

City Clerk File No. Ord. 12-155

Agenda No. 3.A 1st Reading

Agenda No. 4.A 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.

~~[D.]~~ 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.

~~[E.]~~ 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- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

0 2 0 1 2 1 6 6

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.

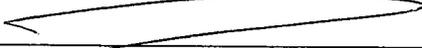
D. This ordinance shall take effect at the time and in the manner as provided by law.

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*.

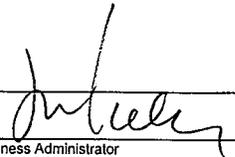
JM/he  
11/14/12

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

  
\_\_\_\_\_  
Business Administrator

Certification Required   
Not Required

# Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 12-155  
 TITLE: 3.A. NOV 28 2012 4.A. DEC 19 2012



Ordinance amending and supplementing Chapter A350  
 (Council Rules of Order) Rule V (Agenda-Consent  
 Agenda) of the Jersey City Municipal Code.

RECORD OF COUNCIL VOTE ON INTRODUCTION								NOV 28 2012 6-3			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO		✓		GAUGHAN		✓		BRENNAN		✓	
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			COLEMAN	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING								DEC 19 2012 9-0			
Councilperson <u>BRENNAN</u>				moved, seconded by Councilperson <u>GAUGHAN</u>				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			COLEMAN	✓		

✓ Indicates Vote JASON BURG

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____				moved to amend* Ordinance, seconded by Councilperson _____				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON				COLEMAN			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE												DEC 19 2012 6-3			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.				
SOTTOLANO		✓		GAUGHAN		✓		BRENNAN		✓					
DONNELLY	✓			FULOP	✓			LAVARRO	✓						
LOPEZ	✓			RICHARDSON	✓			COLEMAN	✓						

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 28 2012  
 Adopted on second and final reading after hearing on DEC 19 2012

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on DEC 19 2012

Robert Byrne  
 Robert Byrne, City Clerk

APPROVED: Peter M. Brennan  
 Peter M. Brennan, Council President

\*Amendment(s):

Date: DEC 19 2012  
 APPROVED: Jerramiah T. Healy  
 Jerramiah T. Healy, Mayor

Date DEC 28 2012

Date to Mayor DEC 20 2012

City Clerk File No. Ord. 12-156

Agenda No. 3.B 1st Reading

Agenda No. 4.B. 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.

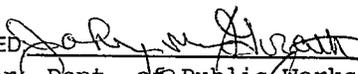
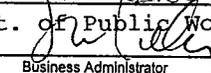
4. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible repealers of existing provisions.

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

CFL:pcl  
(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

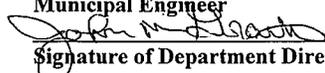
**9.Person responsible for coordinating proposed program, project, etc.:**

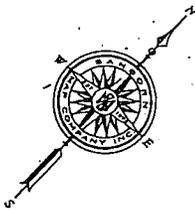
Patricia Logan, Supervising Traffic Investigator, Division of Engineering, Traffic and Transportation, Department of Public Works for the installation of the permit parking signs.

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.

