

City Clerk File No. Ord. 12-155

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 12-155

TITLE: **ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A350
(COUNCIL RULES OF ORDER) RULE V (AGENDA - CONSENT AGENDA)
OF THE JERSEY CITY MUNICIPAL CODE**

COUNCIL offered and moved adoption of the following Ordinance:

- A. The following amendments to Chapter A350 (Council Rules of Order) Rule V (Agenda - Consent Agenda) are hereby adopted:

**COUNCIL RULES OF ORDER
Rule V
Agenda - Consent Agenda**

§A350-6. Rule V: Agenda - Consent Agenda.

A. No Change.

B. No Change.

~~[C.]~~ ~~[Any ordinance that is defeated on first reading shall not be reintroduced or considered in substantially the same form again on first reading for six (6) months after the day of its defeat.]~~

~~[D.]~~ All ordinances, resolutions, claims, contract documents and all other legal documents shall bear the stamp and signature of the corporation counsel approving the same pursuant to law prior to their consideration by the Council. No legal document shall be signed by the Mayor or administrative heads until the approval of the Corporation Counsel is appended thereto.

~~[E.]~~ Consent agenda. Items of business which the Council at its premeeting conferences has determined to be routine and which do not require discussion shall be included under a single section of the calendar known as the "consent agenda." Such items may be adopted, approved or introduced, as the case may be, upon motion by a single roll call vote in accordance with the rules of procedure of the Council.

~~[F.]~~ The consent agenda section of the calendar shall be preceded by an explanatory note substantially as follows:

"All matters listed under Subsection B and D, Consent agenda, are considered routine by the Municipal Council and will be enacted by one (1) motion in the form listed below. There will be no separate discussion of these items. If discussion is desired on any item and permitted by the Council, that item will be considered separately."

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

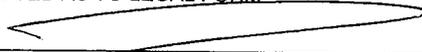
ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER A350 (COUNCIL RULES OF ORDER) RULE V (AGENDA - CONSENT AGENDA) OF THE JERSEY CITY MUNICIPAL CODE

- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. 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.

Note: All new material is underlined; words in [brackets] are omitted.
For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

JM/he
11/14/12

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required
Not Required

City Clerk File No. Ord. 112-156

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 12-156

TITLE:

AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE VIII (PERMIT PARKING) AMENDING SECTION 332-66 (ON-STREET RESIDENT ONLY PERMIT PARKING) OF THE JERSEY CITY CODE EXTENDING ZONE 8 ON-STREET RESIDENT ONLY PERMIT PARKING FOR THE STREETS SURROUNDING NEW JERSEY CITY UNIVERSITY TO INCLUDE FULTON AVENUE BETWEEN J.F. KENNEDY BOULEVARD AND BERGEN, MONDAY THROUGH FRIDAY, 3:00 P.M. TO 9:00 P.M. AND AMEND THE ZONE 8 LIMITS FOR KENNEDY BOULEVARD

WHEREAS, New Jersey City University has a large student population most of whom drive to school and park on area streets; and

WHEREAS, a parking problem exists because area residents are unable to find parking, especially after 3:00 P.M., due to the large volume of traffic and parking taking place in the area; and

WHEREAS, New Jersey City University has, at least three parking lots, off street, for its students to use which provide an adequate alternative to parking on area streets; and

WHEREAS, due to inadequate area parking specifically occurring after 3:00 p.m., Monday through Friday, area residents, many of whom are senior citizens or citizens accompanied by small children, are forced to park unreasonable distances from their homes thereby enhancing the risk of health and public safety problems for said residents; and

WHEREAS, the large number of vehicles coming into the area and the number of legal parking spaces in the area has resulted in an increase in illegal parking in the area, including but not limited to parking in crosswalks, driveways, in fire zones and double parking; and

WHEREAS, the large volume of traffic in the area increases air pollution and has other negative effects on the environment.

THE MUNICIPAL COUNCIL OF JERSEY CITY DOES ORDAIN:

A. The following supplements to Chapter 332 (Vehicles and Traffic) Article II (Traffic Regulations), Article VII (Metered Parking) of the Jersey City Code are hereby adopted.

ARTICLE VII PERMIT PARKING

Sec. 332-66 On-street resident only permit parking zones.

