

EXHIBIT A

ORDINANCE NUMBER XXXX

An Ordinance to Ensure Public Participation in Atlantic City Decision-making

WHEREAS, the residents of Atlantic City have been served by the Atlantic City Municipal Utility Authority (“ACMUA”) since 1980;

WHEREAS, the ACMUA provides safe, adequate, and reliable service in order to meet all domestic, commercial, and fire protection needs;

WHEREAS, The ACMUA processed 4.1 billion gallons of water, with an average daily demand of approximately 11.3 million gallons per day in 2015, and it has determined that it possesses the capacity to satisfy current and projected potable water demands and has sufficient funds to cover all operating expenses;

WHEREAS, a recent independent audit determined that the ACMUA’s “financial condition is strong”;

WHEREAS, the ACMUA charges one of the most affordable rates for service in the state, as the typical household pays less than \$17 per month for such services;

WHEREAS, the water system operated by the ACMUA is therefore an asset that the citizens of Atlantic City do not seek to lease or sell, or have operated by a private company without being afforded adequate notice, public hearings, and an opportunity to deliberate and vote on the fate of the water system;

WHEREAS, Atlantic City faces severe fiscal challenges, including large recurring budget deficits; and

WHEREAS, the Atlantic City Council and voters want to ensure that if the State of New Jersey, acting on behalf of the Atlantic City Council pursuant to the Municipal Stabilization and Recovery Act, P.L. 2016, attempts to dissolve the ACMUA and seeks a contract for the operation or sale or long-term lease of the assets of such authority to a private entity, it must ensure that the public has the same statutory rights of participation in such official actions that are afforded all other New Jerseyans with regard to similar municipal decisions under the law;

IT is hereby ORDAINED that

A.C. Ord. **XXXXXX** (new section):

The City Council or any of the State of New Jersey Executive Branch’s departments, divisions, subdivisions, offices, bureaus and agencies, or officers or employees thereof, including the Director of the Division of Local Government in the Department of Community Affairs, that are acting on behalf of the City Council (collectively, the “State”) may only enter into a contract for the operation or the transfer, sale, or long-term lease of any part of a water system, which includes the real and personal property, facilities, and contracts, monies, and funds transferred to the City upon dissolution of the Atlantic City Municipal Utility Authority (“ACMUA”), if the City Council or the State has taken all steps required by laws applicable to the dissolution of ACMUA and contracting for the operation or transfer, sale, or long-term lease of such water systems, including but not limited to the “Municipal and County Utilities Authorities Law”: P.L. 1957, c. 183 (C. 40:14B-1 et seq.), the “Local Authorities Fiscal Control Law” : P.L. 1983, c.313 (C. 40A:5A-1 et seq.), the “Water Infrastructure Protection Act” : P.L. 2015, c. 18 (C. 58:30-1 et seq.), the “Local Redevelopment and Housing Law,” : P.L. 1992, c. 79 (C.40A;12A-1 et seq.), the “Municipal Land Use Law”: P.L. 1975, c.291 (C.40:55D-1 et seq.), and the New Jersey Municipal Utilities Law,” P. L. 1917, c. 152, art. XXXV, § 1, as amended (C. 40:62-1 et seq.). Such steps shall include all hearings, referenda, public notice, and other applicable requirements provided under N.J.S.A. §§ 40:62-3 through 40:62-5, or 58:30-6(g), as well as any other applicable laws pertaining to public participation in the relevant municipal decisions.

AFFIDAVIT OF CIRCULATOR

pursuant to N.J.S.A. 40:69A-186

STATE OF NEW JERSEY:

: ss.

COUNTY OF ATLANTIC:

I _____ (print name) certifies that (1) s/he and only s/he personally circulated the foregoing paper; (2) all the signatures appended thereto were made in his/her presence; and (3) s/he believes them to be the genuine signatures of the persons whose names they purport to be.

(Circulator's signature)

Sworn to and subscribed
before me this _____ day of _____, 2017.

NOTARY PUBLIC