

City Clerk File No. Ord. 13-031  
Agenda No. 3.A 1st Reading  
Agenda No. 4.A. 2nd Reading & Final Passage



# ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 13-031

TITLE:

**AN ORDINANCE OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS FOR THE CITY OF JERSEY CITY AND APPROPRIATING \$10,400,000, THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$10,400,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE CITY OF JERSEY CITY TO FINANCE THE SAME.**

WHEREAS, it was necessary to make an emergency appropriation and a special emergency appropriation to meet certain expenses incurred or to be incurred as a result of the extraordinary damage to the streets, roads and other public property caused by Super Storm Sandy (the "Recovery") requiring the appropriation of funds of the City of Jersey City, in the County of Hudson, State of New Jersey (the "City"), in the amount of \$16,000,000 and

WHEREAS, by resolution adopted on December 19, 2012 (the "2012 Resolution"), the City appropriated such amount by (i) declaring an emergency pursuant to N.J.S.A. 40A:4-46 and appropriating the sum of \$580,000 as an emergency appropriation thereunder (the "Emergency Appropriation") and (ii) declaring a special emergency pursuant to N.J.S.A. 40A:4-54 and appropriating the sum of \$15,420,000 as a special emergency appropriation thereunder (the "Special Emergency Appropriation"); and

WHEREAS, the 2012 Resolution also authorized the issuance, from time to time, of (i) up to \$580,000 of emergency notes (the "Emergency Notes") to finance the Emergency Appropriation and (ii) up to \$15,420,000 of special emergency notes (the "Special Emergency Notes") to finance the Special Emergency Appropriation; and

WHEREAS, on December 28, 2012, the City issued \$5,965,000 of Special Emergency Notes (the "2012 Special Emergency Notes") to finance \$6,000,000 of the Special Emergency Appropriation, which 2012 Special Emergency Notes will mature on December 13, 2013; and

WHEREAS, the City has determined that a portion of the Special Emergency Appropriation in the amount of \$10,000,000 (the "Capital Portion") relates to capital items which are eligible for financing through the issuance of bonds and bond anticipation notes under the Local Bond Law, N.J.S.A. 40A:2-1 et seq.; and

WHEREAS, the City wishes to reappropriate the Capital Portion of the Special Emergency Appropriation under this bond ordinance, and to supplement said appropriation with an additional appropriation of \$400,000 for a total capital appropriation of \$10,400,000; and

WHEREAS, the remaining portion of the Special Emergency Appropriation, in the amount of \$5,420,000, shall continue to be administered as a Special Emergency Appropriation under the 2012 Resolution.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by City as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$10,400,000. No down payment is required in connection with the authorization of bonds and notes pursuant to N.J.S.A. 40A:2-11(c) as this bond ordinance authorizes obligations in accordance with N.J.S.A. 40A:2-7(a).

Section 2. In order to finance the cost of the several improvements provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$10,400,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) (1) Purpose: The reconstruction, renovation, rehabilitation and improvement of various City public parks and fields, including but not limited to miscellaneous repairs and improvements consisting of the reconstruction of playground and active child play facilities, safety surfacing, lighting, sidewalks, fencing, landscaping and tree planting,

benches and renovation and improvement of buildings and including all work, materials and appurtenances necessary and suitable therefore are hereby authorized.

Appropriation and Estimated Cost: \$1,225,000  
Estimated Maximum Amount of Bonds or Notes: \$1,225,000  
Period or Average Period of Usefulness: 15 years

- (2) Purpose: The reconstruction, rehabilitation, improvement and repair of various public buildings owned and used by the City, buildings of not less than Class "B" construction as defined in Section 40A:2-22 of the Local Bond Law; including various Firehouses, Police Precincts and the Pistol Range located in the City; and, where necessary, security enhancements, reconstruction, rehabilitation and restoration of electrical systems, ventilation systems, windows and doors, and acquisition of various equipment for the City Office of Emergency Management, and including all work, materials, appurtenances, furnishings and equipment necessary and suitable therefore are hereby authorized.

Appropriation and Estimated Cost: \$5,300,000  
Estimated Maximum Amount of Bonds or Notes: \$5,300,000  
Period or Average Period of Usefulness: 15 years

- (3) Purpose: The acquisition and installation of traffic signals, and related equipment and machinery for the City's Division of Traffic Engineering and Transportation and improvements and repairs to the City's Foot Bridge, and including all work, labor, materials and appurtenances necessary and suitable for such purposes are hereby authorized.