(a) Through (d) No Change

Continued.....

CFL:PCL
(10.26.12)

ZONE 8

No person shall park a vehicle without a valid permit on any of the streets designated below Monday through Friday, 3:00 p.m. to 9:00 p.m.

Audubon Av	Between West Side Av and Bergen Av
Broadman Pkwy	Between the Dead End and Kennedy Blvd
Casper Ct	Entire length
College Dr	Between Audubon Av and Culver Av
College St	Between Audubon Av and Culver Av
Culver Av	Between West Side Av and Kennedy Blvd
Fisk St	Between West Side Av and Mallory Av
Fulton Av	Between [<i>J.F. Kennedy Blvd</i>] <u>Bergen Av</u> and Sterling Av
Grant Av	Between Bergen Avenue and West Side Avenue
Iorio Ct	Entire length
Kennedy Blvd	West side; between Stegman Pkwy and Audubon Av West side; between Culver Av and Broadman Pkwy [<i>West</i>] <u>East</u> side; between Stegman St and Grant Av
Stegman Ct	Entire length
Stegman Parkway	Between West Side Av and Kennedy Blvd
Stegman Pl	Entire length
Stegman St	Between Kennedy Blvd and Bergen Av
Stegman Ter	Entire length
Towers St	Entire length
Van Houten Av	Entire length
ZONE 11	NO CHANGE
ZONE 13	NO CHANGE
ZONE 14	NO CHANGE

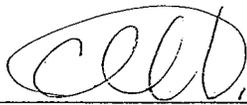
2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

3. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

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 repealers of existing provisions.

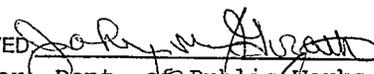
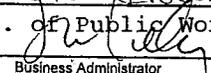
NOTE: All new material to be inserted is underscored; material to be repealed is in [*brackets*].

CFL:pc1
(10.26.12)

APPROVED:  10/26/12
Municipal Engineer

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: 
Director, Dept. of Public Works
APPROVED: 
Business Administrator

Certification Required
Not Required

FACT SHEET

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 332(Vehicles and Traffic) Article VIII (Permit Parking) amending Section 332-66 of the Jersey City Traffic Code extending Zone 11 On-street resident only permit parking for the streets surrounding New Jersey City University to include Fulton Avenue between J.F. Kennedy Boulevard and Bergen Avenue, Monday through Friday, 3:00 p.m. to 9:00 p.m. and amend the Zone 8 limits for Kennedy Boulevard

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

Lee D. Klein, P.E., PTOE, Assistant City Engineer, Division of Engineering, Traffic and Transportation, Department of Public Works at the request of Councilman Michael Sottolano

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

Designate on-street resident only permit parking on Fulton Avenue between Kennedy Boulevard and Bergen Avenue

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

Increase parking spaces for the residents in the area. Prohibit the students attending New Jersey City University from parking on the neighborhood streets as opposed to parking in the University parking lot and or garage.

5.Anticipated benefits to the community:

Increase parking availability to the residents of Fulton Avenue between Kennedy Boulevard and Bergen Avenue, Monday through Friday between the hours of 3:00 p.m. and 9:00 p.m.

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:

Approximately \$200.00 per sign/post installation.	
12 signs	\$1,200.00
4 u posts	400.00 (Most U Posts are installed already)
Total:	\$1,600.00

7.Date proposed program, or project will commence:

Pending adoption by the Jersey City Municipal Council

8.Anticipated completion date:

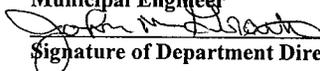
Twenty days after adoption by the Jersey City Municipal Council

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

Patricia Logan, Supervising Traffic Investigator, Division of Engineering, Traffic and Transportation, Department of Public Works for the installation of the permit parking signs.
Mary Spinello-Paretti, CEO, Jersey City Parking Authority for administering the program and issuing the permits to the residents.

