

City Clerk File No. Ord. 09-092

Agenda No. 3.A 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-092

TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AN AMENDMENT TO THE TIDEWATER BASIN REDEVELOPMENT PLAN TO REMOVE BLOCK 166, LOTS 1 AND 2 FROM THE ACQUISITION SCHEDULE

WHEREAS, the Municipal Council of the City of Jersey City adopted the Tidewater Basin Redevelopment Plan on November 10, 1999; and

WHEREAS, the Planning Board, at its meeting of July 14, 2009, determined that the Tidewater Basin Redevelopment Plan should be amended to remove Block 166, Lots 1 and 2 from the acquisition schedule as it had been acquired by eminent domain and subsequently returned to the owner; and

WHEREAS, the Planning Board, at its meeting of July 14, 2009, voted unanimously to recommend that the Municipal Council amend the Tidewater Basin Redevelopment Plan to remove the properties listed above from the acquisition schedule; and

WHEREAS, the subject amendment to the Tidewater Basin Redevelopment Plan is now contained herein and made a part hereof, and is available for public inspection at the Office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the aforementioned amendments to the Tidewater Basin Redevelopment Plan be, and hereby are, adopted.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.

Robert D. Cotter, PP, AICP
Director, Division of City Planning

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

APPROVED:
Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AN AMENDMENT TO THE TIDEWATER BASIN REDEVELOPMENT PLAN TO REMOVE BLOCK 166, LOTS 1 AND 2 FROM THE ACQUISITION SCHEDULE

2. Name and Title of Person Initiating the Ordinance, etc.:

Carl Czaplicki, Director of Housing, Economic Development, and Commerce

3. Concise Description of the Program, Project or Plan Proposed in the Ordinance:

This ordinance amends the Tidewater Basin Redevelopment Plan to remove Block 166, Lots 1 and 2 from the acquisition schedule.

4. Reasons (Need) for the Proposed Program, Project, etc.:

The properties mentioned above had already been acquired by eminent domain and subsequently returned to the owner.

5. Anticipated Benefits to the Community:

The plan will correctly reflect the acquisition schedule for the area.

6. Cost of Proposed Plan, etc.:

\$0.00. Plan was prepared by Division of City Planning staff.

7. Date Proposed Plan will commence:

Upon Adoption.

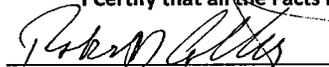
8. Anticipated Completion Date: N/A

9. Person Responsible for Coordinating Proposed Program, Project, etc.:

Robert D. Cotter, Director, City Planning 547-5050

10. Additional Comments:

I Certify that all the Facts Presented Herein are Accurate.



Division Director

Aug 5, 2009

Date

Deputy


Department Director Signature

AUGUST 5, 2009

Date

City Clerk File No. _____ Ord. 09-093

Agenda No. _____ 3.B _____ 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-093

TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AN AMENDMENT TO ARTICLE II (BOARDS AND COMMISSIONS) OF THE LAND DEVELOPMENT ORDINANCE CHANGING THE ARTISTS' CERTIFICATION EXPIRATION FROM FIVE TO TEN YEARS

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-62, may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-64, has sought the recommendations of the Jersey City Planning Board relative to this matter, and the Planning Board, at its meeting of July 14, 2009, did discuss and approve a motion recommending adoption of the within amendment to extend the Artists' Certification from five to ten years; and

WHEREAS, the subject amendment to the Land Development Ordinance is now contained herein and made a part hereof, and is available for public inspection at the Office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey city that the Land Development Ordinance, be and hereby is amended as follows:

Material indicated by strikethrough ~~like this~~ is existing material that is intended to be deleted. Material indicated by bold italic *like this* is new material that is intended to be enacted:

Article II
345-11 Artist Certification Board

- A. Establishment of an Artist Certification Board
 6. Once an artist is certified by the Planning Board, the Planning Board shall forward a copy of its certification decision to the Zoning Officer, who shall retain the certification in the Zoning Officer's files. The certification shall expire ~~five~~ ***ten (10)*** years after the date of the decision by the Planning Board. Renewal application may be filed. In the event a certified artist is divorced or dies, the family of the artist occupying the work/live space shall be given a two year grace period.

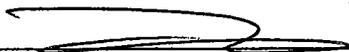
BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect at the time and in the manner as provided by law.
- D. The City Clerk and the Corporation Council be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.


