

City Clerk File No. Ord. 15.175

Agenda No. 3.C 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 15.175

TITLE: ORDINANCE AMENDING THE CHARTER OF THE CITY OF JERSEY CITY TO CHANGE THE DATE OF THE REGULAR MUNICIPAL ELECTION FROM THE SECOND TUESDAY IN MAY TO THE DATE OF THE GENERAL ELECTION IN NOVEMBER, SUBJECT TO THE APPROVAL OF THE ORDINANCE BY THE VOTERS TO AMEND THE CITY CHARTER BY A BINDING REFERENDUM

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

WHEREAS, the City of Jersey City is governed by the Mayor-Council Form C of Government under the Optional Municipal Charters Law of 1950, more commonly known as the Faulkner Act, N.J.S.A. 40:69A-1; and

WHEREAS, pursuant to N.J.S.A. 40:69A-34.1(a), the City of Jersey City previously opted to hold its regular municipal elections on the second Tuesday in May, rather than the first Tuesday in November; and

WHEREAS, pursuant to the Faulkner Act, N.J.S.A. 40:69A-25.1, a municipality may amend its Charter to change the time of its regular municipal elections from May to November as an alternative permitted under the Mayor-Council Form C of Government; and

WHEREAS, maximizing voter participation in municipal elections fosters civic engagement and ensures that the collective will of the people is more accurately reflected in election results; and

WHEREAS, combining regular municipal elections with general elections in November should result in greater participation in both elections; and

WHEREAS, moving the City of Jersey City's regular municipal elections from May to November would result in substantial savings to the taxpayers by eliminating the added expense of conducting a separate election in May; and

WHEREAS, the City of Jersey City's next regular municipal election does not take place until 2017, and therefore the next general election in November 2016 is an optimal time to submit to the voters a binding referendum on the question of moving the City of Jersey City's regular municipal elections to November; and

WHEREAS, after due consideration and review, the Municipal Council concluded that moving the election from May to November would save the taxpayers the added expense of conducting a separate election, generally increase voter participation, align the terms of elected municipal officials with the City's fiscal year, as well as to otherwise serve the best interests of the voters; and

WHEREAS, a non-binding referendum on the question of moving the City of Jersey City's regular municipal elections to November was submitted to the voters at the election on November 3, 2015, and a majority of voters favored changing the date of the regular municipal elections from the second Tuesday in May to the day of the general election in November; and

WHEREAS, it is well within the Municipal Council's powers to simply adopt an ordinance to change the date pursuant to the Uniform Non Partisan Elections Law, N.J.S.A. 40:45-7.1; and

ORDINANCE AMENDING THE CHARTER OF THE CITY OF JERSEY CITY TO CHANGE THE DATE OF THE REGULAR MUNICIPAL ELECTION FROM THE SECOND TUESDAY IN MAY TO THE DATE OF THE GENERAL ELECTION IN NOVEMBER, SUBJECT TO THE APPROVAL OF THE ORDINANCE BY THE VOTERS TO AMEND THE CITY CHARTER BY A BINDING REFERENDUM

WHEREAS, the Mayor and Municipal Council would like to be absolutely certain of the voters' will, the Municipal Council has chosen to effectuate the change in the election date if the voters approve a binding referendum to amend the Charter of the City of Jersey City pursuant to the Faulkner Act, N.J.S.A. 40:69A-25.1; and

WHEREAS, after due consideration and review, the Mayor and Municipal Council concluded that the best way to be certain of the will of the Jersey City residents is to put a binding question before the voters at the November 2016 election, which it is anticipated will have a very high participation rate as it is a presidential election; and

WHEREAS, despite already having approval of the voters, placing a binding question before the voters in November 2016 will allow the Mayor and Council to give the voters yet another chance to be heard at no additional cost to the voters; and

WHEREAS, placing a question before the voters in November would still provide all impacted administrative offices ample time to adjust procedures should the question prevail, negating any need for an earlier binding question; and

WHEREAS, pursuant to N.J.S.A. 40:69A-25.1(b), the question shall be submitted to the voters in substantially the following form:

"Should the Charter of the City of Jersey City, governed by Mayor-Council Form C, be amended as permitted under that plan, to provide for the holding of its regular municipal elections on the same date of the general election in November, pursuant to N.J.S.A. 40:69A-34.1(b)?" and

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the City of Jersey City that:

1. The Municipal Clerk is hereby directed to submit the following question to the voters in a binding referendum:

"Should the Charter of the City of Jersey City, governed by Mayor-Council Form C, be amended as permitted under that plan, to provide for the holding of its regular municipal elections on the same date of the general election in November, pursuant to N.J.S.A. 40:69A-34.1(b)?"

2. In accordance with N.J.S.A. 40:69A-192(c), the above binding referendum shall be submitted to the voters at the next general election taking place in November 2016.

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

APPROVED AS TO LEGAL FORM

Certification Required ☐
Not Required ☐

APPROVED: _____

APPROVED: _____

Corporation Counsel

Business Administrator

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



ORDINANCE NO. Ord. 15.175
TITLE: 3.C DEC 16 2015 4.A JAN 13 2016

Ordinance amending the Charter of the City of Jersey City to change the date of the Regular Municipal Election from the second Tuesday in May to the date of the General Election in November, subject to the approval of the ordinances by the voters to amend the City Charter by a binding referendum.

RECORD OF COUNCIL VOTE ON INTRODUCTION DEC 16 2015 5-2											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA	ABSENT		
RAMCHAL	✓			OSBORNE	ABSENT			WATTERMAN	✓		
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JAN 13 2016											
Councilperson <u>LAVARRO</u>				moved, seconded by Councilperson <u>OSBORNE</u>				to close P.H. <u>9-0</u>			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

SCOTT GAWRYCH
BILL MATSIKOWIS
YVONNE BALCEA
JOSEPHINE PAIGE
LAWAN WASHINGTON

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.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE JAN 13 2016 7-2											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO		✓		COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

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

DEC 16 2015

Adopted on second and final reading after hearing on

JAN 13 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JAN 13 2016

Robert Byrne, City Clerk
Robert Byrne, City Clerk

*Amendment(s)

APPROVED:

Rolando R. Lavarro, Jr., Council President
Date JAN 13 2016

APPROVED:

Steven M. Fulop, Mayor
Date JAN 15 2016

Date to Mayor JAN 14 2016