

City Clerk File No. Ord. 05-106  
Agenda No. 3.B 1st Reading  
Agenda No. 4.B 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 05-106

TITLE:

**ORDINANCE OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY APPROVING AN AMENDED AND RESTATED WATER SERVICES FRANCHISE AND SERVICE AGREEMENT BETWEEN THE CITY AND THE JERSEY CITY MUNICIPAL UTILITIES AUTHORITY**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:**

**WHEREAS**, the City of Jersey City (the "City") currently owns a water utility (hereinafter referred to and more specifically defined as the "Water System") which provides water service (the "Water Services") within and outside the geographic boundaries of the City; and

**WHEREAS**, the Jersey City Sewerage Authority created by the City pursuant to N.J.S.A. 40:14A-1, *et seq.* and reorganized as the Jersey City Municipal Utilities Authority (the "Authority") by ordinance of the City adopted on December 10, 1997, operates a sewer system (hereinafter referred to and more specifically defined as the "Sewer System") providing for sewerage service (the "Sewer Services") to the residents, businesses and inhabitants of the City, and pursuant to a Franchise and Service Agreement, dated as of February 1, 1998 (the "Original Franchise Agreement") as amended and restated by an Amended and Restated Water Services Franchise and Service Agreement dated as of May 1, 2003 between the City and the Authority (the "2003 Amendment" and together with the Original Franchise Agreement, the "Franchise Agreement") operates the City's Water System until December 31, 2027 (the "Franchise Period"); and

**WHEREAS**, to enable the Authority to keep the Water System in good repair and working order, including making long term capital improvements, to meet the water needs of the residents and property owners of the City and other users of the Water System and to minimize the City's liability to the bondholders of the Authority for obligations issued from time to time for the Water System as set forth in the 2005 Amended and Restated Water Services Franchise and Service Agreement (the "2005 Amended Agreement"), the City desires to amend the Franchise Agreement; and

**WHEREAS**, the City and the Authority have determined that to best meet such needs and objectives it is in the best interests of such residents, property owners and Water System users to amend the Franchise Agreement at this time; and

**WHEREAS**, in order to enable the Authority to provide for the Water Services during the Franchise Period, the City and the Authority desire to enter into the 2005 Amended Agreement to also provide sufficient security to the Authority to enable it to undertake the obligations created by the 2005 Amended Agreement to provide the Water Services for the Franchise Period and upon the terms and conditions provided for therein; and

**WHEREAS**, as part of the obligations of the Authority being undertaken pursuant to the 2005 Amended Agreement, the Authority will assume the responsibility during and for the Franchise Period to make payment of the bonds and other obligations of the City (the "City Water Bonds") previously incurred by the City and to otherwise provide for the financing of improvements to the Water System during the Franchise Period; and

**ORDINANCE OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY APPROVING AN AMENDED AND RESTATED WATER SERVICES FRANCHISE AND SERVICE AGREEMENT BETWEEN THE CITY AND THE JERSEY CITY MUNICIPAL UTILITIES AUTHORITY**

**WHEREAS**, the City will take all steps necessary to assign, for the Franchise Period, all of its rights and obligations under the various water supply agreements it has entered into with other parties (the "Water Supply Agreements") which it has previously assigned to the Authority under the Original Franchise Agreement; and

**WHEREAS**, the Authority agrees that in addition to the provision for the Water Services it agrees to provide herein on behalf of the City during the Franchise Period, as consideration for the City's agreement to provide the security to the Authority by the payments required under the provisions of the 2005 Amended Agreement to the City, the Authority agrees that in consideration for the license by the City of all rights to operations of the Water System for the Franchise Period it will revise and amend the payment obligations contained in the 2003 Amended Agreement and pay to the City during the Franchise Period the amounts set forth in the 2005 Amended Agreement; and

**WHEREAS**, the City and the Authority intend to reconfirm that the 2005 Amended Agreement will deal solely with the operations by the Authority of the Water System and will be in addition to the existing Service Agreement between the City and the Authority which provides security to the Authority and its bondholders in connection with the operation of the Sewer System by the Authority (the "Sewer Service Agreement"); and

**WHEREAS**, in order to enable the Authority to undertake the responsibilities of the Water Services including the issuing of bonds or notes of the Authority as may be required to make any of the payments to the City provided for in the 2005 Amended Agreement, the City and the Authority desire to enter into the 2005 Amended Agreement;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, AS FOLLOWS:**

Section 1. The 2005 Amended Agreement hereinbefore referenced is hereby approved substantially in the form on file in the Office of the Clerk of the City, subject to such changes as may be accepted pursuant to Section 2 hereof, and is hereby incorporated by reference as if set forth at length herein.

Section 2. Upon satisfaction of all the legal conditions precedent to the execution and delivery by the City of the 2005 Amended Agreement as determined by the Mayor of the City of Jersey City, in the County of Hudson (the "Mayor" and together with his duly appointed designee, an "Authorized Officer"), the Mayor is hereby authorized and directed to execute the 2005 Amended Agreement in substantially the form on file in the Office of the Clerk of the City, together with such changes, insertions and omissions thereto as the Mayor, after consultation with the Corporation Counsel to the City and bond counsel to the City, deems necessary or desirable for the execution thereof, and with consent to such changes being evidenced by the execution of such Agreement by the Mayor.

