

RESOLUTION OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY

TITLE:

**RESOLUTION INTRODUCING AND APPROVING THE 2017
AUTHORITY BUDGET FOR THE FISCAL YEAR BEGINNING
JANUARY 1, 2017 AND ENDING DECEMBER 31, 2017**

WHEREAS, the Annual Budget and Capital Budget for the Morris County Improvement Authority (the "Authority") for the fiscal year beginning, January 1, 2017 and ending, December 31, 2017 has been presented before the governing body of the Morris County Improvement Authority at its open public meeting of February 15, 2017; and

WHEREAS, the Annual Budget as introduced reflects Total Revenues of \$20,056,991.00, Total Appropriations, including any Accumulated Deficit, if any, of \$20,205,941.00, and Total Unreserved Retained Earnings utilized of \$148,950.00; and

WHEREAS, the Capital Budget as introduced reflects Total Capital Appropriations of \$0.00 and Total Unreserved Retained Earnings planned to be utilized and funding thereof of \$0.00; and

WHEREAS, the schedule of rates, fees and other charges in effect will produce sufficient revenues, together with all other anticipated revenues to satisfy all obligations to the holders of bonds of the Authority, to meet operating expenses, capital outlays, debt service requirements, and to provide for such reserves, all as may be required by law, regulation or terms of contracts and agreements; and

WHEREAS, the Capital Budget/Program, pursuant to N.J.A.C. 5:31-2, does not confer any authorization to raise or expend funds; rather it is a document to be used as part of the said Authority's planning and management objectives. Specific authorization to expend funds for the purposes described in this section of the budget, must be granted elsewhere; by bond resolution, by a project financing agreement, by resolution appropriating funds from a renewal and replacement reserve or other means provided by law; and

WHEREAS, the Authority has deferred introduction of the Annual Budget and Capital Budget until February 2017, in order to allow for "substantial completion" of photovoltaic projects at nine local unit sites within the County, pursuant to a Procurement and Construction Contract dated as of April 20, 2016, as amended (the "Solar Projects"), and to make a determination of the need for County and/or Authority capital contributions to pay for all or a portion of the cost of construction of such Solar Projects in excess of the funds already available by virtue of the sale of the Authority's "County of Morris

Guaranteed Renewable Energy Program Lease Revenue Bonds, Series 2011A (Federally Taxable)", in the aggregate principal amount of \$34,100,000.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners of the Authority, at an open public meeting held on February 15, 2017 that the Annual Budget, including appended Supplemental Schedules, and Capital Budget/Program of the Authority for the fiscal year beginning, January 1, 2017 and ending, December 31, 2017 is hereby approved; and

BE IT FURTHER RESOLVED, that the anticipated revenues as reflected in the Annual Budget are of sufficient amount to meet all proposed expenditures/expenses and all covenants, terms and provisions as stipulated in the said Authority's outstanding debt obligations, capital lease arrangements, service contracts, and other pledged agreements; and

BE IT FURTHER RESOLVED, that the Board of Commissioners of the Authority will consider the Annual Budget and Capital Budget/Program for adoption on March 15, 2017.

BE IT FURTHER RESOLVED, that, subject to the second sentence of this section, this resolution shall take effect immediately. In accordance with N.J.S.A. 40:37A-50, the Secretary of the Authority is hereby authorized and directed to submit to each member of the Board of Chosen Freeholders of the County, by the end of the fifth business day following this meeting, a copy of the minutes of this meeting. The Secretary is hereby further authorized and directed to obtain from the Clerk of the Board of Chosen Freeholders of the County a certification from the Clerk stating that the minutes of this meeting have not been vetoed by the Director of the Board of Chosen Freeholders of the County.

[Remainder of page intentionally left blank]

MOVED/SECONDED:

Resolution moved by Commissioner _____.
Resolution seconded by Commissioner _____.

VOTE:

Commissioner	Yes	No	Abstain	Absent
Gallop				
Kovalcik				
Ramirez				
Sandman				
Bonanni				

This Resolution was acted upon at the Regular Meeting of the Authority held on February 15, 2017 at the Authority's principal corporate office in Morristown, New Jersey.

Attested to this 15th day of February, 2017

By: _____
Secretary of the Authority

FORM and LEGALITY:

This Resolution is approved as to form and legality as of February 15, 2017.

By: _____
Matthew D. Jessup, Member, McManimon, Scotland & Baumann, LLC
Counsel to the Authority
Resolution No. 17-04