



## Legislation Details (With Text)

<b>File #:</b>	14-1661	<b>Version:</b>	1	<b>Name:</b>	SPECIAL CONFERENCE: Ordinance - Open Space and Recreational Trust Fund
<b>Type:</b>	Ordinance	<b>Status:</b>			Returned to Administration
<b>File created:</b>	10/2/2014	<b>In control:</b>			Recreation, Cultural Affairs and Senior Services
<b>On agenda:</b>	10/28/2014	<b>Final action:</b>			11/6/2014
<b>Title:</b>	AN ORDINANCE AMENDING TITLE II, CHAPTER 12, DEPARTMENT OF NEIGHBORHOOD AND RECREATIONAL SERVICES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY (2000), AS AMENDED AND SUPPLEMENTED, 2:12-1.5., DIVISION OF PARKS AND GROUNDS OF THE CITY OF NEWARK MUNICIPAL CODE, TO CREATE AN Open Space and Recreational Trust Fund and ESTABLISH RULES AND REGULATIONS REGARDING USE OF MONIES COLLECTED VIA THE OPEN SPACE AND RECREATIONAL TRUST FUND, INCLUDING the establishment of a parks advisory board to support the advancement of the goals of the open space and recreational trust fund.				

### Sponsors:

### Indexes:

### Code sections:

Date	Ver.	Action By	Action	Result
11/6/2014	1	Municipal Council	Returned to Administration	Pass
10/28/2014	1	Municipal Council	Advance to First Reading	Pass

**AN ORDINANCE AMENDING TITLE II, CHAPTER 12, DEPARTMENT OF NEIGHBORHOOD AND RECREATIONAL SERVICES, OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY (2000), AS AMENDED AND SUPPLEMENTED, 2:12-1.5., DIVISION OF PARKS AND GROUNDS OF THE CITY OF NEWARK MUNICIPAL CODE, TO CREATE AN OPEN SPACE AND RECREATIONAL TRUST FUND AND ESTABLISH RULES AND REGULATIONS REGARDING USE OF MONIES COLLECTED VIA THE OPEN SPACE AND RECREATIONAL TRUST FUND, INCLUDING THE ESTABLISHMENT OF A PARKS ADVISORY BOARD TO SUPPORT THE ADVANCEMENT OF THE GOALS OF THE OPEN SPACE AND RECREATIONAL TRUST FUND.**

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

**WHEREAS**, more than 30 percent of Newark's children live more than a quarter of a mile from a park; and

**WHEREAS**, the 2012 City of Newark Master Plan identified the need to make parks more secure, attractive, and enjoyable for the public, to improve maintenance and programming at existing parks, and to expand quality open space and recreation in neighborhoods underserved by parks; and

**WHEREAS**, pursuant to N.J.S.A. 40:12-15.7, on November 5, 2013, the citizens of the City of Newark voted on a proposition to adopt the imposition of an annual levy of one cent per \$100.00 of

assessed valuation of real property for the purpose of providing safe, clean and accessible parks; repairing and improving existing parks; and creating neighborhood playgrounds and playfields for youth sports for the following purposes:

- (a) acquisition of lands for recreation and conservation purposes;
- (b) development of lands for recreation and conservation purposes;
- (c) maintenance of lands for recreation and conservation purposes; and
- (d) payment of any debt service on indebtedness issued or incurred by the City of Newark for any of the purposes set forth in (a), (b), and (c) of this paragraph

; and

**WHEREAS**, an advisory committee of citizens and the Newark Environmental Commission have created “Principles for Program Implementation” and additional recommendations for deployment of the funds; and

**WHEREAS**, the City of Newark (“the City”) now wishes to create an Open Space and Recreation Trust Fund and establish rules and regulations for the use of the funds in accordance with the above-mentioned principles and recommendations, including the establishment of a Parks Advisory Board to support the advancement of the goals of the open space and recreational trust fund.