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



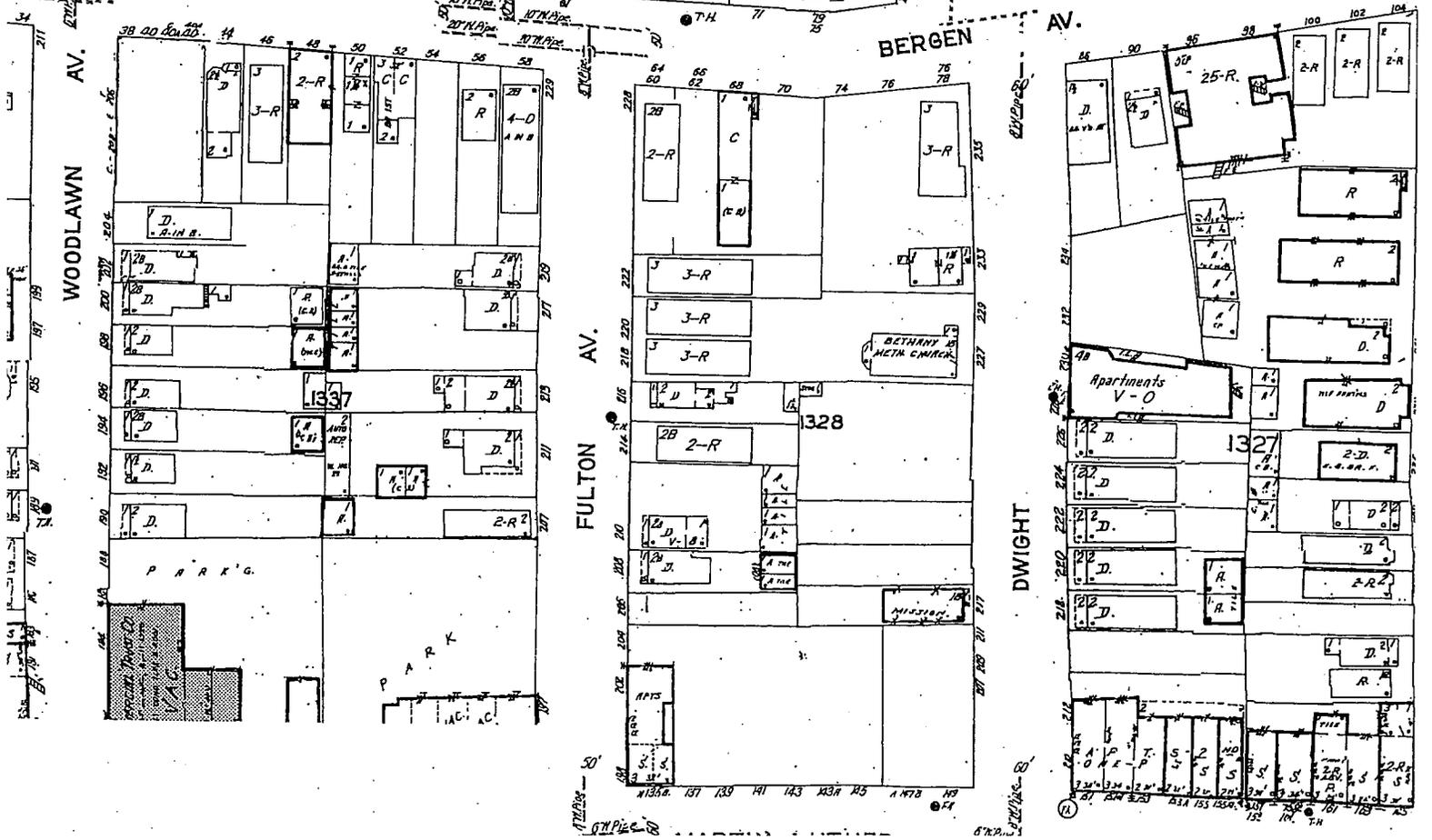