Robert D. Cotter, AICP, PP, Director
Division of City Planning

APPROVED AS TO LEGAL FORM

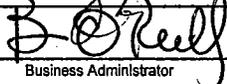


Corporation Counsel

APPROVED:



APPROVED:



Business Administrator

Certification Required
Not Required

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AN AMENDMENT TO ARTICLE II (BOARDS AND COMMISSIONS) OF THE LAND DEVELOPMENT ORDINANCE CHANGING THE ARTISTS' CERTIFICATION EXPIRATION FROM FIVE TO TEN YEARS

2. Name and Title of Person Initiating the Ordinance, etc.:

Carl Czaplicki, Director, Department of Housing, Economic Development, and Commerce

3. Concise Description of the Plan Proposed in the Ordinance:

This Ordinance amends the length of an artist's certification expiration period from five to ten years.

4. Reasons (Need) for the Proposed Program, Project, etc.:

This amendment corrects the inconsistency regarding the length of time for the Artists' Certification within the Powerhouse Arts District (PAD) Redevelopment Plan regarding Artist Certifications. The PAD Redevelopment Plan refers to the certification being valid for ten years, where the LDO states it is five.

5. Anticipated Benefits to the Community:

This amendment will reduce the amount of paperwork needed, therefore extending the benefits directly to the Certified Artists.

6. Cost of Proposed Plan, etc.:

None

7. Date Proposed Plan will commence:

Upon approval

8. Anticipated Completion Date: N/A

9. Persons Responsible for Coordinating Proposed Program, Project, etc.:

Robert D. Cotter, City Planning Director

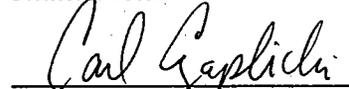
10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.



Division Director

July 31, 2009
Date



Department Director Signature

7/31/09
Date

City Clerk File No. Ord. 09-094

Agenda No. 3.C 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-094

TITLE: ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 53 (PERSONNEL)
ARTICLE XII (COMPENSATION SCHEDULE AMENDMENTS; LONGEVITY
INCREASES)

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

A. The following amendments and supplements to Chapter 53 (Personnel) and of the Jersey City Code are adopted.

ARTICLE XII

Compensation Schedule Amendments; Longevity Increases

§ 53-83. Longevity Increases; CPI; Cancellation of CPI

- A. No Change.
- B. No Change.
- C. All officials, except members of the City Council, whose salaries are required by law to be fixed by ordinance¹ ~~and all department directors~~ shall receive an annual increase in base salary equal to the annual percentage increase in the Implicit Price Deflator for State and Local Government Purchases of Goods and Services [CPI] promulgated annually by the Director of Local Government Services, pursuant to N.J.S.A. 40A:4-45, provided that:

¹[Editor's Note: The following is a list of municipal officers whose salaries are required to be set by ordinance:]

Deputy Municipal Clerk, N.J.S.A. 40A:9-135.

Chief Financial Officer/Municipal Finance Officer, N.J.S.A. 40A:9-140.10.**

Tax Assessor, N.J.S.A. 40A:9-146.**

Deputy Tax Assessor, N.J.S.A. 40A:9-146.

Mayor, N.J.S.A. 40A:9-165.1.

Members of the Governing Body/City Council, N.J.S.A. 40A:9-165.1.

Tax Collector, N.J.S.A. 40A:9-141**

Municipal Clerk, N.J.S.A. 40A:9-133**

Department Directors, N.J.S.A. 40:69A-43

** ~~[In addition, pursuant to]~~ N.J.S.A. 40A:9-165, "no ordinance shall reduce the salary of, or deny without good cause, an increase in salary given to all other municipal officers and employees to any tax assessor, chief financial officer, tax collector or municipal clerk during the term for which he/she shall have been appointed."

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 53 (PERSONNEL) ARTICLE XII (COMPENSATION SCHEDULE AMENDMENTS; LONGEVITY INCREASES)

- (1) No such annual increase shall exceed three and five-tenths percent (3.5%); and
- (2) The first such increase shall take effect on July 1, 1995. Subsequent increases shall take effect on January 1, 1996, and annually thereafter for employees then on the payroll based upon the rate promulgated in the prior year.
- (3) The annual increase in base salary equal to the CPI, provided under Paragraph C hereof, shall be cancelled for January 1, 2010, fiscal year 2010, for all officials heretofore entitled to or receiving the CPI.

