

Sponsored by: _____

Seconded by: _____

ORDINANCE NO.

**ORDINANCE OF THE CITY OF HOBOKEN IN THE
COUNTY OF HUDSON, STATE OF NEW JERSEY
AUTHORIZING THE ESTABLISHMENT OF THE
HOBOKEN MUNICIPAL HOSPITAL AUTHORITY**

WHEREAS, for over 143 years, St. Mary Hospital has been providing affordable and convenient healthcare services to the residents of the City of Hoboken, in the County of Hudson (the “City”); and

WHEREAS, the City has been advised by St. Mary Hospital that it intends to close and that it has submitted a Certificate of Need to the New Jersey Department of Health and Senior Services for permission to do so; and

WHEREAS, it is hereby declared that a serious public emergency exists affecting the health, safety and welfare of the people of the City resulting from the fact that St. Mary Hospital may close, unless the City takes certain actions; and

WHEREAS, the Legislature of the State of New Jersey (the “State”) has recently enacted the Municipal Hospital Authority Law, which authorizes cities to acquire certain existing urban hospitals and to operate them; and

WHEREAS, it is the purpose of this ordinance to form such an authority to acquire St. Mary Hospital in order to ensure that the citizens of the City continue to have access to affordable healthcare, to maintain and improve the health and welfare of its citizens and to the extent deemed necessary by the City, for such facilities to obtain the financial support and other resources from the City that are needed to operate; and

WHEREAS, the formation of such an authority, the acquisition by such authority of St. Mary Hospital and the operation thereof by such authority is hereby declared to be a public use and purposes; and

WHEREAS, the City Council now desires to create, through the provisions of the Municipal Hospital Authorities Law, a municipal hospital authority to acquire and operate St. Mary Hospital.

NOW THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of Hoboken, in the County of Hudson, New Jersey, as follows:

SECTION 1. Creation: Pursuant to Section 4 of the Municipal Hospital Authority Law, there is hereby created a body corporate and politic and an agency and instrumentality of the City known as the Hoboken Municipal Hospital Authority (the “Municipal Hospital Authority”).

SECTION 2. membership: The Municipal Hospital Authority shall consist of eleven (11) members, consisting of one (1) Class I member, two (2) Class II hospital members, six (6) Class III public members and two (2) Class IV members. The Class I member shall be the Mayor of the City or his designee, ex-officio. The Class II hospital members shall serve on, and be appointed by, the medical staff executive committee of the hospital, to terms concurrent with their membership on the executive committee, and who need not be residents of the City. The Class III public members shall be appointed by the Mayor of the City, with the advice and consent of the City Council. None of the Class III public members shall be officers or employees of the City, the Municipal Hospital Authority or of the management entity which is required to manage the hospital. At least four of the Class III public members shall be residents of the City. At least two of the Class III public members shall have special expertise as follows: one shall have extensive expertise in finance of private or nonprofit organizations, and one shall have extensive expertise in nonprofit organizational management. The Class III public members shall serve for terms of five years and until their respective successors have been appointed and qualified; except that of the six members first appointed by the Mayor, (i) one Class III public member shall serve for an initial term ending on June 30, 2007; (ii) one Class III public member shall serve for an initial term ending on June 30, 2008, (iii) one Class III public member shall

serve for an initial term ending on June 30, 2009; (iv) one Class III public member shall serve for an initial term ending on June 30, 2010; and (v) two Class III public members shall serve for an initial term ending on June 30, 2011. All subsequent terms of Class III public members shall be for five years and shall be staggered in accordance with the above-referenced schedule. The terms of all Class III public members shall begin on July 1 and end on June 30, except that (A) the terms of office of the initial Class III public members shall begin on the date(s) such members are appointed and qualified, and (B) the term of office of any Class III public member shall terminate if such member no longer meets the above qualifications. The hospital's chief executive officer or a designee thereof shall serve as a nonvoting Class IV member. The Commissioner of Community Affairs of the State of New Jersey shall appoint one individual as a nonvoting Class IV member. Any vacancy occurring in the office of member, from any cause, shall be filled in the same manner as the original appointment, but for the unexpired term.

A certificate of the appointment or reappointment of each Class III public member shall be filed with the Municipal Clerk, and that certificate shall be conclusive evidence of the due and proper appointment of that member. A member shall receive no compensation for services, but shall be entitled to reimbursement from the Municipal Hospital Authority for actual expenses necessarily incurred in the discharge of the duties of member. The powers of the Municipal Hospital Authority shall be vested in the members thereof in office from time to time. Five voting members shall constitute a quorum for the purpose of conducting business and exercising powers and all other purposes. Action may be taken by the Municipal Hospital Authority upon the affirmative vote of the majority, but not less than five of the voting members present, unless in any case the bylaws of the Municipal Hospital Authority shall require a larger number. The Municipal Hospital Authority shall select a chairman and a vice-chairman from among the Class III public members, and it may employ an executive director who may be its secretary.

For inefficiency or neglect of duty or misconduct in office, a member may be removed by the governing body or officer by which he was appointed; but a member may be removed only

after the member has been given a copy of the charges at least ten (10) days prior to the hearing thereon and has had the opportunity to be heard in person or by counsel. In the event of a removal of a member, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the Municipal Clerk.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. Since this ordinance is legislative in nature, there shall be the codification of same in the General Ordinance Book of the City.

SECTION 5. A certified copy of this ordinance shall be filed in the Office of the Division of Revenue in the Department of Treasury and in the Office of the Division of Local Government Services in the Department of Community Affairs.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law.

NAME	Campos	DelBoccio	LaBruno	Cammarano	Ramos	Castellano	Russo	Cricco	Giacchi
AYES									
ABSTAIN									
NAYS									
ABSENT									

APPROVED:

APPROVED AS TO FORM:

Richard England, Business Administrator

Joseph S. Sherman, Corp. Council