



Legislation Details (With Text)

File #: 16-0244 **Version:** 1 **Name:** Food Waste Prevention and Recovery Program
Type: Resolution **Status:** Returned to Administration
File created: 2/9/2016 **In control:** Health and Community Wellness
On agenda: 10/5/2016 **Final action:** 10/5/2016

Title: Dept/ Agency: Health and Community Wellness
Action: () Ratifying (X) Authorizing () Amending
Type of Service: Food Waste Prevention and Recovery Program
Purpose: To facilitate the use of surplus food from restaurants and food retail stores to help feed City residents in need of adequate nutrition.
Entity Name: Department of Health and Community Wellness
Entity Address: 110 William Street, Newark, New Jersey 07102
Contract Amount: \$0.00
Funding Source: \$0.00
Contract Period: \$0.00
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:

Sponsors:

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
10/5/2016	1	Municipal Council	Returned to Administration	Pass

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WHEREAS, food insecurity and hunger are daily facts of life for thousands of low-income residents of the City of Newark; and

WHEREAS, the 2014 American Community Survey estimates that 29% of all City of Newark residents live below the poverty level; and

WHEREAS, City of Newark residents that live below the poverty level often struggle to attain and maintain adequate nutrition; and

WHEREAS, 2013 data from the City of Newark reports that 6.3% of City residents, between the ages of 65 and 74, live below the poverty level and do not have enough income to meet their basic needs, and therefore often have to choose between various necessities, such as food, shelter and medicine; and

WHEREAS, restaurants and food retail stores regularly have to dispose of food that is unmarketable, but is unspoiled and perfectly fit and safe for consumption; and

WHEREAS, the City of Newark's Department of Health and Community Wellness therefore desires to establish a Food Waste Prevention and Recovery Program that would act to organize and coordinate a coalition of [i] restaurants and food retail stores in the City of Newark that are willing to donate their unspoiled food surpluses to help feed those in need and [ii] shelters and community based organizations in the City of Newark that are willing to accept such donated food that could then be used by those shelters and organizations to help feed City residents in need of nutritional assistance; and

WHEREAS, a Food Waste Prevention and Recovery Program would help to develop a strong local integrated food system in which food that would otherwise go to waste would be used to help feed City residents in need of nutritional assistance, thereby enhancing the economic, social and nutritional health of residents in the City of Newark; and

WHEREAS, a Food Waste Prevention and Recovery Program would also help to foster the health and safety of food distribution by providing participating shelters and community based organizations with instruction on safe and sanitary food handling procedures; and

WHEREAS, for all the foregoing reasons, a Food Waste Prevention and Recovery Program would align with and enhance the City of Newark's goals of fostering the health and welfare of City residents, and would also potentially save lives by redirecting surplus food to City residents in need of nutritional assistance, including the homeless, children and seniors.

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

1. The Mayor and/or his designee, the Director of the Department of Health and Community Wellness (the "Department"), are authorized to establish, on behalf of the City of Newark, a Food Waste Prevention and Recovery Program (the "Program") as outlined in, and within the parameters of, this Resolution as set forth below.
2. The Program will act to organize, coordinate and grow a coalition of designated restaurants and food retail stores in the City of Newark that are willing to, on a regular and ongoing basis, donate their unspoiled food surpluses to designated shelters and community based organizations in the City of Newark, which in turn shall utilize such donated food to help feed City residents who are in need of nutritional assistance.
3. Restaurants and food retail stores wishing to donate their surplus food as part of the Program, and shelters and community based organizations wishing to accept such donated foods under the Program, must apply to register with the Department for participation in the Program (registered restaurants and food retail stores shall hereinafter be collectively referred to as "Donor Restaurants," and registered shelters and community based organizations shall hereinafter be collectively referred to as "Receiving Organizations"). The Department will only register those applicants for the Program that it deems to be, in its sole discretion, appropriate for participation.