JM/he
8/05/09

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required
Not Required

City Clerk File No. Ord. 09-095

Agenda No. 3.D 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-095

TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 26 (VEHICLES AND TRAFFIC) ARTICLE X (SCHEDULES) SCHEDULE 23 (TRAFFIC CONTROL SIGNALS) OF THE JERSEY CITY CODE AND PROVIDING FOR THE INSTALLATION AND OPERATION OF A TRAFFIC CONTROL SIGNAL AT THE INTERSECTIONS OF GREENE STREET AND CHRISTOPHER COLUMBUS DRIVE; GREENE STREET AND GRAND STREET; GREENE STREET AND MONTGOMERY STREET; GREENE STREET AND MORRIS STREET; GREENE STREET AND SUSSEX STREET; GREENE STREET AND YORK STREET AND WASHINGTON STREET AND CHRISTOPHER COLUMBUS DRIVE

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

1. Chapter 26 (Vehicles and Traffic) Article X (Schedules) of the Jersey City Code is hereby supplemented as follows:

Section 26-95

SCHEDULE 23
TRAFFIC CONTROL SIGNALS

1. That the following intersections shall be controlled by a Traffic Control Signal in accordance with the plan bearing the date indicated

INTERSECTION

DATE OF TRAFFIC SIGNAL PLAN

Greene Street and Christopher Columbus Drive

August 6, 2008

Greene Street and Grand Street

August 6, 2008

Greene Street and Montgomery Street

August 6, 2008

Greene Street and Morris Street

August 6, 2008

Greene Street and Sussex Street

August 6, 2008

Greene Street and York Street

August 6, 2008

Washington Street and Christopher Columbus Drive

August 8, 2009

2. That the Traffic Control Signal installed shall be in accordance with the provisions of the Manual on Uniform Traffic Control Devices, Title 39 of the Revised Statutes and the New Jersey Administrative Code; shall conform to the design and shall be maintained in operation, as authorized by the New Jersey Department of Transportation.

3. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

4. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

5. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.

6. This ordinance shall become effective upon adoption and publication as required by law.

7. That if any clause, section or provision of this ordinance is declared invalid by a Court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portion hereof.

NOTE: All the material to be inserted is new and underscored.

JDS:pc1
(08.04.09)

APPROVED: [Signature] 8/5/09
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

APPROVED: [Signature] 8/5/09
Municipal Engineer

APPROVED: _____
Business Administrator

Corporation Counsel

Certification Required

Not Required

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The Department, Division or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

1. Full title of ordinance/ resolution/cooperation agreement:

An ordinance supplementing Chapter 26(Vehicles and Traffic) Article X(Schedules) Schedule 23(Traffic Control Signals) of the Jersey City Code and providing for the installation and operation of a traffic control signal at the intersections Greene Street and Christopher Columbus Drive, Greene Street and Grand Street; Greene Street and Montgomery Street; Greene Street and Morris Street, Greene Street and Sussex Street, Greene Street and York Street and Washington Street and Christopher Columbus Drive

2. Name and title of person initiating ordinance/resolution, etc.:

Joao D'Souza, Director of Traffic and Transportation, Division of Engineering, Traffic and Transportation

3. Concise description of program, project or plan proposed in the ordinance/resolution:

Legalize the traffic control signal installed at the intersections of Greene Street and Christopher Columbus Drive, Greene Street and Grand Street; Greene Street and Montgomery Street; Greene Street and Morris Street; Greene Street and Sussex Street; Greene Street and York Street all of which have an approved signal plan dated August 6, 2008 and Washington Street and Christopher Columbus Drive with an approved signal plan dated August 8, 2009.

4. Reasons (need) for the proposed program, project, etc.:

Legalize the traffic signal installation at the aforementioned intersections

5. Anticipated benefits to the community:

Legalize the aforementioned signalized intersections.

6. Cost of proposed program, project, etc. (Indicate the dollar amount of City, State and Federal funds to be used, as well as match and in-kind contribution:

The intersection is complete. No Cost to the City.

