

CITY OF UNION CITY, NEW JERSEY

ORDINANCE NO. 2017-26

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BOND ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN AND FOR THE CITY OF UNION CITY, COUNTY OF HUDSON, NEW JERSEY; APPROPRIATING THE SUM OF \$1,350,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE CITY OF UNION CITY, COUNTY OF HUDSON, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$1,282,500; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

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**BE IT ORDAINED** by the Board of Commissioners of the City of Union City, County of Hudson, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law") and the Municipal Qualified Bond Act, Chapter 38 of the Laws of 1976 of the State of New Jersey, as amended and supplemented ("Act"), as follows:

**Section 1.** The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the City of Union City, County of Hudson, New Jersey ("City").

**Section 2.** It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the City from all sources for the purposes stated in Section 7 hereof is \$1,350,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$1,282,500; and
- (c) a down payment in the amount of \$67,500 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

**Section 3.** The sum of \$1,282,500 to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$67,500, which amount represents the required down payment, is hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

**Section 4.** The issuance of negotiable bonds of the City in an amount not to exceed \$1,282,500 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

**Section 5.** In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the City in an amount not to exceed \$1,282,500, is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation 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 bond anticipation notes sold, the price obtained and the name of the purchaser.

**Section 6.** The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$275,000.

**Section 7.** The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the amount of down payment for each said purpose; the maximum amount obligations to be issued for each said purpose and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Acquisition of Certain Real Property in and for the City including, but not limited to, Block 200, Lot 7; together with the acquisition of all materials and equipment and completion of all work necessary therefor or related thereto	\$1,350,000	\$67,500	\$1,282,500	40 years

**Section 8.** Grants or other monies received from any governmental entity, if any, will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

**Section 9.** The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 40.00 years. The foregoing notwithstanding, pursuant to Section 4(a) of the Act, N.J.S.A. 40A:3-5(a), any bonds issued pursuant to this Bond Ordinance shall be entitled to a final maturity of thirty (30) years or less from their date of issuance, without regard to any limitations as to maturities or amounts of annual installments for bonds as provided in Title 40 or Title 40A of the New Jersey Statutes.

**Section 10.** This Bond Ordinance authorizes the issuance of obligations of the City solely to meet expenditures as permitted by Section 7(d) of the Local Bond Law, N.J.S.A. 40A:2-7(d). The purposes authorized in this Bond Ordinance are in the public interest and are 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 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 the 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.

**Section 11.** The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original 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. The supplemental debt statement shows that the gross debt of the City, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$1,282,500 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

**Section 12.** The full faith and credit of the City are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance and, to the extent payment is not otherwise provided, the City shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof. In addition, any bonds issued by the city pursuant to this Bond Ordinance shall be entitled to the benefits of the provisions of the Act.

**Section 13.** The applicable Capital Budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and available for inspection.

**Section 14.** The City hereby declares its intent to reimburse itself from the proceed of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code") for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the City prior to the issuance of such bonds or bond anticipation notes.

**Section 15.** The City hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation purposed, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be

“arbitrage bonds” as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the “gross proceeds” (as such terms is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be “federally guaranteed” within the meaning of Section 149(b) of the Code.

**Section 16.** The improvements authorized hereby are not current expenses and are improvements that the City may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

**Section 17.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 18.** In accordance with the Local Bond Law, this Bond Ordinance shall take effect upon the approval of Local Finance Board in the Division of the Local Government Services of the Department of Community Affairs of the State of New Jersey and twenty (20) days after the first publication thereof after final passage.

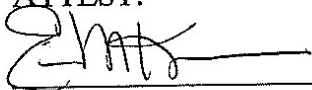
Commissioners	Yea	Nay	Abstain/Present	Absent
Lucio P. Fernandez				X
Tilo E. Rivas	X			
Celin J. Valdivia	X			
Maryury A. Martinetti	X			
Mayor Brian P. Stack	X			

**I HEREBY CERTIFY** this to be a true and correct Ordinance of the City of Union City Board of Commissioners, adopted on October 10, 2017 and will be further considered after a Public Hearing held on March 13, 2018 at 7:00 PM at the Early Childhood Education Center, 200 Kennedy Boulevard, Union City, New Jersey.

