District Management Corporation in quarterly installments of 25% of the total estimated assessments.

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

1. The estimated annual budget for the 2023 calendar year (January 1, 2023 through December 31, 2023), in the amount of Eight Million Three Hundred Thirty-Five Thousand Dollars and Zero Cents (\$8,335,000.00), for Newark Downtown Special Improvement District (“Downtown SID”), attached hereto, as approved by the Newark Downtown Special Improvement District Management Corporation, (“Newark Downtown District Management Corporation”) at its September 15, 2022 Board of Trustees Meeting, is hereby introduced and approved, subject to a public hearing prior to adoption, in accordance with provisions of Ordinance 6PSF-c, adopted on February 20, 2013, and as set forth in N.J.S.A. 40:56-80 and N.J.S.A. 40:56-84.

2. The budget is ratified from January 1, 2023, until the date of adoption by the Municipal Council of this authorizing Resolution.

3. The Tax Assessor is directed to do the following:

- (a) prepare an assessment roll specifying the amounts specifically assessed against each benefitted and assessable property in the Downtown SID in proportion to the benefit conferred, based upon the approved budget in accordance with the procedures prescribed in N.J.S.A. 40:56-80(c). Such assessment roll shall include a description of each property and the names of the owners; and
- (b) file the assessment roll in the Office of the City Clerk to be available for public inspection.

4. The Department of Economic and Housing Development is directed to do the following:

- (a) schedule a public hearing on the budget and the amount of the assessments not less than twenty-eight (28) days from the date of the adoption of this Resolution; and
- (b) at least ten (10) days prior to the date of the public hearing publish:
 - (i) a notice setting the time and place of the public hearing on the budget and amounts of the special assessments; and
 - (ii) a copy of the entire budget in a newspaper of general circulation in the City of Newark; and
- (c) at least ten (10) days before the date of the scheduled hearing:
 - (i) post a complete copy of the approved budget in City Hall in the customary location for posting public notices; and
 - (ii) post a complete copy of the assessment roll in City Hall in the customary location for posting public notices; and
 - (iii) make available a copy of the budget to any person(s) requesting it up to and including the date of the public hearing.

5. Upon approval of the assessment roll with any changes approved by the Municipal Council, the Acting City Clerk shall immediately certify a copy of the assessment roll to the County Tax Board to be effective as of January 1, 2023.

6. The amount anticipated to be raised by the special assessments to support the annual budget of the Newark Downtown District Management Corporation for the 2023 calendar year (January 1, 2023 through December 31, 2023) is estimated to be Eight Million Three Hundred Thirty-Five Thousand Dollars and Zero Cents (\$8,335,000.00). Said total estimated amount of the special assessments set forth in the estimated and approved budget shall be paid over to the Newark

Downtown District Management Corporation in installments of 25% of the total estimated assessments quarterly.

7. The Deputy Mayor/Director of the Department of Economic and Housing Development shall file a certified copy of this Resolution with the Office of the City Clerk.

8. The Office of the City Clerk shall forward certified copies of this Resolution to the Business Administrator, the Director of the Department of Finance and the Tax Collector.

STATEMENT

This Resolution introduces, ratifies, and approves the annual budget of Newark Downtown Special Improvement District in the estimated amount of \$8,335,000.00 for the 2023 calendar year (January 1, 2023 through December 31, 2023), subject to a public hearing prior to adoption, in accordance with provisions of Ordinance 6PSF-c, adopted on February 20, 2013, Ordinance 6PSF-b adopted on November 22, 2022, and as set forth in N.J.S.A. 40:56-80 and N.J.S.A. 40:56-84. The Department of Economic and Housing Development will publicly advertise the budget and schedule a public hearing; and direct the Tax Assessor to prepare an assessment roll of the properties within the district based upon the budget.