7. Date proposed program, or project will commence:

Pending adoption by the Jersey City Municipal Council

8. Anticipated completion date:

Pending adoption by the Jersey City Municipal Council and publication as required by Law

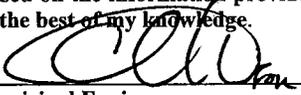
9. Person responsible for coordinating proposed program, project, etc.:

Joao D'Souza, Director of Traffic and Transportation, Division of Engineering, Traffic and Transportation, 201.547.4468

10. Additional comments:

Ordinance proposed at the recommendation of Joao D'Souza, Director of Traffic & Transportation, Division of Engineering, Traffic and Transportation, telephone 201.547.4468.

Based on the information provided to me, I certify that all the facts presented herein are accurate, to the best of my knowledge.


Municipal Engineer

Signature of Department Director

8/6/09
Date

Date

AECOM

570 Broad Street, Suite 501
Newark, NJ 07102
T 973.643.0807 F 973.643.0591 www.aecom.com

November 26, 2008

ENGINEER'S CERTIFICATION

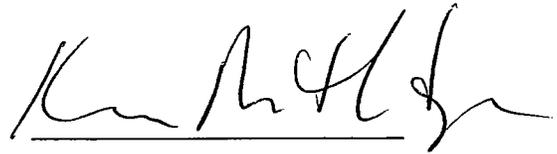
I hereby certify that in my opinion as a licensed Professional Engineer in the State of New Jersey, the as-built construction of the Traffic Signals, Signing, and Striping of

Greene Street and Christopher Columbus Drive (As- Built date 08-06-2008)

In the City of Jersey City in the County of Hudson is in substantial conformance with the applicable MUTCD and AASHTO design criteria and with the New Jersey Department of Transportation design guidelines and standard specifications for road and bridge construction as amended for State Aid projects.

Kevin Northridge, P.E.

(Name of Designer)

A handwritten signature in black ink, appearing to read 'Kevin Northridge', written over a horizontal line.

Project Engineer

(Title)

AECOM
570 Broad Street, Suite 501
Newark, NJ 07102
T 973.643.0807 F 973.643.0591 www.aecom.com

November 26, 2008

ENGINEER'S CERTIFICATION

I hereby certify that in my opinion as a licensed Professional Engineer in the State of New Jersey, the as-built construction of the Traffic Signals, Signing, and Striping of

Greene Street and Grand Street (As- Built date 08-06-2008)

In the City of Jersey City in the County of Hudson is in substantial conformance with the applicable MUTCD and AASHTO design criteria and with the New Jersey Department of Transportation design guidelines and standard specifications for road and bridge construction as amended for State Aid projects.

Kevin Northridge, P.E.

(Name of Designer)

A handwritten signature in black ink, appearing to read 'Kevin Northridge', written over a horizontal line.

Project Engineer

(Title)

AECOM
570 Broad Street, Suite 501
Newark, NJ 07102
T 973.643.0807 F 973.643.0591 www.aecom.com

November 26, 2008

ENGINEER'S CERTIFICATION

I hereby certify that in my opinion as a licensed Professional Engineer in the State of New Jersey, the as-built construction of the Traffic Signals, Signing, and Striping of

Greene Street and Montgomery Street (As- Built date 08-06-2008)

In the City of Jersey City in the County of Hudson is in substantial conformance with the applicable MUTCD and AASHTO design criteria and with the New Jersey Department of Transportation design guidelines and standard specifications for road and bridge construction as amended for State Aid projects.

Kevin Northridge, P.E.

(Name of Designer)

A handwritten signature in black ink, appearing to read 'Kevin Northridge', is written over a horizontal line. To the right of the signature, there is a large, stylized checkmark or flourish.

Project Engineer

(Title)

AECOM
570 Broad Street, Suite 501
Newark, NJ 07102
T 973.643.0807 F 973.643.0591 www.aecom.com

November 26, 2008

ENGINEER'S CERTIFICATION

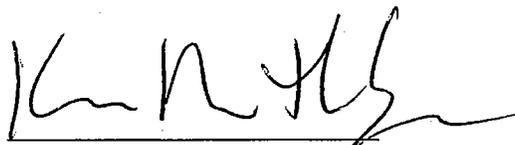
I hereby certify that in my opinion as a licensed Professional Engineer in the State of New Jersey, the as-built construction of the Traffic Signals, Signing, and Striping of

Greene Street and Morris Street (As- Built date 08-06-2008)

In the City of Jersey City in the County of Hudson is in substantial conformance with the applicable MUTCD and AASHTO design criteria and with the New Jersey Department of Transportation design guidelines and standard specifications for road and bridge construction as amended for State Aid projects.