INTRODUCED: October 10, 2017

ADOPTED: March 13, 2018

ATTEST:

  
 Erin Knoedler  
 City Clerk

March 13, 2018  
 Date



ORIGINAL

CITY OF UNION CITY  
HUDSON COUNTY, NEW JERSEY  
BOARD OF COMMISSIONERS

REGULAR MEETING

TRANSCRIPT OF RECORDED  
PROCEEDINGS

William V. Musto  
Cultural Center  
420 15<sup>th</sup> Street  
Union City, New Jersey

Tuesday, March 27, 2018  
Commencing at 7:03 p.m.

M E M B E R S   P R E S E N T :

LUCIO P. FERNANDEZ, COMMISSIONER  
MARYURY A. MARTINETTI, COMMISSIONER  
CELIN J. VALDIVIA, COMMISSIONER  
TILO E. RIVAS, COMMISSIONER  
BRIAN P. STACK, MAYOR

M E M B E R S   A B S E N T :

A L S O   P R E S E N T :

ERIN M. KNOEDLER, CITY CLERK

SCARINCI HOLLENBECK  
BY: ANGELO AUTERI, ESQ.  
Corporation Counsel

GREGORY T. FARMER, ESQ.  
CHARLES D. SAPIENZA, ESQ.  
Attorneys for the Union City  
Alcohol Beverage Control Commission

Poland Schubert, Interpreter

*Nothing  
in  
file*

**DTS**

cription Service

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West Orange, N.J. 07052  
(973) 669-1222  
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"Alcoholic Beverages" to Prohibit the  
Distribution of Glass Bottles Between  
9:30 p.m. and 2:00 a.m. Each Day

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1 MS. DILLON: Okay.

2 On the record.

3 CITY CLERK: This is a Regular Public  
4 Meeting of the Union City Board of Commissioners  
5 being held on Tuesday, March 27<sup>th</sup>, 2018, at seven  
6 p.m., at the William Musto Cultural Center, 420  
7 15<sup>th</sup> Street, Union City, New Jersey.

8 Please stand for the Pledge of Allegiance.

9  
10 (Whereupon the Pledge of Allegiance was  
11 said by all.)

12  
13 CITY CLERK: This meeting has been called  
14 in accordance with the Open Public Meetings Act.

15 Adequate notice of the meeting has been  
16 provided to The Jersey Journal, The Record, The  
17 Hudson Reporter, and has been posted on the  
18 bulletin board in City Hall and made available to  
19 the public in the Office of the Municipal Clerk.

20  
21 **ROLL CALL:**

22  
23 CITY CLERK: Commissioner Fernandez?

24 COMMISSIONER FERNANDEZ: Here.

25 CITY CLERK: Commissioner Rivas?

1 COMMISSIONER RIVAS: Here.  
 2 CITY CLERK: Commissioner Valdivia?  
 3 COMMISSIONER VALDIVIA: Here.  
 4 CITY CLERK: Commissioner Martinetti?  
 5 COMMISSIONER MARTINETTI: Here.  
 6 CITY CLERK: Mayor Stack?  
 7 MAYOR STACK: Here.

8 (Whereupon, the Board discussed and took  
 9 action on the following item:

10 **APPROVAL OF PREVIOUS MEETING MINUTES FROM MARCH**  
 11 **13, 2018.)**

12  
 13  
 14 CITY CLERK: The first item is -- for  
 15 approval is the meeting minutes of March 13<sup>th</sup>,  
 16 2018.