10.Additional comments:

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

	<u>10/26/12</u>
Municipal Engineer	Date
	<u>11/8/12</u>
Signature of Department Director	Date

City Clerk File No. Ord. 12-157

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 12-157

TITLE:

AN ORDINANCE AMENDING CHAPTER 3 (ADMINISTRATION AND GOVERNMENT) ARTICLE VI (CONTRACTORS PAY-TO-PLAY REFORM ORDINANCE) ADDING ADDITIONAL PROHIBITED DONATIONS TO CERTAIN COMMITTEES AND CERTAIN CONTRACTORS DOING BUSINESS WITH THE JERSEY CITY SCHOOL DISTRICT

The Municipal Council of the City of Jersey City does hereby ordain:

WHEREAS, large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and by-laws as necessary and proper for good government, as well as the public health, safety and welfare; and

WHEREAS, pursuant to P.L. 2005, c. 271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract; and

WHEREAS, in the interest of good government, the people and the government of the City of Jersey City desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections.

NOW, THEREFORE, BE IT ORDAINED, it shall be the policy of the City of Jersey City to create such a regulation which states that a business entity which makes political contributions to municipal candidates and municipal and county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the City of Jersey City; and

BE IT ORDAINED by the City of Jersey City, in the County of Hudson, State of New Jersey as follows:

SEC. 3-51.1.

DEFINITIONS

As used in this ordinance:

- (a) "Campaign Committee" means (i) every candidate for City of Jersey City elective municipal office; (ii) every candidate committee established by or for the benefit of a committee established in whole or in part by or for the benefit of a ~~candidate for~~ City of Jersey City elected municipal official; (iii) every joint candidate committee established in whole or in part by or for the benefit of a candidate for City of Jersey City elected municipal official (iv) every political party committee of the City of Jersey City; (v) every political party committee of the County of Hudson; and (vi) every political committee, continuing political committee, or a committee organized under 527 of the Internal Revenue Code ~~or other form of association or organization~~

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~~that (regularly) engages in the support of candidates for the City of Jersey City municipal or Hudson County elective offices or City of Jersey City municipal or Hudson County political parties or political party committees; that has within the last calendar year provided financial or in kind support to a candidate for elected office in Jersey City ("PAC"); and (vii) any Legal Defense Fund established by a Jersey City Municipal Elected Official.~~ Their terms in the foregoing paragraph have the meaning prescribed in N.J.A.C. 19:25-1.7.

- (b) "Contribution" has the meaning prescribed in N.J.A.C. 19:25-1.7. By way of illustration, and not limitation, this definition includes pledges, loans, and in-kind contributions.
- (c) A "contract for professional or extraordinary services" means all contracts for "professional services" and "extraordinary unspecifiable services" as such term is used in N.J.S.A. 40A:11-5.
- (d) A "Vendor" means a business entity that enters into a bidded contract for goods and services that are required to be awarded to the lowest bidder pursuant to N.J.S.A. 40A:11-1 et seq. For the purposes of this Ordinance the definition of vendor includes: (i) an individual including the individual's spouse, and any child/children; (ii) a firm; corporation; professional corporation; partnership; limited liability company; organization; association; and any other manner and kind of business entity; (iii) any person who owns 10% or more of the equity or ownership or income interests in a person or entity as defined in sections (i) and (ii) above and their spouses and child/children; (iv) all partners or officers of such an entity, in the aggregate, and their spouses and child/children; (v) any person, subcontractor, subsidiary, corporation, firm, partnership, limited liability company, organization or association who has received or infeasibly acquired the right to receive from a person described in subsection (1) above, more than \$100,000.00 in compensation or income of any kind (including, by way of illustration, and not limitation, wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gifts, in any twelve (12) month period prior to the award of or during the term of a contract subject to this ordinance; and (vi) all persons who are an "affiliate" of a Business Entity as defined in sections (1), (ii) and (v) above, as such term is used in 11 U.S.C. 101(2).
- (e) For purposes of this Ordinance, a "Business Entity" whose contributions are regulated by this ordinance means: (i) an individual including the individual's spouse, and any child/children; (ii) a firm; corporation; professional corporation; partnership; limited liability company; organization; association; and any other manner and kind of business entity; (iii) any person who owns 10% or more of the equity or ownership or income interests in a person or entity as defined in sections (1) and (ii) above and their spouses and child/children; (iv) all partners or officers of such an entity, in the aggregate, and their spouses and child/children; (v) any person, subcontractor, subsidiary, corporation, firm, partnership, limited liability company, organization or association who has received or infeasibly acquired the right to receive from a person described in subsection (1) above, more than \$100,000.00 in compensation or income of any kind (including, by way of illustration, and not limitation, wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gifts, in any twelve (12) month period prior to the award of or during the term of a contract subject to this ordinance; and (vi) all persons who are an "affiliate" of a Business Entity as defined in sections (1), (ii) and (v) above, as such term is used in 11 U.S.C. 101(2).

