



UNION COUNTY IMPROVEMENT AUTHORITY

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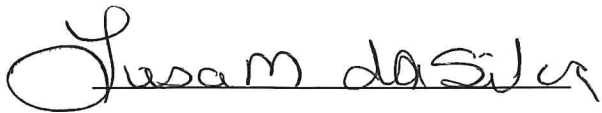
Resolution No. 34-2020


Date: May 6, 2020

RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY AUTHORIZING APPROVAL OF FIRST AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH COUNTY OF UNION PROVIDING THE AUTHORITY WITH FINANCIAL MANAGEMENT SERVICES FOR CAPITAL PROJECTS

APPROVED AS TO FORM:
Lisa M. da Silva, RMC
Clerk of the Authority

APPROVED AS TO SUFFICIENCY OF FUNDS
[] YES [] NO ☒ NONE REQUIRED
UNION COUNTY IMPROVEMENT AUTHORITY





	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
<i>Barnett</i>	✓		✓				✓
<i>Hockaday</i>	✓		✓				
<i>Kolibas</i>	✓		✓				
<i>Marshall</i>		✓				✓	
<i>Mojica, Secretary</i>	✓		✓				
<i>Salerno, Treasurer</i>	✓		✓				
<i>Huff, Vice Chairman</i>	✓		✓				
<i>D'Elia, Chairman</i>	✓		✓				
<i>Vacancy</i>							

**RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY
AUTHORIZING APPROVAL OF FIRST AMENDMENT TO THE MEMORANDUM OF
UNDERSTANDING WITH COUNTY OF UNION PROVIDING THE AUTHORITY
WITH FINANCIAL MANAGEMENT SERVICES FOR CAPITAL PROJECTS**

WHEREAS, a regular meeting of the Union County Improvement Authority (the "Authority") was held on May 6, 2020; and

WHEREAS, pursuant to N.J.S.A. 40:37A-55(t) a county improvement authority is empowered to enter into any and all agreements or contracts, execute any and all instruments and do and perform any and all things necessary, convenient or desirable for the purposes of the Authority or to carry out any power given in the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et seq. (the "Act"), subject to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, pursuant to the Act, the Authority is empowered to, plan, initiate and carry out among other things, facilitating the development and financing of public facilities and development projects within the County of Union; and

WHEREAS, the Union County Improvement Authority (UCIA) is in need of Financial Management Services for Capital Projects; and

WHEREAS, the County adopted Resolution 2019-900 on October 24, 2019 and the Authority adopted Resolution 63-2019 on November 6, 2019 authorizing a Memorandum of Understanding to provide financial management services for capital projects; and

WHEREAS, pursuant to N.J.S.A. 40:37A-44 et seq., a County may, for the purposes of aiding the Authority and cooperating in the planning, undertaking, acquisition or operation of any public facility, appropriate funds to the Authority in such installments and upon such terms as may be agreed upon with the Authority; and

WHEREAS, there is a need to exercise Option 1 to extend services for an additional 6 month period: May 7, 2020 to November 6, 2020 in an amount not to exceed \$30,000.00 to provide financial management services for capital projects with two (2) remaining six (6) month options to extend; and

WHEREAS, the Union County Board of Chosen Freeholders authorized the County Manager to exercise Option 1 to extend services for an additional six month period by adoption of Resolution 2020-322 on April 2, 2020.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE MEMBERS OF THE UNION COUNTY IMPROVEMENT AUTHORITY AS FOLLOW:

1. The Authority hereby authorizes the Executive Director to execute the First Amendment to the Memorandum of Understanding (Option 1 extending services for an additional 6 month period from May 7, 2020 to November 6, 2020 to provide financial management

services for UCIA's capital projects) with the County in substantially the form attached with such changes as shall be approved by the Executive Director on advice of counsel. The Clerk is authorized to attest to the signature of the Executive Director appearing thereon and to affix the seal of the Authority thereto.

2. The Authority authorizes the Authority staff to take all actions reasonable and necessary in connection with all duties and obligations regarding the Financial Management Services for the UCIA's Capital Projects as authorized in the First Amendment to the Memorandum of Understanding and herein.

FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING FINANCIAL MANAGEMENT SERVICES FOR CAPITAL PROJECTS

This **FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING** (the "Amendment") is entered into this _____ day of _____, 2020, by and between the **County of Union**, a Body Politic of the State of New Jersey, having its principal place of business located at Union County Administration Building, 10 Elizabethtown Plaza, Elizabeth, New Jersey, 07207 (hereinafter referred to as the "County"), and the **Union County Improvement Authority**, a Body Politic of the State of New Jersey, having its principal place of business located at 1499 Route 1 & 9 North, Rahway, New Jersey 07076 (hereinafter referred to as the "Authority").

WHEREAS, pursuant to Resolution No. 2019-900, the Authority entered into a Memorandum of Understanding with the County on November 6, 2019 to provide the Authority with financial management services for capital projects for a period of six (6) months in an amount not to exceed \$30,000.00, which amount shall be paid by the County, with three (3), six (6) months options to extend (hereinafter referred to as the "MOU"); and

WHEREAS, pursuant to Resolution No. 2020-322, dated April 2, 2020, the Union County Board of Chosen Freeholders authorized the County Manager to exercise the first option to extend services for an additional six (6) month period from May 7, 2020 to November 6, 2020 in the amount not to exceed \$30,000.00, with two (2) remaining six (6) months options to extend.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises in the MOU and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do agree to amend the MOU as follows:

The County and Authority agree to exercise the first option to extend financial management services for an additional six (6) month period from May 7, 2020 to November 6, 2020 in the amount not to exceed \$30,000.00, which shall be paid by the County, with two (2) remaining six (6) months options to extend.

If applicable, any extension of the original term of this Agreement shall be subject to the annual availability and appropriation of sufficient funds by the County pursuant to N.J.S.A. 40A:11-15.

In all other respects the MOU remains the same. The Authority must ensure that all documents required in the original MOU remain updated to reflect the new terms and remain in effect for the duration of this Amendment. In case of conflict between any of the provisions of this Amendment and the MOU, the provisions of this Amendment shall control.

IN WITNESS WHEREOF, the parties hereto have, either individually or by their duly authorized representative, set their hands and seals the day and year first above written.

ATTEST:

COUNTY OF UNION

JAMES E. PELLETTIERE, Clerk
Board of Chosen Freeholders

EDWARD T. OATMAN
County Manager

APPROVED AS TO FORM:

ROBERT E. BARRY, ESQ.
County Counsel

ATTEST:

UNION COUNTY IMPROVEMENT AUTHORITY



LISA M. DA SILVA Authority Clerk



DANIEL P. SULLIVAN
Executive Director