

ORD. 21-2020

**AN ORDINANCE OF THE TOWNSHIP OF LIVINGSTON,
IN THE COUNTY OF ESSEX, NEW JERSEY, PROVIDING
FOR A SPECIAL EMERGENCY APPROPRIATION
PURSUANT TO N.J.S.A. 40A:4-53(m) IN THE AMOUNT OF
\$1,900,000 TO FUND A DEFICIT IN OPERATIONS
DIRECTLY ATTRIBUTABLE TO COVID-19**

WHEREAS, the Governor of the State of New Jersey (the “State”) has heretofore declared a public health emergency and a state of emergency in response to the outbreak of the coronavirus disease 2019 as announced by the World Health Organization on February 11, 2020, and first identified in Wuhan, China (“COVID-19”); and

WHEREAS, N.J.S.A. 40A:4-53(m) provides that a municipality may, subject to the approval of the Director of the Division of Local Government Services in the New Jersey Department of Community Affairs (the “Director”), adopt an ordinance providing for a special emergency appropriation for the funding of a deficit in operations of the Township directly attributable to COVID-19; and

WHEREAS, the Chief Financial Officer of the Township of Livingston, in the County of Essex, New Jersey (the “Township”) has executed a certification in the form prescribed by the Director, certifying that the deficit balance anticipated to be reported on the Township’s “Results of Operations” schedule of the annual financial statement for the current fiscal year is \$1,900,000; and

WHEREAS, by resolution adopted on November 23, 2020, the Township Council of the Township approved such certification, together with the Township’s application to the Director seeking approval of the adoption of this ordinance; and

WHEREAS, the Township Council of the Township has determined to provide for the funding of such anticipated operating deficit balance, in the net amount of \$1,900,000, consisting

of a deficit in operation in the current fund in the amount of \$1,085,000, water and sewer utilities fund in the amount of \$700,000 and the swimming pool utility fund in the amount of \$115,000.

NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF LIVINGSTON, IN THE COUNTY OF ESSEX, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:4-53(m), the sum of \$1,900,000 is hereby appropriated for the funding of a deficit in operations of the Township directly attributable to COVID-19, consisting of a deficit in operation in the current fund in the amount of \$1,085,000, water and sewer utilities fund in the amount of \$700,000 and the swimming pool utility fund in the amount of \$115,000 which is anticipated to be experienced by the Township in the current (2020) fiscal year, and the same shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-53.

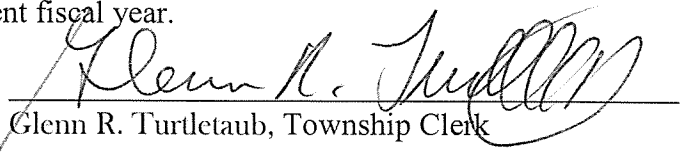
Section 2. The portion of the authorization financed shall be provided for in succeeding annual budgets commencing in 2022 by the inclusion of at least one fifth of the amount authorized by this ordinance and financed and as provided in N.J.S.A. 40A:4-55.

Section 3. A copy of this ordinance shall be filed with the Director of the Division of Local Government Services.

Section 4. This ordinance shall take effect upon final passage and publication as required by law; provided that the approval of the Director has been obtained.

NOTICE OF PENDING ORDINANCE

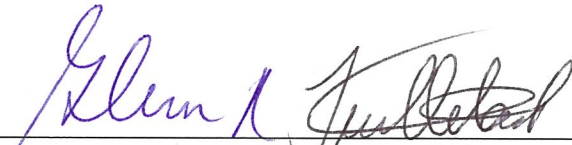
PUBLIC NOTICE IS HEREBY GIVEN that the foregoing ordinance was duly introduced and passed upon first reading at a regular meeting of the Township Council of the Township of Livingston, in the County of Essex, New Jersey, held on November 23, 2020. Further notice is hereby given that said ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Township Council to be held at the Municipal Building, 357 South Livingston Avenue, Livingston, New Jersey, on December 7, 2020 at 7 p.m., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Township Clerk's Office to the members of the general public who shall request the same. The ordinance provides for a special emergency appropriation of \$1,900,000 to provide for the funding of a deficit in operations of the Township directly attributable to COVID-19, consisting of a deficit in operation in the current fund in the amount of \$1,085,000, water and sewer utilities fund in the amount of \$700,000 and the swimming pool utility fund in the amount of \$115,000 which is anticipated to be experienced by the Township in the current fiscal year.



