

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Kasparian

No. 30-2012.

Seconded by Commissioner Kelaher

Date: Mar. 28, 2012

**AUTHORIZATION TO GO INTO CLOSED SESSION
TO DISCUSS POTENTIAL LITIGATION**

WHEREAS, the meetings of the Commissioners of the Northwest Bergen County Utilities Authority (the "Authority") are subject to the Open Public Meetings Act, N.J.S.A. 10:4-1, et seq. ("OPMA"); and

WHEREAS, in accordance with the OPMA, the Authority may exclude the public from that portion of any meeting in which the Commissioners discuss anticipated litigation in which the Authority may become a party or any matters falling within the attorney/client privilege; and

WHEREAS, the Commissioners wish to review and discuss the March 19, 2012 order (the "Director's Order") issued by the Director of the Division of Local Government Services: (1) determining the County Executive's Veto Message of the Authority's FY 2012 budget is valid and binding; and (2) ordering the Authority to adopt an amendment to its FY 2012 budget to conform with the Veto Message including elimination of the salary appropriation and health appropriation for the Authority's Commissioners.

NOW, THEREFORE, BE IT RESOLVED that the Commissioners of the Northwest Bergen County Utilities Authority go into closed session to discuss anticipated litigation over the matter set forth above; and be it

FURTHER RESOLVED, that the matters to be discussed in closed session may be disclosed to the public at a time in the future when the issues concerning the Director's Order have been resolved and such disclosure will not harm the Authority.

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AUTHORIZATION TO GO INTO CLOSED SESSION
TO DISCUSS POTENTIAL LITIGATION

IT IS HEREBY CERTIFIED that this is a true copy of a Resolution adopted by the Northwest Bergen County Utilities Authority upon a roll call vote of all members of all Commissioners of the Authority eligible to vote at a special emergency meeting held on March 28, 2012.



CHAIRMAN



SECRETARY

Roll Call: Ayes: Commissioners Chewcaskie, Dachnowicz, Kasparian, Kelaher,
Plumley, Salazer, Shafron, Dator
Nays: None
Absent: Commissioner Gabbert

NORTHWEST BERGEN COUNTY UTILITIES AUTHORITY

RESOLUTION

Offered by Commissioner Chewcaskie

No. 31 – 2012.

Seconded by Commissioner Kasparian

Date: Mar. 28, 2012

**AUTHORIZATION TO FILE APPEAL TO
THE LOCAL FINANCE BOARD**

WHEREAS, the Northwest Bergen County Utilities Authority (the “Authority”) received a certain letter dated March 19, 2012 from the Director of the Division of Local Government Services (“Order”) wherein the Director: (1) determined that the Bergen County Executive’s veto message of the Authority’s FY 2012 budget is valid and binding; and (2) ordered the Authority to adopt an amendment to its FY 2012 budget to conform with the requirements of the veto message, including elimination of the salary appropriation and health benefit appropriation for the Authority’s Commissioners; and

WHEREAS, the Commissioners relying upon: (a) the Municipal and County Utilities Authorities Law which provides that no reduction in compensation shall be effective to any member of the Authority then in office; and (b) the State Health Benefits Program which does not permit the unilateral termination of health benefits, dispute the validity of the County Executive’s veto message and the order of the Director; and

WHEREAS, an appeal of an order of the Director is to be filed with the Local Finance Board within ten (10) days of the order.

NOW, THEREFORE, BE IT RESOLVED more than two-thirds (2/3) of the Commissioners determine that this is an emergency situation as the deadline to act pursuant to the Order is March 23, 2012 and an appeal must be filed by March 29, 2012; and

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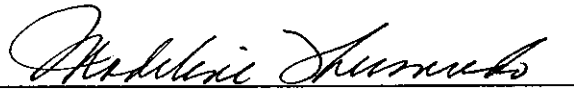
**AUTHORIZATION TO FILE APPEAL TO
THE LOCAL FINANCE BOARD**

IT IS FURTHER RESOLVED that the Commissioners of the Northwest Bergen County Utilities Authority authorize the filing of an appeal with the Local Finance Board contesting the validity of the Order; and

IT IS HEREBY CERTIFIED that this is a true copy of a Resolution adopted by the Northwest Bergen County Utilities Authority upon a roll call vote of all members of all Commissioners of the Authority eligible to vote at a special emergency meeting held on March 28, 2012.



CHAIRMAN



SECRETARY

Roll Call: Ayes: Commissioners Chewcaskie, Dachnowicz, Kasparian, Kelaher,
Plumley, Salazer, Shafron, Dator
Nayes: None
Absent: Commissioner Gabbert