

City Clerk File No. Ord. 12-051

Agenda No. 3.C 1st Reading

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



## ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 12-051

**TITLE: ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 304 (TAXATION)  
ARTICLE VII (CONSTRUCTION PROJECT LABOR AGREEMENTS) OF THE JERSEY  
CITY MUNICIPAL CODE**

### **THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY DOES ORDAIN:**

A. The following amendment to Chapter 304 (Taxation) Article VII (Construction Project Labor Agreements) of the Jersey City Code are hereby adopted:

#### **ARTICLE VII Construction Project Labor Agreements**

##### **§304-33. Definitions.**

1. APPRENTICE means a worker who participates in a federal or state apprenticeship program or, as an apprentice equivalent, participates in a DOL approved training program, takes a construction apprenticeship test, and receives benefits and pay not less than those received by an apprentice.
2. APPRENTICESHIP PROGRAM means an apprenticeship program operated by a labor organization and registered by the Bureau of Apprenticeship and Training of the US Department of Labor or an apprenticeship equivalent program as that term is used by the State of New Jersey in the Abbot Project Labor Agreement either approved and funded by the New Jersey Department of Labor as of January 1, 2003.
3. CITY OF JERSEY CITY means the City or the Business Administrator or his designee.
4. DEVELOPER means the recipient of a tax exemption for a tax abated project or the awardee of a public construction contract for a public construction project.
5. LABOR ORGANIZATION means an organization which represents, for purposes of collective bargaining, employees involved in the performance of public construction project or tax abated project that has the present ability to refer, provide or represent sufficient numbers of qualified employees to perform the contracted work and has an apprenticeship program.
6. PROJECT COMPLETION means the determination by the City that the project, in whole or in part, is ready for the use intended, which ordinarily shall mean the date on which the project receives its final certificate of occupancy.
7. PROJECT LABOR AGREEMENT means a contract between a labor organization and a developer that contains at a minimum the requirements set forth in this Chapter.
8. PUBLIC CONSTRUCTION PROJECT means any construction contract entered into by the City using public funds, the total cost of which is equal to or exceeds five million dollars (\$5,000,000.00), exclusive of any land acquisition costs.

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 304 (TAXATION) ARTICLE VII  
(CONSTRUCTION PROJECT LABOR AGREEMENTS) OF THE JERSEY CITY MUNICIPAL CODE

9. TAX ABATED PROJECT means a project that has a total construction cost that is equal to or exceeds twenty-five million dollars (\$25,000,000.00), exclusive of any land acquisition costs, ~~for which the City has granted~~ which receives either 1) a long term tax ~~abatement~~ exemption pursuant to the Long Term Tax Exemption Law N.J.S.A. 40A:20-1 et seq., or 2) a five (5) year tax exemption that requires Municipal Council approval, pursuant to the Five Year Exemption and Abatement Law, N.J.S.A. 40A:21-1 et seq., and Section 301-6 et seq. of the Municipal Code. However, any project that is being undertaken by a not for profit organization or which shall contain more than fifty percent (50%) affordable housing shall be excluded.

**§304-34. No Change.**

**§304-35. General requirements.**

The project labor agreement, one form of which is on file in the office of the City Clerk, shall contain the following terms:

1. A guarantee that there will be no strikes, lock-outs, or other similar actions.
2. Procedures to insure the effective, immediate, and mutually binding resolutions of jurisdictional and labor disputes arising before the completion of the work.
3. A provision to bind all contractors and subcontractors on the project in all relevant documents.
4. Evidence that each contractor and subcontractor working on the project has a local federally registered apprenticeship program.
5. A requirement that twenty percent (20%) of the labor hours required shall be performed by apprentices and that all apprentices shall be Jersey City residents. However, if it can be demonstrated that fulfilling this requirement is not possible because there are not enough apprentices available, the required percentage of apprentices will be decreased accordingly.
6. Conformity with all statutes, regulations and City ordinances regarding the implementation of our goals for women and minority owned businesses.
7. A requirement that Developers and Labor Organizations complete the following "Pre-Construction Actions":
  - A. Pre-Construction Meeting: Not less than 90 days prior to the commencement of construction, the developer will meet with the Business Administrator and the labor organization to present workforce needs, which will include the job description of the positions to be filled and the duration of the project. In addition, the developer will provide the construction schedule. The labor organization will present the developer and the City with the names, addresses and trades of eligible apprentices who are available to work on the project.
  - B. Advertisement: Not less than sixty (60) days prior to the commencement of construction, the Labor Organization will advertise in two newspapers regularly published and distributed in Jersey City and outreach via other media, such as cable television, the web, and/or radio. The advertisement will solicit apprenticeship applications for the labor organization's apprenticeship program, describe the basic requirements for admission, describe the job training and set forth the range of salaries.