17 May I have a motion to approve the minutes?

18 COMMISSIONER VALDIVIA: Motion.

19 CITY CLERK: Motion by Commissioner  
 20 Valdivia.

21 COMMISSIONER RIVAS: Second.

22 CITY CLERK: Motion by Commissioner Rivas.  
 23 Commissioner Fernandez?

24 COMMISSIONER FERNANDEZ: Abstain.

25 CITY CLERK: Abstain.

1 Commissioner Rivas?  
 2 COMMISSIONER RIVAS: Yes.  
 3 CITY CLERK: Commissioner Valdivia?  
 4 COMMISSIONER VALDIVIA: Yes.  
 5 CITY CLERK: Commissioner Martinetti?  
 6 COMMISSIONER MARTINETTI: Yes.  
 7 CITY CLERK: Mayor Stack?  
 8 MAYOR STACK: Yes.

9  
 10 (Whereupon, the Board discussed and took  
 11 action on the following item:

12 **ORDINANCE (S) FOR INTRODUCTION:**

- 13 1. ORDINANCE OF THE CITY OF UNION CITY, COUNTY  
 14 OF HUDSON, NEW JERSEY, CANCELLING CERTAIN FUNDED  
 15 AND UNFUNDED APPROPRIATION BALANCES HERETOFORE  
 16 PROVIDED FOR VARIOUS CAPITAL PROJECTS.)

17  
 18 CITY CLERK: We have one Ordinances on for  
 19 tonight for Introduction.

20 Adoption on first reading will prompt the  
 21 advertisement of the Ordinance and the public  
 22 hearing on April 10<sup>th</sup>, 2018, at Jefferson  
 23 Elementary School, 3400 Palisade Avenue, Union  
 24 City, New Jersey.

25 The Ordinance is an Ordinance of the City



1 of Union City, County of Hudson, New Jersey,  
 2 Cancelling Certain Funded and Unfunded  
 3 Appropriation Balances Heretofore Provided for  
 4 Various Capital Projects.

5 May I have a motion to introduce?

6 MAYOR STACK: Motion.

7 CITY CLERK: Motion by Mayor Stack.

8 Second?

9 COMMISSIONER RIVAS: Second.

10 CITY CLERK: Second by Commissioner Rivas.

11 Commissioner Fernandez?

12 COMMISSIONER FERNANDEZ: Yes.

13 CITY CLERK: Commissioner Rivas?

14 COMMISSIONER RIVAS: Yes.

15 CITY CLERK: Commissioner Valdivia?

16 COMMISSIONER VALDIVIA: Yes.

17 CITY CLERK: Commissioner Martinetti?

18 COMMISSIONER MARTINETTI: Yes.

19 CITY CLERK: Mayor Stack?

20 MAYOR STACK: Yes.

21  
 22 (Whereupon, the Board discussed and took

23 action on the following items in total:

24 **CONSENT AGENDA:**

- 25 ( 1) Resolution Approving the Payment of Claims

- 1 ( 2) Resolution Approving the Payment of
- 2 Concurring Claims
- 3 ( 3) Resolution Approving the Payment of Escrow
- 4 Refunds
- 5 ( 4) Resolution Approving the City Payroll for
- 6 the Period of March 17, 2018 through March 30,
- 7 2018
- 8 ( 5) Resolution Approving the Library Payroll
- 9 for the Period of March 17, 2018 through
- 10 March 30, 2018
- 11 ( 6) Resolution Authorizing Refund of Redemption
- 12 Monies to Outside Lienholders
- 13 ( 7) Resolution Authorizing the Refund of an
- 14 Overpayment
- 15 ( 8) Resolution Authorizing the Refund of
- 16 Premium Monies Collected at the Tax Sale
- 17 ( 9) Resolution Authorizing the Refund of
- 18 Payment
- 19 (10) Resolution Authorizing a Contract with
- 20 Stan's Sport Center for Baseball and Softball
- 21 Equipment and Uniforms
- 22 (11) Resolution Authorizing a Contract with
- 23 Miracle Chemical for Chlorine and Pool Chemicals
- 24 (12) Resolution Authorizing a Contract with
- 25 Magic Touch Construction and Windsor Mechanical,