Kevin Northridge, P.E.

(Name of Designer)

A handwritten signature in black ink, appearing to read 'Kevin Northridge', written over a horizontal line.

Project Engineer

(Title)

AECOM
570 Broad Street, Suite 501
Newark, NJ 07102
T 973.643.0807 F 973.643.0591 www.aecom.com

November 26, 2008

ENGINEER'S CERTIFICATION

I hereby certify that in my opinion as a licensed Professional Engineer in the State of New Jersey, the as-built construction of the Traffic Signals, Signing, and Striping of

Greene Street and Sussex Street (As- Built date 08-06-2008)

In the City of Jersey City in the County of Hudson is in substantial conformance with the applicable MUTCD and AASHTO design criteria and with the New Jersey Department of Transportation design guidelines and standard specifications for road and bridge construction as amended for State Aid projects.

Kevin Northridge, P.E.

(Name of Designer)

A handwritten signature in black ink, appearing to read 'Kevin Northridge', written over a horizontal line.

Project Engineer

(Title)

AECOM
570 Broad Street, Suite 501
Newark, NJ 07102
T 973.643.0807 F 973.643.0591 www.aecom.com

November 26, 2008

ENGINEER'S CERTIFICATION

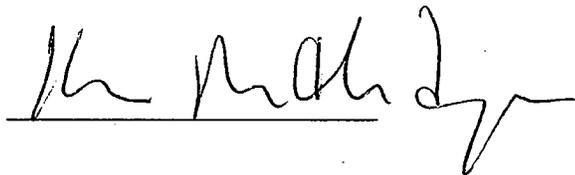
I hereby certify that in my opinion as a licensed Professional Engineer in the State of New Jersey, the as-built construction of the Traffic Signals, Signing, and Striping of

Greene Street and York Street (As- Built date 08-06-2008)

In the City of Jersey City in the County of Hudson is in substantial conformance with the applicable MUTCD and AASHTO design criteria and with the New Jersey Department of Transportation design guidelines and standard specifications for road and bridge construction as amended for State Aid projects.

Kevin Northridge, P.E.

(Name of Designer)

A handwritten signature in black ink, appearing to read 'Kevin Northridge', written over a horizontal line.

Project Engineer

(Title)

AECOM
570 Broad Street, Suite 501
Newark, NJ 07102
T 973.643.0807 F 973.643.0591 www.aecom.com

August 3, 2009

ENGINEER'S CERTIFICATION

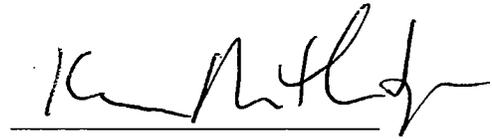
I hereby certify that in my opinion as a licensed Professional Engineer in the State of New Jersey, the as-built construction of the Traffic Signals, Signing, and Striping of

Christopher Columbus Drive & Washington Street (Phase B)

In the City of Jersey City in the County of Hudson is in substantial conformance with the applicable MUTCD and AASHTO design criteria and with the New Jersey Department of Transportation design guidelines and standard specifications for road and bridge construction as amended for State Aid projects.

Kevin Northridge, P.E.

(Name of Designer)

A handwritten signature in black ink, appearing to read 'Kevin Northridge', is written over a horizontal line.

Project Engineer

(Title)

City Clerk File No. Ord. 09-096

Agenda No. 3.E 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-096

TITLE:

REDEVELOPMENT PAY-TO-PLAY REFORM ORDINANCE

WHEREAS, it has become more frequent for developers, sometimes at the request of candidates for local elected office or political party officials, to make substantial political contributions to the election campaigns for local government offices, and to the political parties which support them; and

WHEREAS, the local government officials are, once elected, responsible for deciding the terms of a redevelopment agreement; and

WHEREAS, political contributions from developers entering into agreements for redevelopment projects approved by the elected officials who receive such contributions raise reasonable concerns on the part of taxpayers and residents as to their trust in the process of local redevelopment, including but not limited to redevelopment decisions on tax abatements, zoning densities, publicly funded infrastructure improvements, and acquisition of property rights pursuant to eminent domain; and

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* provides a mechanism to empower and assist local governments in efforts to promote programs for redevelopment; and