Glenn R. Turteltaub, Township Clerk

NOTICE OF ADOPTION OF ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the ordinance published herewith has been finally adopted by the Township Council of the Township of Livingston, in the County of Essex, New Jersey on December 4, 2020. The ordinance provides for a special emergency appropriation of \$1,900,000 to provide for the funding of a deficit in operations of the Township directly attributable to COVID-19, consisting of a deficit in operation in the current fund in the amount of \$1,085,000, water and sewer utilities fund in the amount of \$700,000 and the swimming pool utility fund in the amount of \$115,000 which is anticipated to be experienced by the Township in the current fiscal year.



Glenn R. Turteltaub, Township Clerk

CLERK'S CERTIFICATE

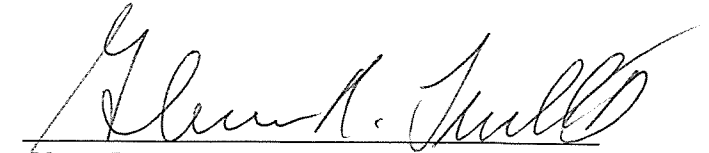
I, Glenn R. Turtletaub, Clerk of the Township of Livingston, in the County of Essex, State of New Jersey, HEREBY CERTIFY as follows that:

**AN ORDINANCE OF THE TOWNSHIP OF LIVINGSTON,
IN THE COUNTY OF ESSEX, NEW JERSEY, PROVIDING
FOR A SPECIAL EMERGENCY PURSUANT TO N.J.S.A.
40A:4-53(m) IN THE AMOUNT OF \$1,900,000 TO FUND A
DEFICIT IN OPERATIONS OF THE TOWNSHIP
DIRECTLY ATTRIBUTABLE TO COVID-19.**

1. The attached copy of Ordinance No. 21 of said Township entitled as set forth below and finally adopted on December 7, 2020, has been compared by me with the original thereof officially recorded in the Ordinance Book of the Township and is a true and correct copy thereof and of the whole of said original Ordinance. The title of said Ordinance is as follows: *(SEE ABOVE)*
2. Said Ordinance was introduced in writing and read and passed on first reading at a regular meeting of the Township Council of said Township duly called and held on November 23, 2020 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), and was passed on second reading and finally adopted by said Township Council, at a regular meeting thereof duly called and held on December 7, 2020 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), following the holding of a public hearing thereon at which all interested persons were given an opportunity to be heard.
3. Said Ordinance was published after first reading, together with notice of the introduction and the date and the time and place of further consideration of said Ordinance (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).
4. On November 20, 2020, said Ordinance was posted on the bulletin board in the Municipal Building of the Township together with notice of the availability of copies of said Ordinance at the Office of the Clerk, and such copies of said Ordinance were made available to all members of the general public requesting the same.
5. After final passage, said Ordinance was duly published on December 10, 2020 in The West Essex Tribune, a newspaper circulating in the Township, and no protest by any person against making the improvement or issuing the indebtedness authorized in said Ordinance, nor any petition requesting that a referendum vote be taken on the action proposed in the Ordinance has been presented to the governing body or to me or filed in my office nor has any such action or proceeding questioning the validity of such Ordinance been commenced within 20 days after such publication (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).
6. Said Ordinance when introduced was complete in the form in which it was finally adopted and remained on file in the Office of the Township Clerk for public inspection from the date of introduction to the date of final adoption.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Township this 7th day of January, 2020.

(SEAL)


Glenn R. Turteltaub, Township Clerk

ATTACHMENTS:

- A) Ordinance
- B) Extract of minutes of Township Council meeting at which Ordinance was introduced
- C) Extract of minutes of Township Council meeting at which Ordinance was finally adopted
- D) Affidavit of First Publication of Ordinance after introduction
- E) Affidavit of Second Publication of Ordinance after final adoption