Appropriation and Estimated Cost: \$1,735,000  
Estimated Maximum Amount of Bonds or Notes: \$1,735,000  
Period or Average Period of Usefulness: 10 years

- (4) Purpose: The acquisition of a pumper truck for the City's Fire Department and the acquisition of various vehicles for various City Departments, including all work, materials and appurtenances necessary and suitable therefore are hereby authorized.

Appropriation and Estimated Cost: \$930,000  
Estimated Maximum Amount of Bonds or Notes: \$930,000  
Period or Average Period of Usefulness: 5 years

- (5) Purpose: The acquisition and installation of various software, computer equipment and related voice and data equipment for various municipal buildings, departments and divisions, and including all work, labor, materials and appurtenances necessary and suitable for such purposes are hereby authorized.

Appropriation and Estimated Cost: \$210,000  
Estimated Maximum Amount of Bonds or Notes: \$210,000  
Period or Average Period of Usefulness: 7 years

- (6) Purpose: The rehabilitation and improvements to the City's Main Library and various other branches, and including, all work, labor, materials, furnishings, equipment and appurtenances necessary and suitable for such purposes are hereby authorized.

Appropriation and Estimated Cost: \$1,000,000  
Estimated Maximum Amount of Bonds or Notes: \$1,000,000  
Period or Average Period of Usefulness: 15 years

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the City is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the City Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the City may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 13.11010 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$10,400,000, that the net debt of the City determined as provided in the Local Bond Law is increased by \$10,400,000, and the obligations authorized herein will be within all debt limitation prescribed by that Law.

(d) An aggregate amount not exceeding \$600,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorizes obligations of the City solely for a purpose described in N.J.S.A. 40A:2-7(a). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the City. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the City or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

(f) The City reasonably expects to commence acquisition and/or construction of the project described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the City further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

(g) Of the total appropriation and debt authorization of \$10,400,000 contained herein, \$10,000,000 represents a reappropriation of the Capital Portion of the Special Emergency Appropriation. Any special emergency notes heretofore issued by the City in respect of the Capital Portion of the Special Emergency Appropriation shall remain authorized thereunder, but upon the effective date of this bond ordinance no further special emergency notes shall be issued in respect of said Capital Portion, and any obligations to be issued to refinance special emergency notes theretofore issued to finance the Capital Portion shall be issued under this bond ordinance. The appropriation contained herein, to the extent of \$10,000,000, shall supersede and replace a like portion of the Special Emergency Appropriation.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the City is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the City Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The City Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the Municipal Council, the City Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section 11. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 12. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
Corporation Counsel

APPROVED:  240  
\_\_\_\_\_

APPROVED:   
\_\_\_\_\_ Business Administrator

Certification Required   
Not Required

# Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord 13-031  
 TITLE: 3.A. MAR 13 2013 4.A. MAR 28 2013  
4.A. APR 10 2013



An ordinance of the City of Jersey City, in the County of Hudson, New Jersey, providing for various Capital Improvements for the City of Jersey City and appropriating \$10,400,000, therefore and providing for the issuance of \$10,400,000 in General Improvement Bonds or Notes of the City of Jersey City to finance the same.

RECORD OF COUNCIL VOTE ON INTRODUCTION								MAR 13 2013 8-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	ABSENT			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			COLEMAN	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING								MAR 28 2013 7-0			
Councilperson <u>SOTTOLANO</u>				moved, seconded by Councilperson <u>RICHARDSON</u>				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	ABSENT		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	ABSENT			RICHARDSON	✓			COLEMAN	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

YVONNE BALZER  
 TABLED 7-0 AFTER THE CLOSE OF THE PUBLIC HEARING ON A MOTION  
 BY RICHARDSON, SECONDED BY SOTTOLANO; LOPEZ AND BRENNAN: ABSENT

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____				moved to amend* Ordinance, seconded by Councilperson _____				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON				COLEMAN			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

REMOVED 9-0 FROM THE TABLED AGENDA ON A MOTION  
 BY GAUGHAN, SECONDED BY SOTTOLANO

RECORD OF FINAL COUNCIL VOTE								APR 10 2013 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			COLEMAN	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAR 13 2013  
 Adopted on second and final reading after hearing on APR 10 2013

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on APR 10 2013

Robert Byrne  
 Robert Byrne, City Clerk

APPROVED:

Peter M Brennan  
 Peter M. Brennan, Council President

Date: APR 10 2013

APPROVED:

Jerramiah T. Healy  
 Jerramiah T. Healy, Mayor

Date: APR 11 2013

Date to Mayor APR 11 2013

Date to Mayor \_\_\_\_\_