Section 1- Prohibition on Awarding Public Contracts to Certain Contributors

- (f) To the extent that it is not inconsistent with state or federal law, the City of Jersey City and any of its departments, instrumentalities or purchasing agents shall not enter into any agreement or otherwise contract to procure "professional services" such as term is defined in N.J.S.A. 40A:11-2(6) and used at N.J.S.A. 40A:11-5(1)(a)(i) and/or banking, insurance or other consulting service (hereinafter "Professional Services"), nor "extraordinary unspecified services" as such term is defined at N.J.S.A. 40A 11-2(7) and used at N.J.S.A. 40A:11-5(1)(a)(ii) and/or media, public relations, lobbying, parking garage management or other consulting and/or management service (hereinafter "Extraordinary Unspecified Services") from any Business Entity if such Business Entity has solicited or made any Contribution to (i) a candidate, candidate committee or joint candidates committee of any candidate of elective municipal office in Jersey City or a holder of public office having ultimate responsibility for the award of a contract, 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"), or (iv) any Legal Defense Fund established by a Jersey City Municipal Elected Official; in excess of the thresholds specified in subsection (c) within one calendar year immediately preceding the date of the contract or agreement.
- (g) No Business Entity or Vendor who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement with the City of Jersey City or any of its departments or instrumentalities for the rendition of Goods and Services, Professional Services or Extraordinary Unspecified Services shall knowingly 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 the award of a contract, or (ii) to any Jersey City or Hudson County political committee or political party committee, or (iii) any PAC, or (iv) any Legal Defense Fund established by a Jersey City Municipal Elected Official between the time of first communication between that Business Entity and the municipality regarding a specific agreement for Professional Services or Extraordinary Unspecified Services, and the later of the termination or negotiations or rejection of any proposal, or the completion of the performance or specified time period of that contract or agreement.
- (h) The monetary thresholds of this Ordinance are: (i) a maximum of \$300 per calendar year each for any purpose to any candidate or candidate committee for mayor or governing body, or \$500 per calendar year to any joint candidates committee for mayor or governing body or \$300 per calendar year to a political committee or political party committee ; (ii) \$500 maximum per calendar year to a Hudson County political committee or political party committee; and (iii) \$500 maximum per calendar year to any PAC. However, for each Business Entity or Vendor party to contract for Goods and Services, Professional or Extraordinary Unspecified Services as defined in subparagraph (c)(a), or engaged in negotiations for a contract defined in subparagraph (c) (a), when such Business Entity's Contribution is aggregated with all "persons" defined in subparagraph (d) and (e) of "Definitions" above, by virtue of their affiliation to that Vendor or Business Entity party, a maximum of \$2,500 to all City of Jersey City candidates, candidate committees, joint candidate committees, and holders of public office having ultimate responsibility for the award of a contract, all City of Jersey City or Hudson County political committees and political party committees as described herein combined, without violating subsection (f) and (g) (a) of this section.
- (h) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contact shall be (i) the City of Jersey City Mayor or Governing body, if the contract requires approval or appropriation form the Mayor or Governing body, or (ii) the Mayor of the City of Jersey City, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.

- (i) Rules regarding subcontractors. No person may be awarded a subcontract to perform under a contract subject to this Ordinance, if the subcontractor would be disqualified by paragraph (a) from receiving the contract at the time that the subcontract is awarded. Nor may any person who would be disqualified by paragraph (a) from receiving the contract perform substantially all of obligations described in a contract for professional or extraordinary services that is subject to this ordinance.

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.

SECTIONS 3 to 6. NO CHANGES.

