

## ORDINANCE 59-2016

### **AN ORDINANCE OF THE BOROUGH OF MADISON AUTHORIZING THE EXECUTION OF AN INTER-MUNICIPAL AGREEMENT ESTABLISHING THE NEW JERSEY PUBLIC POWER AUTHORITY, A MUNICIPAL SHARED SERVICES ENERGY AUTHORITY**

**WHEREAS**, the Mayor and Council of the Borough of Madison find that the Borough will benefit by joining other municipalities to establish a municipal shared services energy authority according to the provisions set forth in The Municipal Shared Services Energy Authority Act, N.J. Stat. Ann. §40A:66-1(2016) for the purpose of acting jointly to promote the stability and viability of the Member systems and to achieve efficiencies and savings for the retail customers of the Member systems; and

**WHEREAS**, the creation of this municipal shared services energy authority, to be known as the New Jersey Public Power Authority (“NJPPA”), will be governed by an Inter-Municipal Agreement (“IMA”) between the member municipalities; and

**WHEREAS**, The purposes for which NJPPA is organized are to act jointly and perform according to standard electric industry practices all authorized endeavors to achieve savings and efficiencies for retail customers in Member systems through coordinated bulk power and fuel supply programs; undertake the planning, financing, development, acquisition, construction, reconstruction, improvement, enlargement, betterment, operation and maintenance of a project or projects to supply electric power and/or energy for the present and future needs of its Members; and to effect joint development of electric energy resources or production, distribution, and transmission of electric power and/or energy in whole or in part for the benefit of the contracting Members; and to do and perform all acts and things for the benefit of its Members and others, which by law, expressed or implied, it is authorized, empowered or permitted to do and perform

**WHEREAS**, the Mayor and Council find that it would be in the best interest of the Borough of Madison to enter into the IMA in the form attached hereto.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Madison, County of Morris, and State of New Jersey as follows:

**Section 1.** The Borough of Madison shall become a member of a municipal shared services energy authority to be known as the New Jersey Public Power Authority (“NJPPA”).

**Section 2.** The appropriate municipal officials are hereby authorized to execute the Inter-municipal agreement attached hereto.

**Section 3.** Any and all other ordinances inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

**Section 4.** In the event that any section paragraph, clause phrase, term, provision or part of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

**Section 5.** This Ordinance shall take effect immediately upon final passage, approval, publication and the posting of the appropriate signs as required by law.

ADOPTED AND APPROVED

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ROBERT H. CONLEY, Mayor

Attest:

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ELIZABETH OSBORNE, Borough Clerk