- 1 LLC for Plumbing and Mechanical Services  
2 (13) Resolution Authorizing a Contract with Zero  
3 Waste for Dog Waste Bags  
4 (14) Resolution Authorizing a Contract with  
5 Michael J. Malpere Co., Inc. for the Capstone  
6 Replacement at Firefighters Memorial Park  
7 (15) Resolution Authorizing the Submission of  
8 the 2017 Municipal Recycling Tonnage Grant  
9 Application  
10 (16) Resolution Authorizing the City Clerk to  
11 Advertise for Bids for HVAC Service and Repair  
12 (17) Resolution Authorizing the City Clerk to  
13 Advertise for Bids for Pool Maintenance  
14 (18) Resolution Authorizing the City Clerk to  
15 Advertise for Bids for Folding Tables  
16 (19) Resolution Authorizing the City Clerk to  
17 Advertise for Bids for Horticultural Services.)

18  
19 CITY CLERK: We have 19 items on the  
20 Consent Agenda.

21 The first is a Resolution Approving the  
22 Payment of Claims.

23 The second is a Resolution Approving the  
24 Payment of Concurring Claims.

25 The third is a Resolution Approving the

1 | Payment of Escrow Refunds.

2 |         The fourth is a Resolution Approving the  
3 | City Payroll for the Period of March 17<sup>th</sup>, 2018  
4 | through March 30<sup>th</sup>, 2018.

5 |         The fifth is a Resolution Approving the  
6 | Library Payroll for the Period of March 17<sup>th</sup>, 2018  
7 | through March 30<sup>th</sup>, 2018.

8 |         The sixth is a Resolution Authorizing the  
9 | Refund of Redemption Monies to Outside  
10 | Lienholders.

11 |         The seventh is a Resolution Authorizing the  
12 | Refund of an Overpayment.

13 |         The eighth is a Resolution Authorizing the  
14 | Refund of Premium Monies Collected at Tax Sale.

15 |         The ninth is a Resolution Authorizing the  
16 | Refund of a Payment.

17 |         The tenth is a Resolution Authorizing  
18 | Contract with Stan's Sport -- Sport Center for  
19 | Baseball and Softball Equipment and Uniforms.

20 |         The eleventh is a Resolution Authorizing a  
21 | Contract for Miracle Chemical for Chlorine and  
22 | Pool Chemicals.

23 |         The twelfth is a Resolution Authorizing a  
24 | Contract with Magic Touch Construction and  
25 | Windsor Mechanical, LLC for Plumbing and

1 Mechanical Services.

2 The thirteenth is a Resolution Authorizing  
3 a Contract with Zero Waste for Dog Waste Bags.

4 The fourteenth is a Resolution Authorizing  
5 a Contract with Michael Malpere Company,  
6 Incorporated for the Capstone Replacement at  
7 Firefighters Memorial Park.

8 The fifteenth is a Resolution Authorizing  
9 the Submission of the 2017 Municipal Recycling  
10 Tonnage Grant Application.

11 The sixteenth is a Resolution Authorizing  
12 the City Clerk to Advertise for Bids for HVAC  
13 Service and Repair.

14 The seventeenth is a Resolution Authorizing  
15 the City Clerk to Advertise for Bids for Pool  
16 Maintenance.

17 The eighteenth is a Resolution Authorizing  
18 the City Clerk to Advertise for Bids for Folding  
19 Tables.

20 The nineteenth is a -- nineteenth is a  
21 Resolution Authorizing the City Clerk to  
22 Advertise for Bids for Horticultural Services.