WHEREAS, N.J.S.A. 40A:12A-8 allows municipalities or a designated redevelopment entity to enter into agreements with redevelopers for planning, re-planning, construction or undertaking of any project or redevelopment work without public bidding and at such prices and upon such terms as it deems reasonable within areas designated for redevelopment; and

WHEREAS, N.J.S.A. 40A:12A-11 provides that redevelopment entities are instrumentalities of the municipality; and

WHEREAS, both the exceptions to the Open Public Meetings Act, more specifically N.J.S.A. 10:4-12b and N.J.S.A. 40A:12A-8, provide that negotiations for such agreements can be conducted in executive session, provided the full terms of any such agreements are discussed and approved in open session; and

WHEREAS, the City of Jersey City has previously or may declare certain areas of Jersey City to be Areas in Need of Redevelopment under the Local Redevelopment and Housing Law, and has or may adopt a Redevelopment Plan; and

WHEREAS, given the potential of negotiating with private parties or redevelopers and the entering into agreements with such redevelopers without a formal public bidding process, as permitted by the Local Redevelopment and Housing Law, it is necessary to establish certain limitations on political contributions which may undermine public confidence in any redevelopment effort; and

WHEREAS, the restriction against local political contributions contained herein does not impair in any way the remaining opportunities for such redevelopers to speak, write and publish their sentiments about local elections and candidates or to volunteer or associate with campaigns of their own choosing; and

THEREFORE, BE IT ORDAINED by the Council of the City of Jersey City, in the County of Hudson and State of New Jersey, that the policy of the City of Jersey City will be to create such a regulation which states that any entity or individual seeking to enter into a redevelopment agreement or amendment thereto, or is otherwise seeking to obtain rights to develop pursuant to a redevelopment agreement, who makes political contributions to Jersey City City elected officials and local and county political committees, will be ineligible to receive such agreements, or rights from the City of Jersey City.

SECTION 1 - PROHIBITION OF ENTERING INTO OR AMENDING REDEVELOPMENT AGREEMENTS WITH CERTAIN CONTRIBUTORS

- (a) Any other provision of law to the contrary notwithstanding, the City of Jersey City or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement, amend an agreement, or otherwise contract with any redeveloper, as defined in section (c) below, for the planning, re-planning, construction or undertaking of any redevelopment project, including the acquisition or leasing of any public property in conjunction with the redevelopment of any area within the City of Jersey City pursuant to the Local Redevelopment and Housing Law, if that redeveloper has made any "contribution" (as such term is defined at N.J.A.C. 19:25-1.7, which definition includes loans, pledges and in-kind contributions) (hereinafter "contribution"), to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Jersey City or a holder of public office having ultimate responsibility for arranging, entering into, or approving the redevelopment agreement, or for appointing those who enter into the agreement on behalf of the City of Jersey City, or (ii) to any Jersey City or Hudson County political committee or political party committee, or (iii) to any continuing political committee or political action committee that regularly engages in the support of Jersey City municipal or Hudson County elections and/or Jersey City municipal or Hudson County candidates, candidate committees, joint candidate committees, political committees, political parties, political party committees, (hereinafter "PAC"), during the applicable time period which, for purposes of this section, shall be defined as the time period between the date that the property which is the subject of the redevelopment project has been included in a memorializing resolution adopted by the governing body directing the planning board to conduct a preliminary investigation to determine if the site is in need of redevelopment pursuant to and in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, and the date of entering into the redevelopment agreement, amended agreement, or contract (hereinafter "agreement").
- (b) All redevelopment agreements or amendments thereto entered into by the City of Jersey City shall contain a provision prohibiting redevelopers, as defined in section (c) below, to solicit or make any contribution to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Jersey City or a holder of public office having ultimate responsibility for arranging, entering into, or approving the redevelopment agreement, or for appointing those who enter into the agreement on behalf of the City of Jersey City, or (ii) to any Jersey City or Hudson County political committee or political party committee, or (iii) to any "PAC", between the time of first communication between that redeveloper and the municipality regarding a redevelopment project and the later of the termination of negotiations or rejection of any proposal, or the completion of all matters or time period specified in the redevelopment agreement.
- (c) As defined in N.J.S.A. 40A:12A-3, a "redeveloper" means any person, firm, corporation, partnership, limited liability company, organization, association, or public body that shall enter into or propose to enter into an agreement with a municipality or other redevelopment entity for the redevelopment or rehabilitation of an area in need of redevelopment, or an area in need of rehabilitation, or any part thereof, under the provisions of this act, or for any construction or other work forming part of a redevelopment or rehabilitation project. For the purposes of this ordinance the definition of a redeveloper also includes all principals who own ten percent (10%) or more of the equity in the corporation or business trust as well as partners and officers of the redeveloper and any affiliates or subsidiaries directly controlled by the redeveloper. Spouses and any child/children shall also be included.

