

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 2, SECTION 59 OF THE
GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, ENTITLED
“BOARD OF THE OSKAR SCHINDLER PERFORMING ARTS CENTER”**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex and State of New Jersey that Chapter 2 Section 59 of the Revised General Ordinances of the Township of West Orange is hereby amended and supplemented as follows:

I. PURPOSE

The purpose of this Ordinance is to establish a Board for oversight and review of the use and operation of the Oskar Schindler Performing Arts Center.

II. CHAPTER 59.1 SHALL BE AND HEREBY IS AMENDED AND SUPERSEDED TO READ AS FOLLOWS:

2-59.1 Purpose.

The purpose of the Board of the Oskar Schindler Performing Arts Center is to provide review and oversight to the operation of the Oskar Schindler Performing Arts Center to insure that: (i) the programming, use, and operation of the Oskar Schindler Performing Arts Center is consistent with the interest and values of the members of the community; and (ii) that any funds generated from the use and operation of the Oskar Schindler Performing Arts Center are dedicated for continued operation and improvement whether through a license agreement, sublicense agreement or otherwise. In addition, the Board of the Oskar Schindler Performing Arts Centers shall serve in an advisory capacity to the Mayor, the Department of Recreation and Township Council as to the approval of programming at the Oskar Schindler Performing Arts Center. The Board of the Oskar Schindler Performing Arts Center shall also provide support in fundraising for the continued operation and improvement of the Oskar Schindler Performing Arts Center and its facilities.

III. CHAPTER 59.2 SHALL BE AND HEREBY IS AMENDED AND SUPERSEDED TO READ AS FOLLOWS:

2-59.2 Creation and Composition.

The body will be known as the Board of the Oskar Schindler Performing Arts Center (the “BOSPAC”). It shall consist of five (5) members.

IV. CHAPTER 59.3 SHALL BE AND HEREBY IS AMENDED AND SUPERSEDED TO READ AS FOLLOWS:

2-59.3 Appointment of Members; Terms and Meetings.

The Board of the Oskar Schindler Performing Arts Center shall be comprised of the follows:

- a. One member shall be a member of the Township Council and shall be designated as the Council Liaison to the Oskar Schindler Performing Arts Center;
- b. One member shall be selected by the Mayor;

- c. One member shall be selected by the West Orange Recreation Department;
- d. One member shall be selected by the West Orange Arts Council; and
- e. One member shall be selected by the West Orange Department of Public Works.

Members shall serve terms of three (3) years. Members may be reappointed for successive terms. Any member who resigns or fails to attend three consecutive meetings shall have the balance of his or her term filled by the appointing authority herein.

V. CHAPTER 59.4 SHALL BE AND HEREBY IS AMENDED AND SUPERSEDED TO READ AS FOLLOWS:

2-59.4 Member Duties.

The duties of the Board of the Oskar Schindler Performing Arts Center shall be as follows:

- a. The drafting and adoption of bylaws which will govern the administration, selection of officers, meeting schedule, and other operations of the Board of the Oskar Schindler Performing Arts Center.
- b. The review of programming for the Oskar Schindler Performing Arts Center and recommendation to the Mayor, the Department of Recreation, and the Township Council regarding the approval of programs at the Oskar Schindler Performing Arts Center. The review of programming at the Oskar Schindler Performing Arts Center, more specifically programming via sub-license agreement(s) to determine and insure that programming is consistent with the interest and values of the members of the community. This duty shall not infringe upon the autonomy of the operator of the Oskar Schindler Performing Arts Center nor the Township through its governing body's ability to deny a sublicensee when the programing is inconsistent with the interest and values of the members of the community.
- c. The review of financial records of funds related to programing at and operation of the Oskar Schindler Performing Arts Center, which shall occur at least on two occasions: (i) the first no later than July 1 of each year and (ii) the second, no later than October 1 of each year. However, the Board of the Oskar Schindler Performing Arts Center shall have the authority to review the financial records at any time.
- e. Assisting any and all fundraising efforts which benefit the Oskar Schindler Performing Arts Center and its facilities.

VI. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township, which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

VII. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

VIII. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

Karen J. Carnevale, R.M.C.
Municipal Clerk

Robert D. Parisi, Mayor

Jerry Guarino, Council President

Introduced: May 29, 2019

Adopted: June 25, 2019

LEGISLATIVE HISTORY

This Ordinance establishes the Board of the Oskar Schindler Performing Arts Center. The intent of this Ordinance is to create an entity which shall have review and oversight as to the use and operation of the Oskar Schindler Performing Arts Center. As the use and operation of the Oskar Schindler Performing Arts Center is governed by a License Agreement with a non-profit entity tasked with creating programming and events at the Oskar Schindler Performing Arts Center, the Board would: (i) review proposed programming and make recommendations as to approvals to the Mayor, Department of Recreation, and the Township Council for approvals as to the proposed programs and events and (ii) review any financial records related to funds generated from the use of the Oskar Schindler Performing Arts Center. Furthermore, the Board would also assist in fund raising efforts as needed to fund the continued operations, programming, maintenance and improvements to the Oskar Schindler Performing Arts Center.