23 Mayor, at this time would you like to take  
24 public comment on the Consent Agenda?

25 MAYOR STACK: Sure.

1           Anyone wishing to comment on any the  
2 Consent Agenda.

3           That's the items that were just read into  
4 the record by the Clerk.

5           Anyone wishing to comment on the Consent  
6 Agenda, please step forward.

7           Seeing none on the Consent Agenda.

8           CITY CLERK: May I have a motion to close  
9 public comment?

10           COMMISSIONER RIVAS: Motion.

11           CITY CLERK: Motion by --

12           COMMISSIONER VALDIVIA: Second.

13           CITY CLERK: -- Commissioner Rivas.

14           Second by Commissioner Valdivia.

15           Commissioner Fernandez?

16           COMMISSIONER FERNANDEZ: Yes.

17           CITY CLERK: Commissioner Rivas?

18           COMMISSIONER RIVAS: Yes.

19           CITY CLERK: Commissioner Valdivia?

20           COMMISSIONER VALDIVIA: Yes.

21           CITY CLERK: Commissioner Martinetti?

22           COMMISSIONER MARTINETTI: Yes.

23           CITY CLERK: Mayor Stack?

24           MAYOR STACK: Yes.

25           CITY CLERK: May I have a motion to



1 adopt all items on Consent Agenda?

2 COMMISSIONER VALDIVIA: Motion.

3 CITY CLERK: Motion by Commissioner

4 Valdivia.

5 COMMISSIONER FERNANDEZ: Second.

6 CITY CLERK: Second by Commissioner

7 Fernandez.

8 Commissioner Fernandez?

9 COMMISSIONER FERNANDEZ: Yes.

10 CITY CLERK: Commissioner Rivas?

11 COMMISSIONER RIVAS: Yes.

12 CITY CLERK: Commissioner Valdivia?

13 COMMISSIONER VALDIVIA: Yes.

14 CITY CLERK: Commissioner Martinetti?

15 COMMISSIONER MARTINETTI: I'm recusing on

16 payments for Adolfo Lopez and the North Hudson

17 Fire and Rescue.

18 Aye on the rest.

19 CITY CLERK: Mayor Stack?

20 MAYOR STACK: Yes.

21

22 (Whereupon, the Board discussed and took

23 action on the following item:

24 **REGULAR AGENDA:**

25 1. Resolution Approving a Payment of Claims to

1 the Hudson County Improvement Authority.)

2

3 CITY CLERK: We have two items on the  
4 Regular Agenda this evening.

5 The first is a Resolution Approving a  
6 Payment of Claims to the North Hudson --

7 I'm sorry.

8 -- it's Hudson County Improvement  
9 Authority.

10 May I have a motion to approve item 1?

11 COMMISSIONER VALDIVIA: Motion.

12 CITY CLERK: Motion by Commissioner  
13 Valdivia.

14 Second?

15 COMMISSIONER FERNANDEZ: Second.

16 CITY CLERK: Second by Commissioner  
17 Fernandez.

18 Commissioner Fernandez?

19 COMMISSIONER FERNANDEZ: Yes.

20 CITY CLERK: Commissioner Rivas is  
21 abstaining?

22 COMMISSIONER RIVAS: Yes.

23 CITY CLERK: Commissioner Valdivia?

24 COMMISSIONER VALDIVIA: Yes.

25 CITY CLERK: Commissioner Martinetti?

1 COMMISSIONER MARTINETTI: Abstain.

2 CITY CLERK: Commissioner Martinetti is  
3 abstaining.

4 And Mayor Stack?

5 MAYOR STACK: Yes.

6  
7 (Whereupon, the Board discussed and took  
8 action on the following item:

9 **REGULAR AGENDA:**

10 2. Resolution Concurring the Reappointments of  
11 Jeanette Pena and Carlos Vallejo to the Union  
12 City Board of Education.)

13

14 CITY CLERK: The second item is a  
15 Resolution Concurring Reappointments of Jeanette  
16 Pena and Carlos Vallejo to the Union City Board  
17 of Education.

18 MR. AUTERI: Ordinarily Commissioner  
19 Valdivia would abstain on Board of Education  
20 matters. However tonight we're going to invoke  
21 the doctrine of necessity.

22 CITY CLERK: May I have a motion to approve  
23 item 2?

24 COMMISSIONER RIVAS: Move.

25 MAYOR STACK: Second.