



## Legislation Text

File #: 23-1221, Version: 1

**Dept/ Agency:** Administration/ Office of the Business Administrator

**Action:** (X) Ratifying (X) Authorizing ( ) Amending

**Type of Service:** Accepting a Donation

**Gift:** To use and occupy a portion of the New Jersey Performing Arts Center (NJPAC) building for the Newark Office of Film and Television.

**Purpose:** To execute a Memorandum of Understanding to accept the gift of use of NJPAC's office space for the benefit of the Newark Office of Film and Television.

**Entity Name:** New Jersey Performing Arts Center

**Entity Address:** 1 Center Street Newark, New Jersey 07102

**Gift Value:** \$11,000.00 per year

**City Contribution:** No municipal funds required

**Other Funding Source/Amount:** \$0.00

**Contract Period:** April 5, 2023 through April 5, 2025

**Additional Information:**

**WHEREAS**, New Jersey Performing Arts Center (NJPAC) operates a performing arts center and related offices located at 1 Center Street, Newark, New Jersey 07102 (the "Property"); and

**WHEREAS**, the City of Newark (hereinafter the "City") desires to use and occupy a portion of the Building for the use of one (1) dedicated office space for the Executive Director of the Newark Office of Film and Television ( hereinafter the "NOFTV") and one (1) additional dedicated office space, desk or cubicle for use by administrative/support staff in accordance this Agreement, in each case in a location in the Building to be reasonably and mutually agreed upon by the City and NJPAC (together, the "Premises"));and

**WHEREAS**, the City desires to use the Premises for the City's NOFTV purposes, which include, but are not limited to, the permit application process, required to allow for film and television production within the City, (hereinafter the "Purpose"); and

**WHEREAS**, pursuant to Local Public Contracts Law, N.J.S.A. 40A:5-29, a local unit is authorized and empowered to accept bequests, legacies and gifts made to it and is empowered to utilize such bequests, legacies and gifts in the manner set forth in the conditions of the bequest, legacy or gift provided, however, that such bequest, legacy, or gift shall not be put to any use which is inconsistent with the laws of the State of New Jersey and the United States of America; and

**WHEREAS**, NJPAC has indicated the gift of the use of the Premises is at a value of \$11,000 .00 per year; and

**WHEREAS**, the City desires to accept the access and use of the Premises for the Purpose as set forth herein, for a period not to exceed two (2) consecutive years, beginning April 5, 2023 and terminating April 5, 2025, to facilitate the NOFTV's mission and promote continued development and

success of the City's film and television industry; and

**WHEREAS**, holding offices inside of the NJPAC will further benefit the NOFTV through providing additional creative support and further promoting the City as a creative hub for film and television projects; and

**WHEREAS**, the City and NJPAC desire to enter into an Memorandum of Understanding (attached hereto) setting forth the terms and conditions for the City's use of the Premises for the Purpose as set forth herein; and

**WHEREAS**, on May 17, 2023 NJPAC executed the MOU; and

**WHEREAS**, the Mayor and/or his designee(s), the Business Administrator and the Director of the Department of Communications, desire to execute the MOU to accept the gift from NJPAC for the benefit of the City's NOFTV.

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

1. The Mayor and/or his designee(s) and the Business Administrator, and the Director of the Department of Communications, are authorized, pursuant to N.J.S.A. 40A:5-29, to execute the Memorandum of Understanding (attached hereto) to accept the gift of occupy a portion of the New Jersey Performing Arts Center (NJPAC) offices, which includes the use of one: (1) dedicated office space for the Executive Director of the NOFTV and one (1) additional dedicated office space, desk or cubicle for use by administrative/support staff in accordance with the terms and conditions of the MOU, for a period not to exceed two (2) consecutive years, beginning April 5, 2023 and terminating April 5, 2025.
2. No municipal funds will be expended for the acceptance of this gift.
3. The Municipal Council ratifies authorization of acceptance of this gift from April 5, 2023 to adoption of this authorizing resolution.
4. The Memorandum of Understanding shall be filed in the Office of the City Clerk.

### **STATEMENT**

This resolution ratifies and authorizes the Mayor, and/or his designee(s), the Business Administrator and the Director of the Department of Communications to accept a gift from the New Jersey Performing Arts Center (NJPAC), 1 Center Street, Newark, New Jersey 07102, of the use of office space for the Newark Office of Film and Television purposes and further authorizes said designees to enter into a Memorandum of Understanding (attached hereto) with NJPAC for acceptance of the gift. No municipal funds are required for acceptance of this gift..