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 304 (TAXATION) ARTICLE VII  
(CONSTRUCTION PROJECT LABOR AGREEMENTS) OF THE JERSEY CITY MUNICIPAL CODE**

- C. Job Fairs: Developer and the labor organization will jointly participate in at least two (2) job fairs to be held at a location to be provided by the City in order to explain the apprenticeship programs and solicit applications from attendees. Each participating developer shall pay a pro rata share of the costs of each job fair.

**§304-36. Through §304-38. No Change.**

- B. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
- C. 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.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and 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 new material is underlined; words in {brackets} are omitted.  
For purposes of advertising only, new matter is indicated by **boldface**  
and repealed matter by *italic*.

*JM/he*  
*4/04/12*

APPROVED AS TO LEGAL FORM

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

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

APPROVED: \_\_\_\_\_  
Business Administrator

Certification Required ☐

Not Required ☐



# CITY OF JERSEY CITY

JERRAMIAH T. HEALY, MAYOR

April 5, 2012

Peter Brennan, Council President & Council Members  
City of Jersey City  
280 Grove Street  
Jersey City, NJ 07302

Re: Amendment to Project Labor Agreement Ordinance

Dear Council President and Members:

I enclose a proposed amendment to the ordinance that requires Project Labor Agreements [PLA] for certain public contracts. Presently, the ordinance only extends to long term (up to 30 year) tax exemptions that are approved under the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. Since the ordinance has been in effect, the administration has noticed that developers of major projects that in the past would have sought a long term tax exemption, have been applying for five year tax exemptions pursuant to the Five Year Tax Exemption Law, N.J.S.A. 40A:21-1 et seq. We have also taken note that developers who already had long term tax exemptions have been applying to terminate them and substitute five year tax abatements.

Until recently, five year tax abatements generally attracted developers of smaller scale projects since the term is shorter and the justification for a long term tax exemption (for example, a substantial impact on redevelopment) is absent. However, since the uptick in five year applications by major developers, we have come to believe the motivation at least in part, is to avoid executing a Project Labor Agreement.

The apprenticeship opportunities for City residents, that arise from Project Labor Agreements are critical. Providing City residents with the opportunity to learn a building trade and obtain a career, is a goal I am committed to. A policy that enables a major developer to avoid that obligation

OFFICE OF THE MAYOR

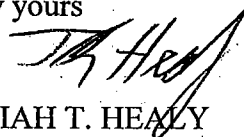
CITY HALL ♦ 280 GROVE STREET ♦ JERSEY CITY, NJ 07302 ♦ TEL: (201)547-5200 ♦ FAX: (201)547-4288

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needs correction. That is why I support an amendment that will require any major developer for even a five year tax exemption to execute a Project Labor Agreement. By 'major developer', I mean any five year tax abatement that requires Council approval. Under the present five year tax exemption ordinance that means any new construction or development with five year tax exemptions that require Council approval. Those five year tax exemptions are any new construction (which must be approved by ordinance) and any projects whose estimated conventional taxes on the improvement would be more than two hundred thousand dollars (\$200,000.00) a year (which must be approved by resolution).

We hope that this will further bolster the Project Labor Agreements and encourage major developers to use them.

Very truly yours



JERRAMIAH T. HEALY  
MAYOR

JTH/he

Encl.

cc: John Kelly, Business Administrator  
Robert Byrne, City Clerk  
William C. Matsikoudis, Corporation Counsel

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

ORDINANCE NO. Ord. 12-051  
3.C. APR 11 2012 4.C. APR 25 2012  
 TITLE:

Ordinance amending and supplementing Chapter 304  
 (Taxation) Article VII (Construction Project Labor  
 Agreements) of the Jersey City Municipal Code.



RECORD OF COUNCIL VOTE ON INTRODUCTION <span style="float: right;">APR 11 2012 9-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			MASSEY	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <span style="float: right;">APR 25 2012 9-0</span>											
Councilperson <u>BRENNAN</u>				moved, seconded by Councilperson <u>FULOP</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	✓			MASSEY	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

PATRICK KELLEHER STEVE MURPHY KYLE JENKINS  
BILL O'DEA CHRIS LANGSTON YVONNE BALCER  
EUGENE PAOLINO RON PAUL JUNE JONES JEFF DUBLIN  
BOB EHRENTAUF

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				MASSEY			

✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE <span style="float: right;">APR 25 2012 6-3</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO		✓		GAUGHAN		✓		BRENNAN		✓	
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			MASSEY	✓		

✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on APR 11 2012  
 Adopted on second and final reading after hearing on APR 25 2012

This is to certify that the foregoing Ordinance was adopted by  
 the Municipal Council at its meeting on APR 25 2012

Robert Byrne  
 Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Peter M. Brennan  
 Peter M. Brennan, Council President

Date: APR 25 2012

APPROVED:

Jerramiah T. Healy  
 Jerramiah T. Healy, Mayor

Date: APR 30 2012

Date to Mayor APR 26 2012