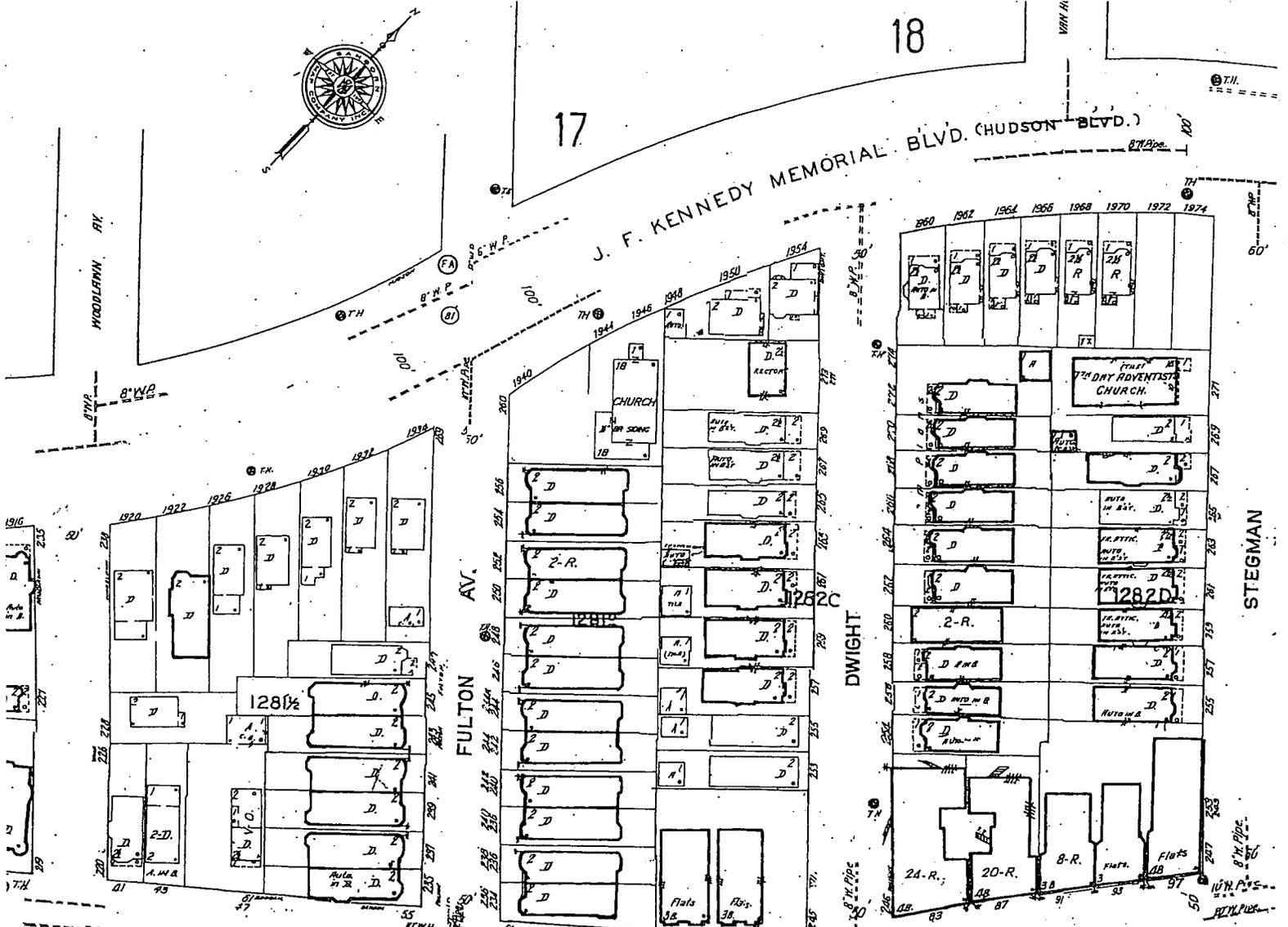
J. F. KENNEDY MEMORIAL BLVD. (HUDSON BLVD.)

