

ORDINANCE ESTABLISHING THE JERSEY CITY ARTS AND CULTURE TRUST FUND COMMITTEE

WHEREAS, arts and culture are important components of the City of Jersey City (the “City”) and are meaningful to its residents; and

WHEREAS, artists, performers and various artistic and culture institutions of the City enhance the public welfare by providing education, recreation, entertainment and culture to the residents of the City; and

WHEREAS, the City seeks to support, encourage, and foster public interest in the arts; and

WHEREAS, the City seeks to increase access to arts education and arts programming for all residents, while supporting professional arts programming of high artistic quality; and

WHEREAS, N.J.S.A. §40:12-15.12 authorizes a municipality to submit to their voters a proposition authorizing an annual levy to be deposited into an Arts and Culture Trust Fund for the City; and

WHEREAS, in the November 2020 General Election, the voters of the City voted to approve an Arts and Culture Trust Fund to create funding sources for artists and arts organizations in the City; and

WHEREAS, pursuant to N.J.S.A. §40:12-15.12, amounts raised by the levy shall be deposited into an “arts and culture trust fund,” to be created by the municipality, and shall be used exclusively for arts and culture; and

WHEREAS, the City and their citizens value the important role arts and culture plays in our community and understand the Arts and Culture Trust Fund will enhance the artistic and cultural development of the City; and

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

CHAPTER 304, ARTICLE IX: Arts and Culture Trust Fund

1. The City hereby imposes an annual levy not to exceed two cents (\$0.02) per one hundred (\$100.00) dollars of total municipal assessed real property.
2. Purpose of Levy; allocation of funds
 - A. In accordance with N.J.S.A. §40:12-15.12 (b), amounts raised by the Arts Fund levy shall be deposited into an “arts and culture trust fund” to be created by the municipality, and shall be used exclusively for arts and culture, except that the municipality may deposit such amounts into the current fund of that municipality for uses not related to arts and culture if the Director of the Division of Local Government Services in the Department of Community Affairs finds that the municipality is in fiscal distress.

- B. Any interest or other income earned on monies deposited into the arts and culture trust fund shall be credited to the fund to be used for the same purposes as the principal.
- C. The City may deposit other funds into the arts and culture trust fund, as it may, from time to time, deem appropriate.

3. Jersey City Arts and Culture Trust Fund

The City hereby establishes the Arts and Culture Trust Fund to administer all proceeds derived from imposition of an annual levy, pursuant to N.J.S.A. §40:12-15.12(a) and approved by the City voters. The Arts and Culture Trust Fund shall be permitted to accept donations, testamentary bequests and other funds where appropriate and permitted by law.

4. Severability

If any provision of this Ordinance or application thereof to any person or circumstance is judged invalid, the invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalid provision of application, and to this end the provisions of this Ordinance are declared severable.

5. Arts and Culture Trust Fund Committee

A. Membership

- 1) The Committee shall consist of seven (7) voting members. Committee members shall be nominated through an open public nomination form and appointed by the Mayor with the advice and consent of Council. Additionally, at least one City staff-member shall serve as non-voting members of the Committee. At least one non-voting member of the Committee shall be present at every Committee meeting. The membership of the Arts and Culture Trust Fund Committee shall consist of the following:
 - a. The Mayor or his/her designee
 - b. Six (6) residents of Jersey City representing each Ward (A-F), nominated through an open public nomination form and appointed by the Mayor with the advice and consent of Council
 - c. One (1) non-voting designee of the Jersey City Arts Council
 - d. One (1) non-voting designee of the Jersey City Director of Cultural Affairs
 - e. One (1) non-voting City Council member or their designee
- 2) The Jersey City Arts Council may collaborate on nominations and recommendations. Committee members representing each Ward (A-F) may be nominated by the public. Members should reflect the diversity of Jersey City. Nominees must be Jersey City residents and have two or more of the following:

- a. Appreciation of the arts
 - b. Professional expertise in an arts field
 - c. Service to the public
 - d. Understanding of the Jersey City population and landscape
- 3) All members shall serve for a term of two (2) years in staggered terms. In order to establish staggered terms, the Mayor with the advice and consent of Council, shall appoint three (3) members initially selected to a term of three (3) years, representing Wards A, B, and F, and three (3) members initially selected to a term of two (2) years, representing Wards C, D, and E. No Committee member shall serve more than two (2) consecutive terms, totaling a maximum of five (5) years, including their initial staggered term or a mid-term appointment. A former member may be nominated two (2) years after their last consecutive term. All subsequent appointments, except to fill vacancies, shall be for the full term of two (2) years.
 - 4) A voting Committee member may not sit on the board or be on staff of an organization who is applying for a grant during that cycle. Members agree not to engage or enter into any contracts that pose a conflict of interest, or they shall end their tenure with the Committee.
 - 5) All members of the Committee may be removed by a majority vote of the Arts and Culture Trust Fund Committee and a majority vote of the Municipal Council based on the criteria stipulated in the Committee's best practices and bylaws and/or for failure to comply with subparagraph (5) or failure to comply with Chapter 33 (Ethics) of the Jersey City Municipal Code.
 - 6) Vacancies shall be filled for the duration of the term in the same manner as the original appointment.
 - 7) The Chairperson and a Recording Secretary shall be designated by a majority vote of the Committee. Both shall be voting members of the Committee.