Section 3. The Clerk of the City is hereby authorized and directed, upon the execution of the 2005 Amended Agreement in accordance with the terms of Section 3 hereof, to attest to the signature of the Authorized Officer upon such document and is hereby further authorized and directed thereupon affix the corporate seal of the City upon such document.

**ORDINANCE OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY APPROVING AN AMENDED AND RESTATED WATER SERVICES FRANCHISE AND SERVICE AGREEMENT BETWEEN THE CITY AND THE JERSEY CITY MUNICIPAL UTILITIES AUTHORITY**

Section 4. Upon the execution and attestation and placing of the seal upon the 2005 Amended Agreement as contemplated by Section 2 hereof, an Authorized Officer is hereby authorized and directed to (i) deliver the fully executed, attested and sealed document to the Authority and (ii) perform such other actions as the Authorized Officer deem necessary or desirable in relation to the execution and delivery of the 2005 Amended Agreement.

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore, underlining has been omitted.  
For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

APPROVED AS TO LEGAL FORM

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

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

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

Certification Required

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

Ord. 05-106

ORDINANCE NO. \_\_\_\_\_

TITLE: 3.B. AUG 1 0 2005 4.B. SEP 1 4 2005



Ordinance of the City of Jersey City, in the County of Hudson, New Jersey approving an amended and restated water services franchise and service agreement between the City of Jersey City and the Municipal Utilities Authority.

RECORD OF COUNCIL VOTE ON INTRODUCTION								AUG 1 0 2005 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING								SEP 1 4 2005 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

*YVONNE BALCER*      *BERTRICE SMALLWOOD*  
*MIA SCANGA*        *CHARLENE BURKE*  
*VERNON BURKHART*   *CATHERINE GRIMM*

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE												SEP 1 4 2005 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.				
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓						
SPINELLO	✓			FULOP	✓			FLOOD	✓						
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓						

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on AUG 1 0 2005

Adopted on second and final reading after hearing on SEP 1 4 2005

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on SEP 1 4 2005

Robert Byrne, City Clerk

APPROVED:   
 Mariano Vega, Jr., Council President

Date: SEP 1 4 2005

APPROVED:   
 Jeremiah T. Healy, Mayor

Date: SEP 1 5 2005

Date to Mayor SEP 1 5 2005

\*Amendment(s):

City Clerk File No. Ord. 05-113

Agenda No. 3.I 1st Reading

Agenda No. 4.E 2nd Reading & Final Passage



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 05-113

TITLE:

## ORDINANCE AMENDING CHAPTER 160 (FEES AND CHARGES) OF THE JERSEY CITY CODE

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

A. The following amendment to Chapter 160 (Fees and Charges) of the Jersey City Code is adopted:

SS. Chapter 337, Water.

(8) Water permit fees.

(c) ~~Fire hydrant use permits. The fee for a fire hydrant use permit shall be \$50 per day, per hydrant, minimum of five days; at the option of the applicant, the fee may be based upon actual water usage as indicated by a meter obtained from the Administration Department.~~

Fire hydrant use permits. The fee for a fire hydrant use permit shall be \$50 per day, per hydrant, for a minimum of five days and a maximum of thirty days. If the Municipal Utilities Authority determines that usage at a site so warrants, then at the option of the Municipal Utilities Authority, the fee shall be based upon actual water usage as measured by a meter to be provided by the Administration Department. The Municipal Utilities Authority may require reasonable security for each meter it provides. The Municipal Utilities Authority's option to base the fee on actual usage may be exercised at any time, including while the permit is in effect, or upon any renewal or extension of the permit.

B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

C. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

D. This ordinance shall take effect at the time and in the manner as provided by law.

E. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; words in ~~bracket~~ are omitted. For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

JM/he  
8/04/05

5 0 0 0 4 2 8

APPROVED AS TO LEGAL FORM

Joanne Monahan  
1st Dist Corporation Counsel

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

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

Certification Required   
Not Required

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

Ord. 05-113

ORDINANCE NO. \_\_\_\_\_

3.I. AUG 1 0 2005

4.E. SEP 1 4 2005

TITLE: \_\_\_\_\_

Ordinance amending Chapter 160 (Fees and Charges) of the Jersey City Code. (Water Permit Fees for fire hydrant usage.)



RECORD OF COUNCIL VOTE ON INTRODUCTION											
AUG 1 0 2005 8-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN		✓	
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
SEP 1 4 2005 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	ABSENT		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

*RICHARDSON / LIPSKI*

*YVONNE BALCER*  
*MIA SCANGA*  
*CATHERINE GRIMM*

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
SEP 1 4 2005 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on AUG 1 0 2005

Adopted on second and final reading after hearing on SEP 1 4 2005

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on SEP 1 4 2005

*Robert Byrne*  
Robert Byrne, City Clerk

APPROVED:

*Mariano Vega, Jr.*  
Mariano Vega, Jr. Council President

Date: SEP 1 4 2005

APPROVED:

*Jerramiah Bishop*  
Jerramiah Bishop Mayor

Date: SEP 1 5 2005

Date to Mayor SEP 1 5 2005

\*Amendment(s): \_\_\_\_\_