

**BOROUGH OF WOODBINE  
COUNTY OF CAPE MAY**

**ORDINANCE NO. 559-2016**

**AN ORDINANCE DISSOLVING THE WOODBINE  
MUNICIPAL UTILITIES AUTHORITY AND MOVING ITS  
OPERATIONS INTO THE MUNICIPAL UTILITIES  
DEPARTMENT**

**WHEREAS**, N.J.S.A. 40:14B-1 et seq., known as the “Municipal and County Utilities Authority Law” authorizes counties or municipalities, either separately or in combination with other municipalities, by means and through agency of the municipal Authority, to acquire, construct, maintain, operate, or provide works for the supply or distribution of water, works for the collection, treatment, recycling and disposal of solid waste, works for the collection, treatment, purification, or disposal of sewage or other wastes, and works for the generation and distribution of electric power; and

**WHEREAS**, the Woodbine Municipal Utilities Authority (MUA) was created pursuant to the powers stated herein by way of Ordinance Numbers 153, Section 1, 161, Section 1, and 206; and

**WHEREAS**, pursuant to N.J.S.A. 40A:5A-20, et seq. (Local Fiscal Control Law), the Borough has the power to dissolve the MUA by ordinance, so long as it guarantees its bond obligations, debts, and undertakes its governmental operations; and

**WHEREAS**, in an effort to create more efficient and economic governmental practices, all agreements, contracts, or employees deemed to be unnecessary or superfluous can be re-evaluated, and if necessary, voided by the Borough; and

**WHEREAS**, all assets, real property, and leases, shall be assigned and/or deeded to the Borough; and

**WHEREAS**, all governmental operations currently supervised by the MUA shall be transferred to the Department of Municipal Utilities (DMU); and

**WHEREAS**, all monies, rents, and/or other assets collected by the MUA shall be transferred to the Department of Finance of the Borough for inclusion in the general revenue funds.

**NOW, THEREFORE**, Be It Ordained by the Mayor and Council as follows:

SECTION I                    CHAPTER II, ARTICLE V, SECTION 2 – 30, ENTITLED WOODBINE  
UTILITIES AUTHORITY SHALL BE DELETED IN ITS ENTIRETY

SECTION II                    WOODBINE MUNICIPAL UTILITIES AUTHORITY IS HEREBY  
DISSOLVED PURSUANT TO THE LOCAL FISCAL  
CONTROL LAW

Pursuant to N.J.S.A. 40 A: 5A- 20, et seq. (Local Fiscal Control Law), the Borough is dissolving the Woodbine Municipal Utilities Authority by ordinance and guaranteeing its bond and debt obligations, if any. As of the date of the adoption of this Ordinance all assets and

liabilities, including any debt obligations of the MUA shall be transferred to the borough of Woodbine. Adequate provisions shall be made for the assumption of the payment of all creditors or obligees of the MUA. A copy of this Ordinance, upon passage, shall be filed immediately with the New Jersey Secretary of State and with the Local finance Board.

### SECTION III DEPARTMENT OF MUNICIPAL UTILITIES

All of the powers, functions and/or responsibilities of the MUA shall be undertaken by the Department of Municipal Utilities. The Public Works Manager or Director of the Department of Municipal Utilities, as to case may be, is authorized to take the following actions, consistent with the conditions stated herein:

A. Inventory the assets of the MUA and undertake the necessary administrative actions for said assets to be maintained by the Department of Municipal Utilities.

B. Evaluate all employees of the MUA and maintenance of the assets under the control of the MUA, and determine if it is necessary for said employee to continue, and if necessary, incorporate into the DMU's operations the functions previously handled by the MUA.

### SECTION IV DEPARTMENT OF LAW

The Borough Solicitor is hereby authorized to take the following actions, consistent with the conditions stated herein;

A. Draft and execute deeds and/or other necessary legal documents to transfer title of the property owned by the MUA to the Borough of Woodbine.

B. Draft and execute leases, assignments, and/or other necessary legal documents required to transfer lease obligations, if any, from the MUA to the Borough of Woodbine.

C. Evaluate all employment contracts, agreements, and any other binding documents signed by the MUA and determine whether, in an effort to create more efficient and effective government practices and consistent with the Local Fiscal Control Law, any employment contracts, agreements, and any other binding documents can be terminated.

D. Draft, execute and/or take any other necessary legal action as required to carry out the conditions set forth herein so as to dissolve the MUA and transfer its operations and assets to the Borough of Woodbine.

### SECTION V SEVERABILITY

If any part of this Ordinance shall be declared to be invalid or inoperative, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this Ordinance.

### SECTION VI BOROUGH CODE

The Borough Clerk shall have this Ordinance codified and incorporated in the official copies of the Code of the Borough of Woodbine.

### SECTION VII AMENDING THE CODE OF THE BOROUGH OF WOODBINE

The Borough Clerk and Borough Solicitor may change chapter numbers, article numbers and section numbers, if codification of this Ordinance creates a conflict between those numbers and the existing Code so as to avoid confusion and possible repealing of existing provisions unintentionally.

### SECTION VII CLERICAL ERRORS.

The Borough Clerk and the Borough Solicitor may correct any clerical errors in the printing, publication, and codification of this Ordinance, provided both concur with the correction being made, and both certify in writing to the Mayor as to the specifics of the clerical correction no later than 7 days before the correction is made, or, where a legal deadline for publication applies, no later than the date of the next regular meeting. The said certification shall also be prominently posted no later than the date of the next regular meeting, and thereafter shall be annexed to the corrected original Ordinance and retained by the Borough Clerk.

**SECTION VII LIBERAL INTERPRETATION.**

The Borough Council intends that all general provisions, terms, phrases, and expressions contained in this Ordinance be liberally construed in order to assure that the true intent and meaning of the Borough Council may be fully implemented.

**SECTION VIII EFFECTIVE DATE**

This Ordinance shall take effect upon passage, approval, and publication, as required by law.

**BE IT FURTHER ORDAINED**, that the Mayor, Borough Solicitor and Borough Clerk are authorized to execute all documents necessary to dissolve the MUA and redistribute and/or reassign its assets agreements and/or leases to the Borough, subject to the above conditions and terms being a part thereof

**WILLIAM PIKOLYCKY, MAYOR**

**ATTEST:**

**LISA GARRISON, CLERK**

**INTRODUCED: DECEMBER 1, 2016**

**ADOPTED: MARCH 2, 2017**

