

BOROUGH OF RED BANK
COUNTY OF MONMOUTH
STATE OF NEW JERSEY

ORDINANCE NO. 2022-07

**ORDINANCE DISSOLVING THE RED BANK REDEVELOPMENT AGENCY PURSUANT TO
N.J.S.A. 40A:12A-24 AND REPEALING ARTICLE XIII: "REDEVELOPMENT AGENCY" OF
CHAPTER 9: "BOARDS, COMMITTEES, AND COMMISSIONS" OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF RED BANK**

WHEREAS, the Red Bank Redevelopment Agency was created by Ordinance under the authority granted to the Governing Body of the Borough of Red Bank (the "Borough") by the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, *et seq.*; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-24, "[a] municipality or county may dissolve its redevelopment agency or housing authority by ordinance . . . and transfer all the agency's or authority's assets, liabilities and responsibilities to itself" in accordance with the provisions of the Local Authorities Fiscal Control Law, at N.J.S.A. 40A:5A-20; and

WHEREAS, under N.J.S.A. 40A:5A-20, the Local Finance Board must approve the dissolution of a redevelopment agency, and shall do so only "if it finds that the ordinance or resolution makes adequate provision in accordance with a bond resolution or otherwise for the payment of all creditors or obligees of the authority and that adequate provision is made for the assumption of those services provided by the authority which are necessary for the health, safety and welfare of the recipients of those services"; and

WHEREAS, the Borough's Chief Financial Officer has examined the finances and funding of the Red Bank Redevelopment Agency, and affirmed by letter, attached hereto as Exhibit A, that adequate provisions have been made for the winding up of all obligations of the Agency, as well as for funding the Agency through its dissolution; and

WHEREAS, the services provided by the Red Bank Redevelopment Agency will be subsumed by the Borough's operations in the ordinary course, and no interruption or disruption of any constituent services is anticipated by the dissolution of the Agency; and

WHEREAS, the Borough seeks to dissolve the Red Bank Redevelopment Agency, and seeks approval from the Local Finance Board for said dissolution, pursuant to the procedures of the New Jersey Local Authorities Fiscal Control Law, N.J.S.A. 40A:5A-1, *et seq.*;

NOW, THEREFORE, BE IT ORDAINED, that the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey hereby dissolves the Red Bank Redevelopment Agency; and

BE IT FURTHER ORDAINED by that Article XII: "Redevelopment Agency" of Chapter 9: "Boards, Committees and Commissions" of the Borough's Revised General Ordinances is hereby repealed as follows (~~stricken text deleted~~; underlined text added):

CHAPTER 90: BOARDS, COMMITTEES AND COMMISSIONS

* * *

ARTICLE XIII: REDEVELOPMENT AGENCY

§ 9-53 Agency Created; legislative authority.

Pursuant to the provisions of Section 11 of the Redevelopment Law, the Borough hereby creates a body corporate and politic to be known as the "Red Bank Redevelopment Agency." Such Agency is and shall be an agency and instrumentality of the Borough created by ordinance duly adopted by the Borough Council, and is a "redevelopment agency" as contemplated and provided for by the Redevelopment Law and shall have and exercise all of the powers and perform all of the duties provided for by said Redevelopment Law and any other statutes heretofore or hereafter enacted and applicable thereto.

§ 9-54 Membership; term.

- A. Pursuant to the Redevelopment Law, there shall be seven Commissioners of the Agency, to be appointed by the Mayor with the advice and consent of the Borough Council. Commissioners shall each serve for a term of five years, except that the first set of Commissioner appointees shall be designated to serve for the following terms: one Commissioner for a term of one year, one Commissioner for a term of two years, two Commissioners for terms of three years, one Commissioner for a term of four years and two Commissioners for terms of five years. Not more than two of the seven Commissioners shall be members of the Borough Council or employees of the Borough. Any member of the Borough Council so appointed shall serve for a term of one year. A certificate of the appointment or reappointment of a Commissioner shall be filed with the Borough Clerk and shall serve as conclusive evidence of the proper appointment of such Commissioner.
- B. Each Commissioner shall hold office for the term of his/her appointment and until his/her successor shall have been appointed and qualified. Any vacancy occurring in the office of a Commissioner, from any cause, shall be filled in the same manner as the original appointment, but for the unexpired term.