SECTION 7. PENALTY

(m) It shall be a material breach of the terms of a City of Jersey City agreement or contract for Goods and Services, Professional Services, or Extraordinary Unspecified Services when a Business Entity that is a party to such agreement or contract has: (i) made or solicited a Contribution in violation of this Ordinance; (ii) knowingly concealed or misrepresented a Contribution given or received; (iii) made or solicited Contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) made or solicited any Contribution on the condition or with the agreement that it will be re-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 the award of a contract, or any Jersey City or Hudson County political committee or political party committee or any PAC; (v) made or solicited any Contribution through a campaign committee established in support of a Jersey City School Board Member, State Senator or Assemblyperson, on the condition or with the agreement that it will be re-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 the award of a contract (vi) engaged or employed 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 professional Business Entity itself, would subject that entity to the restrictions of this Ordinance; (vii) funded contributions made by third parties, including consultants, attorneys, family members, and employees; (viii) engaged in any exchange of Contributions to circumvent the intent of this Ordinance; or (ix) directly or indirectly, through or by any other person or means, done any act which if done directly would subject that entity to the restrictions of this Ordinance.

(n) Furthermore, any Business Entity or Vendor that violates Section 7 (m) (a) (ii-ix) shall be disqualified from eligibility for future City of Jersey City contracts for a period of four (4) calendar years from the date of the violation.

SECTION 8. EFFECTIVE DATE

- 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 fully set forth therein. 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 on July 1, 2013.
- D. The City Clerk and the Corporation Counsel 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 accidental repealers of existing provisions.

NOTE: All material is new; therefore, underlining has been omitted.
For purposes of advertising only, new matter is indicated by **bold face**
and repealed matter by *italic*.

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required
Not Required

City Clerk File No. Ord. 12-158

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 12-158

TITLE:

AN ORDINANCE AMENDING CHAPTER 3 (ADMINISTRATION AND GOVERNMENT) ARTICLE VI (CONTRACTORS PAY-TO-PLAY REFORM ORDINANCE) ADDING ADDITIONAL PROHIBITED DONATIONS TO CERTAIN COMMITTEES AND CERTAIN CONTRACTORS DOING BUSINESS WITH THE JERSEY CITY SCHOOL DISTRICT

The Municipal Council of the City of Jersey City does hereby ordain:

WHEREAS, large political contributions from those seeking or performing contracts with a municipality raise reasonable concerns on the part of taxpayers and residents as to their trust in government and its business practices; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality is authorized to adopt such ordinances, regulations, rules and by-laws as necessary and proper for good government, as well as the public health, safety and welfare; and

WHEREAS, pursuant to P.L. 2005, c. 271 (codified at N.J.S.A. 40A:11-51) a municipality is authorized to adopt by ordinance, measures limiting the awarding of public contracts to business entities that have made political contributions, and limiting the contributions that the recipient of such a contract can make during the term of a contract; and

WHEREAS, in the interest of good government, the people and the government of the City of Jersey City desire to establish a policy that will avoid the perception of improper influence in public contracting and local elections.

NOW, THEREFORE, BE IT ORDAINED, it shall be the policy of the City of Jersey City to create such a regulation which states that a business entity which makes political contributions to municipal candidates and municipal and county political parties in excess of certain thresholds shall be limited in its ability to receive public contracts from the City of Jersey City; and

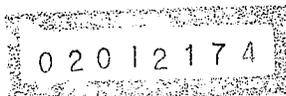
BE IT ORDAINED by the City of Jersey City, in the County of Hudson, State of New Jersey as follows:

SEC. 3-51.1.

DEFINITIONS:

As used in this ordinance:

(a) "Campaign Committee" means (i) every candidate for City of Jersey City elective municipal office; (ii) every candidate committee established by or for the benefit of a candidate for City of Jersey City elective municipal office; (iii) every joint candidate committee established in whole or in part by or for the benefit of a candidate for City of Jersey City elective municipal office; (iv) any candidate committee or joint candidate committee established by a candidate or office holder for Assembly or Senate elected



office which represents a district encompassing Jersey City and which has given direct monetary or in kind support to any candidate or office holder of any Jersey City elective municipal office in the twelve months prior to the award of, or during the term of, a contract subject to this ordinance; and (v) every candidate for City of Jersey City elective Board of Education office (iv) every political party committee of the City of Jersey City; (v) every political party committee of the County of Hudson; and (vii) every political committee, continuing political committee, or other form of association or organization that regularly engages in the support of candidate for the City of Jersey City municipal or Hudson County elective offices or City of Jersey City municipal or Hudson county political parties or political party committees. The terms in the foregoing paragraph have the meaning prescribed in N.J.A.C. 19:25-1.7.

