

**AN ORDINANCE TO EXCEED THE SFY 2010 MUNICIPAL BUDGET  
APPROPRIATION LIMITS AND ESTABLISHING A CAP BANK**

MC 2009 - 23

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; AND

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding budget years; AND

**WHEREAS**, the City Council of the City of Plainfield finds it advisable and necessary to increase its SFY 2010 Budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; AND

**WHEREAS**, the City of Council of the City of Plainfield hereby determines that a 1% increase in the budget for said year, amounting to \$581,157.16 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; AND

**WHEREAS**, the City Council of the City of Plainfield determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as a cap exception to final appropriation in either of the next two (2) succeeding budget years.

**NOW, THEREFORE, BE IT ENACTED**, by the City Council of the City of Plainfield that:

**Section 1.**

The City Council of the City of Plainfield with regard to the SFY 2010 Budget Year does hereby determine that the final appropriations of the City of Plainfield shall, in accordance with N.J.S.A. 40A:4-45.14 and this Ordinance shall be increased by 3.5%, said increase amounting to \$2,034,050.06, and that the SFY2010 municipal budget be approved and adopted in accordance herewith.

**Section 2.**

Any amount authorized in Section 1 hereinabove that is not appropriated as part of the final budget shall be retained as an exception to the final appropriation in either of the next two (2) succeeding budget years.

**Section 3.**

A certified copy of this Ordinance shall be filed with the Director of the Division of Local Government Services with five (5) days of its introduction.

**Section 4.**

A certified copy of this Ordinance upon final adoption, with the recorded vote included thereon, shall be filed with the Director of the Division of Local Government Services with five (5) days thereafter.

MC 2009 - 23 (PAGE 1 OF 2)

**Section 5**

The validity or enforceability of any provision of this Ordinance shall not affect the remaining provisions of this Ordinance, which shall remain in full force and effect.

**Section 6.**

A Notice of this action shall be published in the official newspaper authorized to publish legal notice for the City as required by law.

**Section 7.**

The Ordinance shall take effect twenty (20) days after final passage and approval, as provided by Law.

FIRST READING

SEPTEMBER 24, 2009