§ 9-55 Powers.

In addition to all such powers as are specifically granted to the Agency pursuant to the Redevelopment Law, and as may otherwise be generally allowed pursuant to other applicable New Jersey statutes, the Agency shall also have the power to:

- A. Execute plans and projects, pursuant to the approval of the Borough Council as provided by applicable law;
- B. Inquire into, survey and publicize the extent, advantages and utility of vacant land and other dormant and underutilized properties of the Borough;
- C. Classify such land and properties according to its adaptability for the establishment and development thereon of various types of economic activities;
- D. Generally engage in marketing activities to promote the Borough and its assets as a community, for the purpose of attracting desirable redevelopment;
- E. Study and analyze business trends, requirements and developments to ascertain the opportunities for "smart growth" and economic expansion in the Borough;
- F. Advertise the business advantages and opportunities and the availability of suitable sites and facilities in the Borough and otherwise initiate and pursue appropriate efforts to encourage and accomplish economic development within the Borough;
- G. Cooperate with other Borough departments, agencies, committees and local civic organizations to promote, encourage and assist economic development within the Borough;
- H. Arrange for the sale or lease of the Borough's vacant lands to businesses whose location thereon is best calculated, in the judgment of the Agency, to advance the interests of the Borough and of its citizens, all in accordance with plans as approved by the Borough; and
- I. Exercise such other powers as may be reasonably necessary and appropriate to accomplish its purposes and goals in accordance with New Jersey statutes and Borough ordinances.

§ 9-56 Compensation.

Commissioners shall receive no compensation. Commissioners shall be entitled to reimbursement for actual expenses necessarily incurred in the discharge of their duties as Commissioners, including reasonable travel expenses.

§ 9-57 Quorum; selection; adoption of bylaws.

- A. Four Commissioners shall constitute a quorum for the purpose of conducting business and exercising powers and all other purposes.
- B. Action may be taken by the Agency upon the affirmative vote of the majority, but not less than four of the Commissioners present, unless in any case the bylaws of the Agency shall require a larger number.
- C. The Agency shall select a chairman and a vice chairman from among the Commissioners, and it shall employ an executive director, who shall be its secretary.
- D. The Agency shall adopt such bylaws as it deems necessary and appropriate for the conduct of business.

§ 9-58 Disclosure of interests.

No Commissioner or employee of the Agency shall acquire any interest, direct or indirect, in a redevelopment project or in any property included or planned to be included in a project, nor shall he have any interest, direct or indirect, in any contract or proposed contract for materials and services to be furnished or used in connection with a project. If any Commissioner or employee

of the Agency owns or controls an interest, direct or indirect, in any property included or planned to be included in a project, he or she shall immediately disclose the same, in writing, to the Agency, and the disclosure shall be entered upon the minutes of the Agency. Failure so to disclose such an interest shall constitute misconduct in office. A Commissioner or employee required by this section to make a disclosure shall not participate in any action by the Agency affecting the property with respect to which disclosure is required.

~~§ 9-59~~ Removal.

For inefficiency or neglect of duty or misconduct in office, a Commissioner may be removed by the Borough, but a Commissioner may be removed only after he or she has been given a copy of the charges at least 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 Commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the Borough Clerk.

~~§ 9-60~~ ~~Filing.~~

Copies of this article, certified by the Borough Clerk, shall be filed in the office of the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey after the effective date of this article.

§ 9-61 Repealer.

Any ordinance of the Borough adopted prior to the date of adoption of this article that is inconsistent herewith is hereby amended, superseded or repealed, as applicable, to the extent of any such inconsistency.

§ 9-62 When effective.

This article shall take effect in accordance with applicable law.

BE IT FURTHER ORDAINED that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

BE IT FURTHER ORDAINED that any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED that, after introduction, this Ordinance shall be transmitted to the Local Finance Board for its approval prior to adoption by the Borough Council.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its passage and adoption according to law, and shall not be subject to referendum pursuant to N.J.S.A. 40A:5A-20.