- (d) For the purposes of this section, the office that is considered to have responsibility for arranging and entering into the redevelopment agreement under the Act shall be (i) the Jersey City City Council if the redevelopment agreement requires approval or appropriation from the Council or a public officer who is responsible for arranging and entering into the redevelopment agreement if that public officer is appointed by the Council, or (ii) the Mayor of Jersey City if the redevelopment agreement requires the approval of the Mayor or a public officer who is responsible for arranging and entering into the redevelopment agreement if that public officer is appointed by the Mayor, or (iii) a designated redevelopment entity, if the redevelopment agreement requires the approval of the redevelopment entity.

SECTION 2 - CONTRIBUTIONS MADE PRIOR TO THE EFFECTIVE DATE

No contribution or solicitation of contributions made prior to the effective date of this Ordinance shall be deemed to give rise to a violation of this Ordinance.

SECTION 3 - CONTRIBUTION STATEMENT OF REDEVELOPER; NOTICE GIVEN BY MUNICIPALITY

- (a) Prior to arranging and entering into the redevelopment agreement with any redeveloper, the City of Jersey City or any of its purchasing agents or agencies or independent authorities, as the case may be, shall receive a sworn statement from the redeveloper (i) that the redeveloper has not made any contribution in violation of Section 1(a) above and (ii) that all persons or entities representing or in the employ or acting as an agent of the redeveloper have agreed to be bound by the terms of this Ordinance. The City of Jersey City, through any appropriate redevelopment agent, agency, officer, authority, or department, shall be responsible for informing the City Council that the aforementioned sworn statement has been received and that the redeveloper is not in violation of this ordinance, prior to awarding the agreement. Furthermore, the redeveloper shall have a continuing duty to report any violations of this ordinance that may occur while arranging and entering into the redevelopment agreement, and until all specified terms or time period of the agreement have been completed. The certification required under this subsection shall be made prior to entry into the agreement with the municipality and shall be in addition to any other certifications that may be required by any other provision of law.
- (b) It shall be the municipality's continuing responsibility to give notice of this Section when the municipality gives notice of redevelopment pursuant to 40A:12A-6 and when the municipality adopts a resolution directing the planning board to prepare a redevelopment plan and at the time that the municipality adopts the ordinance to implement the redevelopment plan.

SECTION 4 - CONTRIBUTION RESTRICTIONS AND DISCLOSURE REQUIREMENT APPLICABILITY TO CONSULTANTS

- (a) The contribution and disclosure requirements in this Ordinance shall apply to all redevelopers as well as professionals, consultants or lobbyists contracted or employed by the business entity ultimately designated as the redeveloper to provide services related to the: (i) lobbying of government officials in connection with the examination of an area and its designation as an area in need of redevelopment or in connection with the preparation, consultation and adoption of the redevelopment plan; (ii) obtaining the designation or appointment as redeveloper; (iii) negotiating the terms of a redevelopment agreement or any amendments or modifications thereto; and (iv) performing the terms of a redevelopment agreement.
- (b) It shall be a breach of the consultant's contract, and shall require immediate termination, for a consultant to violate the contribution limits and disclosure requirements in this Ordinance.
- (c) A redeveloper who participates in, or facilitates, the circumvention of the contribution restrictions through consultants, professionals or agents shall be deemed to be in breach.

SECTION 5 - RETURN OF EXCESS CONTRIBUTIONS

A redeveloper or municipal candidate or officeholder or municipal or county party committee or "PAC" referenced in this ordinance may cure a violation of Section 1 of this Act, if, within 30 days after the date on which the applicable ELEC report is published, the redeveloper notifies the Municipal Council in writing and seeks and receives reimbursement of a contribution from the recipient of such contribution.

