

**ORDINANCE OF THE CITY OF NEW BRUNSWICK, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A: 4-53(m) IN THE AMOUNT OF \$6,750,000.00 TO FUND A DEFICIT IN OPERATIONS**

**WHEREAS**, pursuant to P.L. 2020, c. 74, local units, including the City of New Brunswick, County of Middlesex New Jersey (the “City”), are authorized to alleviate the financial impacts of the health emergency known as COVID 19, including operating deficits, through the authorization of a special emergency appropriation; and

**WHEREAS**, as a result of the State of New Jersey Governor’s Executive Order 190, issued on October 15, 2020, the City now anticipates that there may be delayed utility fees; and

**WHEREAS**, as a result of decreased City revenues, including parking revenues, the City anticipates that there may be delayed revenues; and

**WHEREAS**, the Chief Financial Officer of the City has prepared and executed a certification (the “Certification”) in the form prescribed by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the “Director”), certifying that the deficit balance anticipated to be reported on the City’s “Results of Operations” schedule of the annual financial statement for the current fiscal year is \$6,750,000.00; and

**WHEREAS**, the City has on the date hereof, by resolution, approved the Certification and the submission of the application to the Director in accordance with N.J.S.A. 40A: 4-53(m); and

**WHEREAS**, the City seeks to make a special emergency appropriation in accordance with N.J.S.A. 40A:4-53(m).

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF NEW BRUNSWICK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY AS FOLLOWS:**

**SECTION 1.** N.J.S.A. 40A:4-53(m) provides that a local unit such as the City may adopt an ordinance authorizing a special emergency appropriation for the purpose of funding an operating deficit as set forth in N.J.S.A. 40A:4-53(m), subject to the

approval of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the "Director").

**SECTION 2.** The City has determined and does hereby authorize a special emergency appropriation in the aggregate amount of \$6,750,000.00 to fund a deficit in operations in the current fund in the amount of \$6,000,000.00 and in the sewer utility fund in the amount of \$750,000.00, subject to the approval of the Director (the "Special Emergency Appropriation").

**SECTION 3.** The Mayor and Chief Financial Officer are each hereby authorized and directed to determine all matters in connection with the Special Emergency Appropriation not determined by this or a subsequent ordinance, all in consultation with the City Attorney or Bond Counsel, and the manual or facsimile signature of the City's Mayor or Chief Financial Officer upon any documents shall be conclusive as to all such determinations. The Mayor, Chief Financial Officer, Clerk and any other City Representatives, including but not limited to, Bond Counsel, the City Attorney, City Municipal Advisor and the City Auditor, are each hereby authorized and directed to take such actions or refrain from such actions as are necessary to undertake the Special Emergency Appropriation, including but not limited to, the negotiation of any and all contracts, agreements and documents for the Special Emergency Appropriation, and any all such actions or inactions taken by the aforesaid City Representatives heretofore are hereby ratified and confirmed, *nunc pro tunc*.

**SECTION 4.** Two certified copies of this Ordinance shall be filed with the Director.

**SECTION 5.** This Ordinance shall become effective in accordance with law and upon approval of the Director.

ADOPTED ON FIRST READING  
DATED: November 4, 2020


  
COUNCIL PRESIDENT

ADOPTED ON SECOND READING  
DATED: November 18, 2020

  
COUNCIL PRESIDENT

ATTEST:

  
CITY CLERK

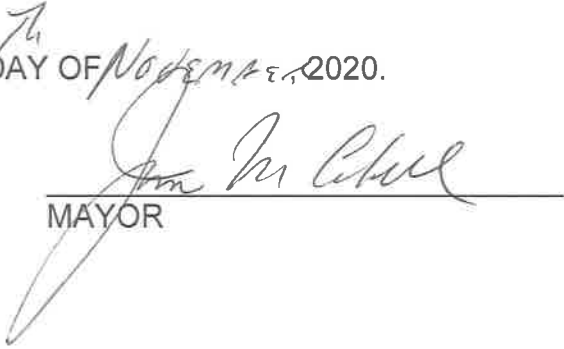
I, Leslie R. Zelenko, City Clerk of the City of New Brunswick, NJ, do hereby Certify, the foregoing Ordinance is a true copy of the Original Ordinance adopted on second and final reading at a regular meeting of the New Brunswick City Council at its meeting on: November 18, 2020  
  
Leslie R. Zelenko, City Clerk  
Any reproduction of the Original Ordinance must contain the raised seal of the City of New Brunswick to be legally certified.

COUNCILMEMBER	Y	N	AB	COUNCILMEMBER	Y	N	NV	AB
EGAN	X			SICORA LUDWIG	X			
ESCHBAR	X			ANDERSON Pres	X			
FLEMING	X							

COUNCILMEMBER	Y	N	AB	COUNCILMEMBER	Y	N	NV	AB
EGAN	X			SICORA LUDWIG VP	X			
ESCHBAR	X			ANDERSON Pres	X			
FLEMING	X							

FIRST READING VOTE ON NOVEMBER 4, 2020 M=MOVED S=SECOND NV=NO VOTE AB=ABSENT

APPROVAL OF THE MAYOR ON THIS 19<sup>th</sup> DAY OF November, 2020.

  
MAYOR

APPROVALS:

  
CITY ADMINISTRATOR

  
CITY ATTORNEY

TKS/kc