B. Meetings

- 1) The Committee shall meet at least four (4) times a year at a time to be determined by the Chairperson. In addition, the Chairperson may call special meetings. The Committee shall obtain its legal counsel from the Jersey City Law Department. Ten (10) days prior to a committee meeting the relevant City Departments shall provide the Committee with all documents to be reviewed for the upcoming meeting.
- 2) All meetings shall be subject to the Open Public Meetings Act (N.J. Stat. §§ 10:4-1 -10:4-21) and all meeting minutes shall be made available to the public.

C. Responsibilities

- 1) The Arts and Culture Trust Fund Committee shall be responsible for distribution of the Jersey City Arts and Culture Trust Fund monies to support creative and cultural activities, including but not limited to, performing, visual, and fine arts, music, dance, graphic design, film, digital media and video, architecture and urban design, humanities, literature, arts and culture education, historic preservation, museum curation, crafts and folk arts.
- 2) The Arts and Culture Trust Fund Committee has the duty to review, prioritize, and evaluate projects and applications for funding from the Arts and Culture Trust Fund. The Grant Review Panel shall review and evaluate grant applications and submit its recommendations to the Arts and Culture Trust Fund Committee. The Arts and Culture Trust Fund Committee shall make the final decision and evaluations regarding approval or denial of grant applications.
- 3) The Committee shall decide approval or denial of applications and distribution of funding from the Arts and Culture Trust Fund.
- 4) The Jersey City Arts Council, with the consent of the Office of Cultural Affairs, shall select Grant Review Panelists from open public nominations. Criteria for Grant Review Panelists shall be posted on the public nomination form.
- 5) The Committee shall draft a final report at the close of the granting cycle regarding all approved or denied applications, evaluation applications, and distribution of funds to applicants, and any other information the Committee may deem appropriate.
- 6) The Committee is empowered to solicit input from residents regarding the future of the Arts and Culture Trust Fund and it shall provide the Council and all other City entities with its findings and recommendations as it deems appropriate.
- 7) Grantees must meet the goals and objectives determined by the Arts and Culture Trust Fund Committee for funding through the Jersey City Arts and Culture Trust Fund.
- 8) The Committee is obligated to perform an annual review and report of grant recipients to ensure that the demographics of recipients are reflective of the demographics of Jersey City and the results of said review shows an increase of arts access in marginalized communities. The Committee is further obligated to make necessary changes if these apportionments are not being met.

D. Compensation of members

Members of the Arts and Culture Trust Fund Committee shall serve without compensation.

E. Committee Policy and Procedures

- 1) Within sixty (60) days of assembling the Committee, the Arts and Culture Trust Fund Committee shall propose written policies, procedures, and best practices governing its operations under this section, including but not limited to, code of ethics, conflicts of interest, grant application procedures, and evaluation standards.
 - 2) The aforementioned policies and procedures shall be voted upon during the first meeting of the Arts and Culture Trust Fund Committee. Proposed policies and procedures shall pass with a majority of the Committee votes and a quorum present.
6. Distribution of the Arts and Culture Trust Fund Monies
- A. Ninety-five percent (95%) of monies collected through the Arts and Culture annual levy shall be deposited into the Arts and Culture Trust Fund for distribution by the Arts and Culture Trust Fund Committee. Five percent (5%) of the monies collected through the annual levy shall be given to the Jersey City Arts Council, which will provide a public resource for artists and art organizations and will serve as an administrative partner of the trust by supporting and counseling applicants, as well as promoting the Arts and Culture Trust Fund to the Jersey City community.
 - B. Upon review of an application, the Committee shall award and distribute monies based on criteria and evaluation standards stipulated in the Committee's bylaws and best practices. Criteria for evaluation shall include, but is not limited to, an evaluation and recommendation from the Grant Review Panel, quality of work, likeliness to succeed, and fulfillment of the fund's stated goals.
 - C. The Arts and Culture Trust Fund monies shall be used to support creative and cultural activities, including but not limited to, performing, visual, and fine arts, music, dance, graphic design, film, digital media and video, architecture and urban design, humanities, literature, arts and culture education, historic preservation, museum curation, crafts and folk arts.
- I. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
 - II. 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 repeals of existing provisions.
 - III. This ordinance shall take effect at the time and in the manner provided by law.
 - IV. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.

NOTE: All new material to be inserted is underscoring and material [~~struck through~~] is omitted.