WOODLAWN AV.

FULTON AV.

DWIGHT

STEGMAN



# Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 12-156  
 TITLE: 3.B. NOV 28 2012 4.B. DEC 19 2012



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 Avenue, Monday, through Friday, 3:00 p.m. to 9:00 p.m. and amend the Zone 8 limits for Kennedy Boulevard.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
NOV 28 2012 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			COLEMAN	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
DEC 19 2012 9-0											
Councilperson <u>BRENNAN</u> moved, seconded by Councilperson <u>SOTTOLANO</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			COLEMAN	✓		

✓ Indicates Vote JASON BURG

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON				COLEMAN			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
DEC 19 2012 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			COLEMAN	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 28 2012  
 Adopted on second and final reading after hearing on DEC 19 2012

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on DEC 19 2012

Robert Byrne  
 Robert Byrne, City Clerk

APPROVED:

Peter M. Brennan  
 Peter M. Brennan, Council President

Date: DEC 19 2012

APPROVED:

Jerramiah T. Healy  
 Jerramiah T. Healy, Mayor

Date DEC 28 2012

Date to Mayor DEC 20 2012

City Clerk File No. Ord. 12-158

Agenda No. 3.D 1st Reading

Agenda No. 4.D 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

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~~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 (c) 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*.

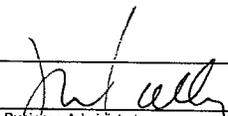
WM/igp  
10/15/12

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

  
\_\_\_\_\_  
Business Administrator

Certification Required   
Not Required



# CITY OF JERSEY CITY

JERRAMIAH T. HEALY, MAYOR

28 December 2012

TO: COUNCIL PRESIDENT PETER BRENNAN  
MEMBERS OF THE CITY COUNCIL

FROM: JERRAMIAH T. HEALY  
MAYOR

A handwritten signature in black ink, appearing to read "J. Healy", is written over the printed name of the Mayor.

RE: ORDINANCE 12-158

RECEIVED  
2012 DEC 28 P 1:30  
CITY CLERK'S OFFICE  
JERSEY CITY, N.J.

Over the past months, the City Council has considered four separate ordinances that would revise Jersey City's existing pay to play laws that are widely considered the strictest in the State of New Jersey. The original impetus to amend the pay to play laws came from the public in response to a no-bid contract awarded by the Board of Education to an insurance firm that is a contributor and major fundraiser in Jersey City municipal elections, even though that firm did not score the highest on a matrix established by the Board of Education or provide the lowest bid.

Accordingly, the first of the many pay to play proposals to be considered was introduced with my support and would have restricted firms that have no bid contracts with the Board of Education from making donations to candidates for the city council and for mayor.

However, in light of legal concerns expressed by the Law Department, public interest lawyers and the Citizens Campaign, that the City could not legally implement such a regulation, this ordinance was modified to simply restrict firms that have no bid city contracts from contributing to candidates for the Board of Education. This proposal was subsequently tabled by the City Council.

The other ordinances, including the one that I am vetoing today, would extend the restriction on campaign contributions to candidates for State Senate and the General Assembly in certain circumstances. While the wisdom as to the policy behind this ordinance may be debatable, what is clear is that there is confusion amongst the members of the City Council as to what this ordinance would do and that there are serious legal and constitutional questions concerning this ordinance in its current form.

Indeed, the Citizens' Campaign and Civic JC, the two organizations with the most credibility on the issue of pay to play, supported an alternative ordinance that the City Council rejected. Additionally, a group

OFFICE OF THE MAYOR

of respected public interest lawyers, including the lawyer who drafted the current version that is before me, have been working on a revised version but their work was left incomplete because the City Council rushed to pass an ordinance that is simply not ready and suffers from potentially fatal legal deficiencies.

We should not legislate by trial and error. Therefore, I am vetoing ordinance 12-158.

Cc: Robert Byrne, City Clerk  
William Matsikoudis, Corporation Counsel  
Rosemary Mc Fadden, Chief of Staff

# Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord 12-158  
 TITLE: 3.D. NOV 28 2012 4.D. DEC 19 2012



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.

RECORD OF COUNCIL VOTE ON INTRODUCTION <span style="float: right;">NOV 28 2012 5-4</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO		✓		GAUGHAN		✓		BRENNAN		✓	
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON		✓		COLEMAN	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <span style="float: right;">DEC 19 2012 9-0</span>											
Councilperson <u>RICHARDSON</u>				moved, seconded by Councilperson <u>SOTTOLANO</u>				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			COLEMAN	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

DAN LEVIN      GILBERT MOORE      GEORGE BUENO  
JASON BURG      RIAZ WAHID  
LAVERN WASHINGTON      STEVE DAVISON

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____				moved to amend* Ordinance, seconded by Councilperson _____				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON				COLEMAN			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE <span style="float: right;">DEC 19 2012 5-4</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO		✓		GAUGHAN		✓		BRENNAN		✓	
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON		✓		COLEMAN	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 28 2012  
 Adopted on second and final reading after hearing on DEC 19 2012

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on DEC 19 2012

Robert Byrne  
 Robert Byrne, City Clerk

APPROVED:  
Peter M Brennan  
 Peter M. Brennan, Council President

\*Amendment(s):

