

No. 6.FA 1st Reading OCT 02 2019**Ordinance**

Date to Mayor OCT 17 2019

No. Public Hearing

Date Returned OCT 22 2019

No. 6PSF-F 2nd Rdg. and Final Passage OCT 15 2019**City of Newark, N.J.**Date Resubmitted
to CouncilDate Advertised
1st Reading OCT 08 2019

No. Reconsidered

Approved as to Form and Legality on Basis of Facts Set Forth

Final Reading

Factual contents certified to by

Adm Corporation Counsel

Title

Council member O. McEver presents the following Ordinance:

ORDINANCE TO AMEND AND SUPPLEMENT TITLE II, ADMINISTRATION, CHAPTER 5, DEPARTMENT OF ADMINISTRATION, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED TO CREATE A PROGRAM THAT AUTHORIZES THE CITY TO LEASE CITY-OWNED PROPERTY TO NONPROFIT CORPORATIONS FOR THE SOLE PUBLIC PURPOSE OF USING SAID PROPERTY AS A LOCATION FOR SOCIAL GATHERINGS AND COMMUNITY ACTIVITIES RELATED TO ARTISTIC AND CULTURAL ENDEAVOURS.

WHEREAS, the Municipal Council recognizes that artistic and cultural endeavors are critical to the City's success. Artists add cultural and economic diversity to the City; enhance the lives of the City's residents and visitors and positively influence the City's economy; and

WHEREAS, in the Municipal Council's opinion, it is important to provide the local artist community with locations to conduct community artistic activities in order to increase the awareness and support for arts and culture and to visually enliven the City and illuminate the City's history, diversity and culture; and

WHEREAS, the City of Newark, (the "City") owns various real property located throughout the City that are not needed for public use and the City wishes to lease said property to nonprofit corporations for the sole public purpose of conducting social gatherings and community activities related to artistic and cultural endeavors; and

WHEREAS, pursuant to N.J.S.A. 40A:12-14(c) and N.J.S.A. 40A:12-15, the City may, by Ordinance, authorize the conveyance of a leasehold interest in City-owned property to a nonprofit corporation for nominal or other consideration, provided that in no event shall any such lease be entered into for, with or on behalf of any commercial, business, trade, manufacturing, wholesaling, retailing or other profit-making enterprise, nor shall any such lease be entered into with any political, partisan, sectarian, denominational or religious corporation or association or for any political, partisan, sectarian, denomination or religious purpose; and

WHEREAS, the Department of Administration (the "Department") intends to create and implement a program that authorizes the City to lease City-owned property to non-profit corporations for the sole public purpose of using City-owned property as a location for social gatherings and community activities related to artistic and cultural endeavors, subject to the terms herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

Section 1. The City's Business Administrator is hereby authorized to establish and administer a program that permits non-profit corporations to submit a proposal to lease City-owned property, pursuant to N.J.S.A. 40A:12-14(c) and N.J.S.A. 40A:12-15, where such leases are for the sole public purpose of using city-owned property as a location for social gatherings and community activities related to artistic and cultural endeavors, provided that in no event shall any such lease be entered into for, with or on behalf of any commercial, business, trade, manufacturing, wholesaling, retailing or other

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profit-making enterprise, nor shall any such lease be entered into with any political, partisan, sectarian, denominational or religious corporation or association or for any political, partisan, sectarian, denomination or religious purpose. The City shall utilize a Request for Qualifications procedure to select non-profit corporation(s). All non-profit corporations that submit a proposal to the City of Newark shall have been in incorporated in the State of New Jersey for at least one (1) year prior to submission.

Section 2. Applications for this lease program shall be processed without regard to age, color, creed, marital status, national origin, sexual orientation, gender identity, political party affiliation, race or sex of the applicant(s).

Section 3. The Business Administrator shall review all lease proposals submitted under this program and shall choose the proposal(s) that he deems, in his sole independent discretion, is in the best interest of the City and the public as a whole. The Business Administrator or his designee has the right to reject any Proposal and such rejection shall be final.

Section 4. The successful party shall be obligated to enter into a lease agreement the terms of which shall be in a form that is acceptable to the Corporation Counsel. All lease agreements shall be for an initial one (1) year term with four (4) one year options to renew at an annual rent of \$1.00, each subject to Municipal Council approval. The tenant, at the conclusion of the fifth year term, will have the option to purchase the property from the City of Newark at the fair market value for the property during the first year of the lease. All lease agreements shall not become effective unless and until they have been approved by the Newark Municipal Council.

Section 5. Pursuant to N.J.S.A. 40A:12-14(c), any nonprofit corporation entering into a lease with the City for a public purpose pursuant to this Ordinance, shall annually submit a report to the Business Administrator, setting out the use to which the leasehold was put during each year, the activities of the lessee undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose; and an affirmation of the continued tax-exempt status of the nonprofit corporation pursuant to both State and federal law.

Section 6. This lease Program shall be administered in accordance and full compliance with all applicable federal, state and local laws, rules and regulations, including but not limited to, the Local Government Ethics Law, N.J.S.A. 40A:9-22.1, et seq.

Section 7. The Business Administrator or his designee is hereby authorized to develop additional procedures and program guidelines consistent with this Ordinance as may be necessary to implement and administer this lease Program as set forth herein.

Section 8. Prior Ordinances: Any prior Ordinances or parts thereof which are inconsistent with the terms herein are hereby repealed.

Section 9. Severability: If any part of this Ordinance is declared unconstitutional or illegal, the remaining provisions hereof shall continue in full force and effect.

Section 10. Effective Date: This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

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Date

STATEMENT

Ordinance to amend and supplement Title II, Administration, Chapter 5, Department of Administration, of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, authorizing the City to create a program that authorizes the City to Lease City-owned property to Non-profit Corporations for the sole public purpose of using said property as a location for social gatherings and community activities related to artistic and cultural endeavors.

CERTIFIED TO BY ME THIS
OCT 22 2019

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE										RECORD OF COUNCIL VOTE FOR RECONSIDERATION									
Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB
Amador					Osborne	✓				Amador					Osborne				
Gonzalez	✓				Quintana <small>Vice President</small>	✓				Gonzalez					Quintana <small>Vice President</small>				
James <i>S</i>	✓				Ramos, Jr.	✓				James					Ramos, Jr.				
McCallum, Jr.					Crump	✓				McCallum, Jr.					Crump				
McIver <i>M</i>	✓				President					McIver					President				
✓ - Indicates Vote										AB - Absent									
										NV - Not Voting									

OCT 02 2019

Adopted on first reading at a meeting of the Council of the City of Newark, N.J., on

Adopted on second and final reading after hearing on

 Approved
 Rejected By Mayor City Clerk

Council President

016

City Clerk

This Ordinance when adopted must remain in the custody of the City Clerk. Certified copies are available.