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

**Section 1.** Section 2:12-1.5 of the City of Newark General Code is hereby amended to read as follows:

**Editor's Note:** Additions are shown as **underlined and bold**. Deletions are ~~strikethroughs~~.

2:12-1.5. Division of Parks and Grounds.

- a. There shall be within the Department of Neighborhood and Recreational Services, a Division of Parks and Grounds, the head of which shall be the Manager, Division of Parks and Grounds.
- b. The Division of Parks and Grounds, under the direction of the Director of Neighborhood and Recreational Services, shall be responsible for the care of all City parks and public grounds, including the trees, lawns, and landscaping appurtenant to public buildings, **play equipment, underground infrastructure supporting play equipment (i.e. sprinklers), physical amenities in parks such as benches, fields, courts, and paths**, and the care for the pruning, trimming, removal and planting of shade trees in the streets and all other public places in the City.
- c. All of those responsibilities and duties previously assigned to the Division of Inspection and Enforcement and the Divisions of Sanitation and Parks and Grounds within the Department of Neighborhood Services, are now assigned to the Divisions of Inspection and Enforcement, Sanitation and Parks and Grounds respectively in the Department of

Neighborhood and Recreational Services.(Ord. 6 S+FF (S), 9-16-98 §§ 10-12).

- d. Coordinator of Parks and Design.** There shall be within the Division of Parks and Grounds, under the direction of the Manager of Parks and Grounds, a Coordinator of Parks and Design. This Coordinator shall be responsible for the maintenance and development of City parks in accordance with the standards specified herein.
- e. Establishment of Open Space and Recreational Trust Fund.** There is hereby established a reserve in the City of Newark's General Fund to be known as the "Open Space and Recreational Trust Fund." A separate bank account shall be opened and maintained for this purpose which shall be maintained in accordance with N.J.S.A. 40A:4-1, N.J.S.A. 40A:5-1, and all applicable laws and shall be used exclusively for the proposition approved by the voters of the City of Newark on November 5, 2013.
- f. Purposes for Open Space and Recreational Trust Fund.** Pursuant to N.J.S.A. 40:12-15.7, and as adopted by the voters of the City of Newark on November 5, 2013 through a proposition, funds from the Open Space and Recreational Trust Fund may be used for providing safe, clean and accessible parks; repairing and improving existing parks; and creating neighborhood playgrounds and playfields for youth sports for the following purposes:

  - (1) acquisition of lands for recreation and conservation purposes;**
  - (2) development of lands for recreation and conservation purposes;**
  - (3) maintenance of lands for recreation and conservation purposes; and**
  - (4) payment of any debt service on indebtedness issued or incurred by the City of Newark for any of the purposes set forth in (1), (2), and (3) of this Subsection f.**
- g. Funding for Open Space and Recreational Trust Fund.** The Open Space and Recreational Trust Fund shall be funded through the dedication of an amount of \$0.01 per \$100 of assessed valuation of each annual tax levy as authorized by the voters on November 5, 2013, commencing with the 2015 tax year and the 2015 budget year. The fund shall also be permitted to accept donations and testamentary bequests, fees associated with permitted events, and concessions. These funds are intended to add to, rather than replace, existing budgeted funds associated with parks maintenance at the time of passage of this ordinance.
- h. Management of Open Space and Recreational Trust Fund.** Director of Neighborhood and Recreational Services, shall be responsible for the management and expenditure of funds collected via the Open Space and Recreation Trust Fund in coordination with the Parks Advisory Board established and described herein. Responsibilities of the Coordinator of Parks and Design and other Parks and Grounds staff associated with the use of funds from the Open Space Trust Fund shall include:

  - (1) Maintenance of City parks in a state of good repair, in accordance with best management practices to the maximum extent feasible within budgetary constraints**
  - (2) Preparation of parks and park equipment for seasonal changes, including - but**