Date: DEC 19 2012  
 APPROVED:  
VETOED BY MAYOR  
 Jerramiah T. Healy, Mayor

Date DEC 28 2012

Date to Mayor DEC 20 2012

City Clerk File No. Ord. 12-159

Agenda No. 3.A 1st Reading

Agenda No. 4.E. 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 12-159

**DEFEATED**

TITLE:

**AN ORDINANCE OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION OF \$9,500,000 FOR THE PAYMENT OF CONTRACTUALLY REQUIRED SEVERANCE LIABILITIES RESULTING FROM THE RETIREMENT OF CITY EMPLOYEES**

WHEREAS, N.J.S.A. 40A:4-53 provides that a municipality may adopt an ordinance providing for a special emergency appropriation for contractually required severance liabilities resulting from the retirement of City employees; and

WHEREAS, the Municipal Council of the City of Jersey City, in the County of Hudson, New Jersey (the "City") has determined to authorize a special emergency appropriation to provide for the payment of contractually required severance liabilities resulting from the retirement of City employees; and

WHEREAS, the estimated cost of the payment of the required severance liabilities is \$9,500,000; NOW THEREFORE

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:4-53, the sum of \$9,500,000 is hereby appropriated for the payment by the City of contractually required severance liabilities resulting from the retirement of City employees, and the same shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-55. **DEFEATED**

Section 2. The portion of the authorization financed shall be provided for in succeeding annual budgets by the inclusion of at least one fifth of the amount authorized by this ordinance and financed and as provided in N.J.S.A. 40A:4-55. Notwithstanding the foregoing, the portion of the authorization provided for in the first annual budget following adoption of this ordinance shall be equal to one third of the amount authorized by this ordinance.

Section 3. A copy of this ordinance shall be filed with the Director of the Division of Local Government Services.

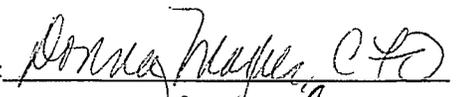
Section 4. This ordinance shall take effect upon final passage and publication as required by law.

**DEFEATED**

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
Corporation Counsel

APPROVED:



APPROVED:

\_\_\_\_\_  
Business Administrator

Certification Required

Not Required

# Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 12-159

TITLE: 3.A. DEC 05 2012 4.E. DEC 19 2012



## DEFEATED

An ordinance of the City of Jersey City, in the County of Hudson, New Jersey, providing for a Special Emergency Appropriation of \$9,500,000 for the payment of contractually required severance liabilities resulting from the retirement of city employees.

RECORD OF COUNCIL VOTE ON INTRODUCTION								DEC 05 2012 7-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	ABSENT			FULOP	✓			LAVARRO	ABSENT		
LOPEZ	✓			RICHARDSON	✓			COLEMAN	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING								DEC 19 2012			
Councilperson <u>RICHARDSON</u>				moved, seconded by Councilperson <u>SOTTOLANO</u>				to close PH.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			COLEMAN	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

*YVONNE BALCER* *JOE HARKINS*  
*JASON BURG* *RIAZ WAHID*  
*MIA SCANGA* *STEVE DAIVISON*

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____				moved to amend* Ordinance, seconded by Councilperson _____				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON				COLEMAN			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

## DEFEATED

RECORD OF FINAL COUNCIL VOTE												DEC 19 2012 4-5			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.				
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓						
DONNELLY		✓		FULOP		✓		LAVARRO		✓					
LOPEZ		✓		RICHARDSON	✓			COLEMAN		✓					

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on DEC 05 2012

~~Defeated~~ on second and final reading after hearing on DEC 19 2012

This is to certify that the foregoing Ordinance was ~~defeated~~ by the Municipal Council at its meeting on

*RB* **DEFEATED**  
 Robert Byrne, City Clerk

APPROVED:

Peter M. Brennan, Council President

\*Amendment(s):

Date: \_\_\_\_\_  
 APPROVED: \_\_\_\_\_

Jerramiah T. Healy, Mayor

Date \_\_\_\_\_

Date to Mayor \_\_\_\_\_