(b) “Contribution” has the meaning prescribed in N.J.A.C. 19:25-1.7. By way of illustration, and not limitation, this definition includes pledges, loans, and in-kind contributions.

(c) A “contract for professional or extraordinary services” means all contracts for “professional services” and “extraordinary unspecifiable services” as such term is used in N.J.S.A. 40A:11-5.

(d) For purposes of this Ordinance, a “Business Entity” whose contributions are regulated by this ordinance means: (i) an individual including the individual’s spouse, and any children/children; (ii) a firm; corporation; professional corporation; partnership; limited liability company; organization; association; and other manner and kind of business entity; (iii) any person who owns 10% or more of the equity or ownership or income interests in a person or entity as defined in sections (i) and (ii) above and their spouses and child/children; (v) any person, subcontractor, subsidiary, corporation, firm, partnership, limited liability company, organization or association who has received or infeasibly acquired the right to receive, from a person described in subparagraph (i) above, more than \$100,000.00 in compensation or income of any kind (including, by way of illustration, and not limitation: wages, salaries, sums paid to independent contractors, benefits, dividends, profit-sharing, pension contributions, deferred contributions, stock, stock options or gift), in any twelve (12) month period prior to the award of, or during the term of, a contract subject to this ordinance; and (vi) all persons who are an “affiliate” of a Business Entity as defined in sections (i), (ii) and (v) above, as such term is used in 11 U.S.C. 101(2).

(e) “Political Committee or Continuing Political Committee” means (i) every political party committee of the City of Jersey City; (ii) every state or county political party committee; (iii) every legislative leadership committee; (iv) every political committee, continuing political committee, or other organization, entity or form of association required to register annually with ELEC that has undertaken any of the following actions in the twelve (12) months prior to the award of, or during the term of, a contract subject to this ordinance: (1) made a direct monetary contribution in excess of \$200.00 or in kind contribution, to any candidate committee established for the benefit of a candidate for City of Jersey City municipal election; (2) transfers more than five percent (5%) of its assets to a candidate committee established for the benefit of a candidate for City of Jersey City municipal election; (3) advertises in express support or advocacy for the election of any candidate for City of Jersey City municipal election; (4) engages in voter identification initiatives within the City of Jersey City; or (5) engages in voter registration and get-out-the-vote activities defined by 11 C.F.R. 100.133 within the City of Jersey City. The terms within have the meaning proscribed in N.J.A.C. 19:25-1.7 and N.J.S.A. 19:44A-1 et seq.

SECTION 1 – PROHIBITION ON AWARDING PUBLIC CONTRACTS TO CERTAIN CONTRIBUTORS

(f) To the extent that it is not inconsistent with state or federal law, the City of Jersey City and any of its departments, instrumentalities or purchasing agents shall not enter into any agreement or otherwise contract to procure “professional services” as such term is