- not limited to - landscaping and winterization of any water-related equipment
  - (3) Maintenance of grasses, plants and trees within parks such that safety and visibility meet minimum standards and attractiveness of park grounds is maintained
  - (4) Coordination with other City agency staff and community partners to support safe, enjoyable recreational and cultural activities and youth sports
  - (5) Development of annual budgets and staffing plans to meet the above-listed responsibilities, including preparation of a schedule of fees, deposits, and permit rules for park events
  - (6) Development of a five-year parks maintenance, management, and capital plan for review and advice by the Parks Advisory Board and submission to the Municipal Council, including needs and opportunities to enhance equitable access to parks and playgrounds
  - (7) Coordination with Sanitation Division staff and other partners to ensure trash and recycling are placed in appropriate bins and collected regularly
  - (8) Facilitation and/or provision of training and professional development for staff to enhance capacity to meet the responsibilities described herein
  - (9) Support Newark workforce priorities in hiring decisions
  - (10) Preparation and delivery of an annual report to the Parks Advisory Board on the condition of City parks, the Division's budget, and all expenditures under the Open Space and Recreation Trust Fund
  - (11) Identification of and coordination with additional resources that advance the safety, usefulness, and attractiveness of City parks
- i. Establishment of Parks Advisory Board for Open Space and Recreational Trust Fund. In order to support the advancement of the goals of the Open Space and Recreation Trust Fund, the City of Newark hereby establishes a Parks Advisory Board. Responsibilities of the Parks Advisory Board shall include:
- (1) Solicitation of public input on use and needs at existing City parks and playgrounds
  - (2) Notification to Coordinator of Parks and Design of any repairs, safety issues, unsightliness, etc.
  - (3) Review and comment on five-year parks plan and annual budgets prepared by the Coordinator of Parks and Design
  - (4) Generate recommendations on programming, social uses in designated areas such as barbecuing or picnicking, youth engagement, and community stewardship activities
  - (5) Create recommendations for improving and enhancing open space in underserved areas
  - (6) Provide recommendations for connecting work associated with parks with Newark workforce priorities including employment and training of ex-offenders and unemployed Newark residents
  - (7) Provide regular advice on, and periodically revisit, priorities for Open Space and Recreation Trust Fund
- j. The Parks Advisory Board shall meet at least twice annually and at most monthly. One meeting will be dedicated to reviewing the budget and proposed plans of the Coordinator of Parks and Design. The second meeting will be dedicated to soliciting

input from the general public on park use, maintenance, and development. The Parks Advisory Board will be responsible for preparing written recommendations to the Parks Director Coordinator of Parks and Design annually as well as providing regular input throughout the year.

**k. Membership and operations of the Parks Advisory Board will be as follows:**

- (1) One resident from each ward that is a member of good standing in United Parks As One**
- (2) Two at-large representatives of local parks organizations appointed by the Mayor's office**
- (3) Two youth members (between 14 and 18 years of age), one appointed by the Council and one by the Mayor**
- (4) Members will serve for two years**
- (5) Members will serve on a voluntary basis and will not be compensated**
- (6) Five out of nine members shall constitute a quorum**
- (7) The Parks Advisory Board shall meet no less than bi-annually and no more than quarterly**

**Section 2.** Any ordinances or parts thereof inconsistent with the provisions herein be and hereby are repealed.

**Section 3.** This ordinance shall take effect upon final passage and publication as provided by law.

**STATEMENT**

This ordinance amends Title II, Chapter 12, Department of Neighborhood and Recreational Services, of the Revised General Ordinances of the City of Newark, New Jersey (2000), as Amended and Supplemented,, 2:12-1.5., Division of Parks and Grounds of the City of Newark Municipal Code, to create an open space and recreational trust fund and establish rules and regulations regarding use of monies collected via the open space and recreational trust fund, including the establishment of a parks advisory board to support the advancement of the goals of the open space and recreational trust fund.