



Legislation Details (With Text)

**File #:** 20-1631      **Version:** 1      **Name:** Resolution: City Parks Foundation Inc.  
**Type:** Resolution      **Status:** Adopted  
**File created:** 12/11/2020      **In control:** Recreation, Cultural Affairs and Senior Services  
**On agenda:** 1/21/2021      **Final action:** 1/26/2021

**Title:** Dept./ Agency: Recreation, Cultural Affairs and Senior Services  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Authorization of the Creation of a Non-Profit Organization  
Purpose: To authorize the formation of City Parks Foundation Inc., a non-profit corporation and tax-exempt organization for the purpose of assisting the City of Newark with the maintenance and management of the following parks that are within or in close proximity to the Downtown/Central Business District:  
1) Mulberry Commons;  
2) Riverfront Park;  
3) Military Park;  
4) Washington Park; and  
5) Lincoln Park  
Entity Name: City Parks Foundation, Inc.  
Entity Address: To be determined  
Funding Source: Entity will provide funds and through public donations, etc.  
Contract Period: Not Applicable  
Contract Basis: ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient (X) n/a  
Additional Information:  
To create a non-profit organization, City Parks Foundation, Inc., that will be responsible for the maintenance, management, improvement and funding of certain parks and spaces within the City.  
DEFERRED 7R11-a 012121

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
1/26/2021	1	Municipal Council	Adopt	Pass
1/21/2021	1	Municipal Council	Defer to a Special Meeting	Pass

**Dept./ Agency:** Recreation, Cultural Affairs and Senior Services  
**Action:** ( ) Ratifying (X) Authorizing ( ) Amending  
**Type of Service:** Authorization of the Creation of a Non-Profit Organization  
**Purpose:** To authorize the formation of City Parks Foundation Inc., a non-profit corporation and tax-exempt organization for the purpose of assisting the City of Newark with the maintenance and management of the following parks that are within or in close proximity to the Downtown/Central Business District:  
1) Mulberry Commons;  
2) Riverfront Park;  
3) Military Park;  
4) Washington Park; and  
5) Lincoln Park

**Entity Name:** City Parks Foundation, Inc.

**Entity Address:** To be determined

**Funding Source:** Entity will provide funds and through public donations, etc.

**Contract Period:** Not Applicable

**Contract Basis:** ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS

( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ

( ) Private Sale ( ) Grant ( ) Sub-recipient (X) n/a

**Additional Information:**

To create a non-profit organization, City Parks Foundation, Inc., that will be responsible for the maintenance, management, improvement and funding of certain parks and spaces within the City.

**DEFERRED 7R11-a 012121**

**WHEREAS**, public parks and open spaces enhance the quality of life, health, and sustainability in an urban environment; and

**WHEREAS**, the Downtown/Central Business District is vital to the quality of life of the individual and business residents of the City of Newark (the "City") and to the overall economic revitalization of the City; and

**WHEREAS**, the following public parks are within or in close proximity to the Downtown/Central Business District: 1) Mulberry Commons; 2) Riverfront Park; 3) Military Park; 4) Washington Park; and 5) Lincoln Park (hereinafter identified as the "Downtown Parks"); and

**WHEREAS**, as part of its regular governmental duties and functions, the City is responsible for maintaining, managing, improving and funding all public parks and open spaces within the City, including the Downtown Parks; and

**WHEREAS**, the Downtown Parks are in need of additional resources and a focused management to continue operations as vital cultural monuments that enrichment and add to the quality of life of the residents of the City; and

**WHEREAS**, the Administration has determined, after outreach to residents and organizations throughout the City, that action must be taken to improve and maintain the Downtown Parks and various parks throughout the City; and

**WHEREAS**, the Administration has determined that by creating the City Parks Foundation Inc., (the "Foundation") a nonprofit corporation and a tax exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, for the benefit of the Downtown Parks that allows for donations to be accepted to the Foundation by interested stakeholders, residents, and the corporate community within the City, would provide significant financial and management assistance to the City and its effort to maintain and improve the Downtown Parks; and

**WHEREAS**, the City and the Foundation will coordinate their respective efforts and work closely together with the common objective of ensuring that the Downtown Parks are fully funded, maintained, preserved, managed, and improved to continue to be dynamic, vital and vibrant recreational centers of urban life in the City.

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

1. The recitals set forth above are hereby incorporated into this resolution as if set forth at length herein.
2. The City of Newark hereby authorizes the formation of the City Parks Foundation Inc., a New Jersey nonprofit corporation, by the filing of a Certificate of Incorporation with the Office of the Treasurer of the State of New Jersey, substantially in the form attached hereto.
3. The City of Newark hereby authorizes the preparation and filing of IRS Form 1023 - Application for Recognition of Exemption Under Section 501(c)(3) of the Internal Revenue Code - to classify the Corporation, as a tax-exempt organization for Federal and State income tax purposes.
4. The Foundation shall closely coordinate with and assist the City of Newark in the management and operations of the Downtown Parks in addition to issues relating to safety, cleaning, and accessibility.
5. The City may make contributions to the Foundation in the discretion of the Municipal Council to provide funding for its charitable activities and the Foundation shall also be permitted to accept donations and testamentary bequests from the general public and collect fees associated with permitted events and concessions for the maintenance and operations of the Downtown Parks.
5. The Board of Trustees of the Foundation shall be responsible for the management and expenditure of funds collected via the Foundation in furtherance of its charitable purposes.
6. The Board of Trustees of the Foundation shall consist at all times of the Director of the Department of Recreation, Cultural Affairs, and Senior Services, and the Director of the Department of Public Works, or his/her designee, and the remaining members may be currently serving Municipal Council members [Central Ward], or his/her designee, residents of the local community, business and nonprofit leaders, and other government officials, the qualifications of which shall be as set forth in the By-laws of the Foundation.
7. The Mayor, the Business Administrator and the City Clerk of the City of Newark, together or separately as necessary or appropriate, are hereby authorized to execute or attest, as appropriate, any certificates, agreements, or other documents necessary or appropriate to effectuate the foregoing resolutions.
8. The Business Administrator shall place on file with the Office of the City Clerk, a filed copy the Certificate of Incorporation authorized by this resolution.

### **STATEMENT**

This resolution authorizes: (i) the City of Newark to form the City Parks Foundation Inc., a nonprofit corporation, to be classified as a tax exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and (ii) the Mayor and/or his designee, the Director of the Department of Economic and Housing Development to enter into, execute and deliver, on behalf of the City of Newark, the Certificate of Incorporation of the City Parks Foundation Inc., authorized by

this resolution, which the organization shall improve, manage and maintain the Downtown Parks in coordination with the City of Newark and the Department of Recreation, Cultural Affairs and Senior Services.