4. Prior to the Department adding a Receiving Organization to the Program's list of approved recipients of donated foods, the following actions shall be taken:
 - a. the Department shall take reasonable steps to ensure that the Receiving Organization is reputable and will utilize donated food appropriately and solely for the benefit of City residents in need of nutritional assistance;
 - b. the Receiving Organization shall be advised, in writing, by the Department that it is the Receiving Organization's sole responsibility to ensure that any donated food is unspoiled and fit and safe for consumption;
 - c. the Department shall provide the Receiving Organization's food-handling staff members with a Food Handler Course, which course shall be provided free of charge; and
 - d. the Receiving Organization shall execute an agreement, in a form acceptable to the City of Newark's Corporation Counsel, accepting the donated food "as is," and holding the City of Newark and the Donor Restaurants harmless for any injury or death that may be caused by the donated food.
5. The Program shall, on an ongoing basis, assist in the coordination of food donations with the then-current needs of Receiving Organizations in an effort to facilitate the distribution of donated foods in a manner that is as effective and efficient as possible.
6. Except as provided for in § 8 below, donated food shall be provided directly from the Donor Restaurants to Receiving Organizations. The Department will facilitate such transfers of donated food by assisting with the scheduling and coordination of the transfers, but Department personnel will not be directly involved in, or assist with, the transfer of donated foods, per se; i.e., Department personnel will not be involved in receiving donated food from Donor Restaurants or transporting donated food to Receiving Organizations.
7. In an effort to increase the number of participating restaurants, food retail stores, shelters and community based organizations, the Program shall include ongoing efforts to make such entities aware of New Jersey's Food Bank Good Samaritan Act, N.J.S.A. 24:4A-1, et seq., which, depending upon the circumstances, provides certain immunities from liability relative to the donation of food and the receipt and distribution of donated food.
8. The provisions of § 6 above notwithstanding, the Director of the Department of Health and Community Wellness, may in the future, but only as authorized funding may allow, expand the Program so as to allow Department personnel to directly assist with and participate in the actual acceptance of donated food from Donor Restaurants, and the transportation of the donated food to Receiving Organizations. Any such expansion of the Program, however, shall be conducted in accordance with, and be subject to, the following provisions:
 - a. if the Program expansion requires the purchase of any vehicles or other equipment, the procurement of any such vehicles or equipment shall be conducted in accordance with the provisions of New Jersey's Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., and shall be subject to Municipal Council approval by way of separate authorizing resolutions;
 - b. the Department's acceptance and delivery of donated food shall only be conducted in order to facilitate a specific donation of food that has been identified and arranged for in advance from a specific Donor Restaurant to a specific Receiving Organization;

- c. in accepting and delivering food donations, the Department shall not, under any circumstances, act as a food clearinghouse (*i.e.*, collect and store donated food that is to be distributed at a later time on an as-needed basis), or otherwise act in any manner that is, or could be construed as being, a “food bank” or “food pantry”; and
 - d. the services provided by the Program expansion may, from time-to-time, include the temporary storage of donated food by the Department, but only as may be absolutely necessary due to the timing of a food donation vis-à-vis a Receiving Organization’s ability to take physical possession of the food donation, and in any such case, the Department’s storage of donated food shall only be for so long as is absolutely necessary (any storage of donated food by the Department shall not be in place of a Receiving Organization’s obligation to accept donated food as soon as possible and store said food as may be necessary).
9. The Department will develop and implement appropriate policies and procedures to ensure that the Program is carried out in a safe, effective and efficient manner.
10. In carrying out the Program, the Department shall comply with, and be subject to, all applicable New Jersey statutes relating to food handling, storage and distribution, and all applicable rules and regulations of the New Jersey Department of Health.
11. The Program, unless expanded in accordance with § 8 above, shall not require the expenditure of municipal funds or resources, other than the expenditure of that Department personnel time needed to implement, administer and oversee the Program.

STATEMENT

This resolution authorizes the Mayor and/or his designee, the Director of the Department of Health and Community Wellness, to establish, on behalf of the City of Newark, a Food Waste Prevention and Recovery Program, which will be a City-organized coalition of restaurants, food retail stores, shelters and community based organizations located in the City of Newark. The primary goals and objectives of the Food Waste Prevention and Recovery Program are to help feed City residents in need of adequate nutrition by providing them with food that would otherwise go to waste, provide education to shelters and community based organizations regarding safe and sanitary food handling procedures, and raise awareness about certain statutory immunities from liability that may be available relative to the donation of food and the receipt and distribution of donated food.