SECTION 6 - PENALTY

(a) It shall be a breach of the terms of the Jersey City redevelopment agreement for a redeveloper to: (i) make or solicit a contribution in violation of this ordinance; (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in Jersey City, or a holder of public office having ultimate responsibility for arranging, entering into, or approving the redevelopment agreement, or for appointing those who enter into the agreement on behalf of the City of Jersey City, or any Jersey City or Hudson County political committee or political party committee, or any "PAC"; (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the redeveloper itself, would subject that entity to the restrictions of this Ordinance; (vi) fund contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engage in any exchange of contributions to circumvent the intent of this ordinance; or (viii) directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this Ordinance.

(b) Furthermore, any redeveloper who violates (a) ii-viii shall be disqualified from eligibility for future Jersey City redevelopment agreements for a period of four calendar years from the date of the violation.

SECTION 7 - CITIZENS PRIVATE RIGHT OF ACTION

Notwithstanding any other common right of law, any Jersey City citizen or citizen's group shall have the right to sue any or all entities in violation of this ordinance, including the redeveloper, the candidate or committee as specified in subsection 1(a) above, and/or the City Jersey City, in order to compel those entities to comply with this ordinance.

SECTION 8 - SEVERABILITY

If any provision of this Ordinance, or the application of any such provision to any person or circumstances, shall be held invalid, the remainder of this Ordinance to the extent it can be given effect, or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby, and to this extent the provisions of this Ordinance are severable. The drafters of this Ordinance, the persons signing the petition in support of this Ordinance, and the persons who cast votes in favor of the Ordinance, declare that they would have supported the Ordinance and each section, subsection, sentence, clause, phrase, or provision or application thereof, irrespective of the fact that any one or more other sections, subsections, sentences, clauses, phrases, or provisions or applications thereof may be held invalid.

SECTION 9 - REPEALER

All ordinances or parts of ordinances which are inconsistent with any provisions of this Ordinance are hereby repealed as to the extent of such inconsistencies.

SECTION 10 - EFFECTIVE DATE

This Ordinance shall become effective twenty (20) days following the final adoption thereof by the Municipal Council of the City of Jersey City.

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required
Not Required

City Clerk File No. Ord. 09-097

Agenda No. 3.F 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE
offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-097

TITLE:

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF CERTAIN PROPERTY LOCATED IN AND BY THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING \$8,700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$8,700,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Jersey City, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$8,700,000. Pursuant to N.J.S.A. 40A:12A-37, no down payment is required, as the improvement described in Section 3 is a redevelopment project under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of \$8,700,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of real property described on the Official Tax Map of the City as Block 1639A, Lots 1C, 2A, 3, 4C, and 7; and Block 1627, Lots 1P, 2A, 3B, 4B, 5A and 6A(collectively the "Property"), including all rights therein and all costs necessary therefor or incidental thereto, to allow for the Property to be environmentally remediated and a public park erected thereon.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery

thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the City of Jersey City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 40 years.

(c) The maximum interest rate of interest that the obligations shall bear shall not exceed seven per centum per annum (7.0%).

(d) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the

office of the City Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$8,700,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(e) An aggregate amount not exceeding \$620,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(f) This bond ordinance authorizes obligations of the City solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the City. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the City or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

(g) Pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-3 et seq., the Mayor, the Business

Administrator, the Chief Financial Officer, the Corporation Counsel and other appropriate representatives of the City (the "City Representatives") are hereby authorized to acquire the real property described in Section 3 hereof on behalf of the City, by purchase, gift, condemnation or otherwise. The City Council hereby determines that it is necessary to acquire all interests in the property described in Section 3 in order to make the property available for the construction of a municipal facility to house the operations of one or more City agencies and/or departments. The City Representatives are hereby authorized to proceed with the acquisition of such real property through negotiations with the property owner or owners or other organizations or entities that may be involved. The Mayor of the City is further authorized to execute the contract or contracts necessary therefor, and the City Clerk is authorized to attest such execution in forms recommended by the Corporation Counsel. The signatures thereon shall provide conclusive evidence that the forms of the contracts have been so approved. The City Representatives are authorized to do all things necessary and to execute any such documents as may be reasonably necessary to effectuate the closing, to provide payment for the acquisition and to implement such contracts.

Section 7. The City hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The City hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the

obligations. The Chief Financial Officer is hereby authorized to act on behalf of the City to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The City hereby declares the intent of the City to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used. Such proceeds in the amount of the down payment appropriated herein and in excess of the obligations authorized herein shall be reimbursed to the capital improvement fund.

Section 9. The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change

in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required
Not Required