defined at N.J.S.A. 40A:11-2(6) and used at N.J.S.A. 40A:11-5(1)(a)(i) and/or banking, insurance or other consulting service (hereinafter "Professional Services"), not "extraordinary unspecified services" as such term is defined at N.J.S.A. 40A:11-2(7) and used at N.J.S.A. 40A:11-5(1)(a)(ii) and/or media, public relations, lobbying, parking garage management or other consulting and/or management service (hereinafter "Extraordinary Unspecified Service") from any Business Entity if such Business Entity has solicited or made any Contribution in excess of the thresholds specified in subsection (c) within one calendar year immediately preceding the date of the contract or agreement, to (i) any Candidate Committee as defined by subparagraph (a) of "Definitions" or (ii) any political committee or political party committee or PAC as defined by subparagraph (e) of "Definitions" 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 the award of a contract, or (ii) to any Jersey City or any state or county Hudson County political committee or political party committee, or (iii) to any continuing political committee or political action committee that in the twelve (12) months prior to the award of, or during the term of, a contract subject to this ordinance, has given direct monetary or in kind support in excess of \$200, to any 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"), in excess of the thresholds specified in subsection (e) within one calendar year immediately preceding the date of the contract or agreement or (iv) to any other organization, entity or form of association required to register annually with ELEC (hereinafter "PAC"), that regularly engages in the support of in the twelve (12) months prior to the award of, or during the term of, a contract subject to this ordinance has either: (1) made a direct monetary contribution in excess of \$200.00 or in kind contribution, to any candidate committee established for the benefit of a candidate for City of Jersey City municipal election; (2) transfers more than five percent (5%) of its assets to a candidate committee established for the benefit of a candidate for City of Jersey City municipal election; (3) advertises in express support or advocacy for the election of any candidate for City of Jersey City municipal election; (4) engages in voter identification initiatives within the City of Jersey City; or (5) engages in voter registration and get-out-the-vote activities defined by 11 C.F.R. 100.133 within the City of Jersey City.

(g) (f) No Business Entity who submits a proposal for, enters into negotiations for, or agrees to any contract or agreement with the City of Jersey City or any of its departments or instrumentalities for the rendition of Professional Services or Extraordinary Unspecified Services shall knowingly solicit or make any Contribution, to (i) any Candidate Committee as defined by subparagraph (a) of "Definitions" above, 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 the award of a contract, or (ii) to any political committee or political party committee, or PAC as defined by subparagraph (e) of "Definitions" above; any PAC between the time of first communication between that Business Entity and the municipality regarding a specific agreement for Professional Services or Extraordinary Unspecified Services, and the later of the termination or negotiations or rejection of any proposal, or the completion of the performance or specified time period of that contract or agreement.

(h) (g) The monetary thresholds of this Ordinance are: (i) a maximum of \$200 per calendar year each for any purpose to any candidate or candidate committee for mayor or governing body, or \$200 per calendar year to any joint candidates committee for mayor or governing body or \$200 per calendar year to a political committee or political party committee or \$200 per calendar year to a candidate for Jersey City Board of Education, or \$200 per calendar year to any candidate or office holder for Assembly or Senate elected office, as defined in subparagraph (a) in "Definitions" above; (ii) \$200 maximum per calendar year to any state, county, or Jersey City political committee or political party committee or PAC ; and (iii) \$200 maximum per calendar year to any political committee or continuing political committee as defined by subparagraph (e) in "Definitions" above. However, for each Business Entity party to contract for Professional or Extraordinary Unspecified Services as defined in subparagraph (a), or engaged in negotiations for a contract defined in subparagraph (a), when such Business Entity's Contribution is aggregated with all "persons" defined in subparagraph (d) of

"Definitions" above, by virtue of their affiliation to that Business Entity party, a maximum of \$2,500 to all Candidate Committees as defined by subparagraph (a) in "Definitions" above, City of Jersey City candidates, candidate committees, joint candidate committees, and holders of Jersey City public office having ultimate responsibility for the award of a contract, all City of Jersey City candidates for Board of Education, all City of Jersey City or Hudson County any political committees, and political party committees, continuing political committee or PACs as defined in subparagraph (e) of "Definitions" as described herein combined, without violating subsection (a) of this section.

(h) (i) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contact shall be (i) the City of Jersey City Mayor Governing body, if the contract requires approval or appropriation form the Mayor or Governing body, or (ii) the Mayor of the City of Jersey City, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.

(i) (j) Rules regarding subcontractors. No person may be awarded a subcontract to perform under a contract subject to this Ordinance, if the subcontractor would be disqualified by paragraph (a) from receiving the contract at the time that the subcontract is awarded. Nor may any person who would be disqualified by paragraph (a) from receiving the contract perform substantially all of obligations described in a contract for professional or extraordinary services that is subject to this ordinance.

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.

SECTIONS 3 to 12. NO CHANGES.

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This Ordinance shall take effect at the time and in the manner as provided by law.
- E. 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.

Note: All new material is underlined; words in brackets are omitted. For purposes of advertising only, new matter is **Boldfaced** and repealed matter by *italics*.

WM/igp
10/15/12

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required
Not Required