



Legislation Details (With Text)

File #: 22-0416 **Version:** 1 **Name:** Resolution: Memorandum of Understanding - City Parks Foundation, Inc: - Fiscal Agent for the Harriet Tubman Monument Project

Type: Resolution **Status:** Adopted

File created: 3/18/2022 **In control:** Recreation, Cultural Affairs and Senior Services

On agenda: 5/4/2022 **Final action:** 5/4/2022

Title: Dept./Agency: Recreation, Cultural Affairs and Senior Services
Action: ☒ Ratifying ☒ Authorizing ☐ Amending
Type of Service: Memorandum of Understanding with City Parks Foundation, Inc. and the City of Newark
Purpose: To serve as a Fiscal Agent for the Harriet Tubman Monument Project, which includes retaining the Artist for the commission of a statue of abolitionist Harriet Tubman.
Entity Name: City Parks Foundation, Inc.
Entity Address: 920 Broad Street, Room 216, Newark, New Jersey 07102
Project Location: 33 Washington Street, Newark, New Jersey 07102 (at the Broad Street entrance of Washington Park)
Contract Amount: Not to exceed \$300,000.00
Funding Source(s): 2022 Budget/Department of Recreation, Cultural Affairs and Senior Services/Open Space and Recreation Trust/NW026, Trust, Account #32720, Budget Ref: B2022
Contract Period: April 1, 2022 until completion of the Harriet Tubman Monument Project
Contract Basis: ☐ Bid ☐ State Vendor ☐ Prof. Ser. ☐ EUS
☐ Fair & Open ☐ No Reportable Contributions ☐ RFP ☐ RFQ
☐ Private Sale ☐ Grant ☐ Sub-recipient ☒ n/a
Additional Information:

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
5/4/2022	1	Municipal Council	Adopt	Pass

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Additional Information:

WHEREAS, the City of Newark (the “City”) will commission a statue of abolitionist, Harriet Tubman to be installed in Washington Park (hereinafter the “Harriet Tubman Monument Project”) which will be re-named Harriet Tubman Square in her honor; and

WHEREAS, the City played an integral role in the Underground Railroad and Harriet Tubman’s journey, which led her to the City of Newark, as the State of New Jersey was one of the last to acknowledge liberation for enslaved Africans; and

WHEREAS, the commissioned Harriet Tubman monument will replace the statue of Christopher Columbus, which was removed from Washington Park amid calls for equity, racial justice, and new public monuments that honor the historic liberation struggles of Black, Latinx, and Indigenous communities in June 2020; and

WHEREAS, the history of African-Americans in the City dates to circa 1680 when enslaved Africans are believed to have been first brought to the region; and

WHEREAS, one block away from Washington Park, is the Old First Presbyterian Church, located at 810 Broad Street, which was once part of the Underground Railroad network; and

WHEREAS, the Harriet Tubman Monument Project represents a step towards fostering a more diverse and inclusive public art collection for the City of Newark; and

WHEREAS, the proposed location for the new permanent monument of Harriet Tubman is Washington Park’s Broad Street entrance, and it is projected to be installed in late 2022; and

WHEREAS, the City is in need of a Fiscal Agent to manage funds for the Harriet Tubman Monument Project and to pay the Artist and/or subcontractors for all materials and fees associated with the construction of the monument; and

WHEREAS, the City Parks Foundation, Inc.’s, sole purpose is to support the five (5) parks located in the downtown area of the City of Newark, which includes Harriet Tubman Square; and

WHEREAS, the City wishes to enter into an Agreement with the City Parks Foundation, Inc., through a Memorandum of Understanding, in light of its purpose to support this park and any and projects or programing that will happen in said park.

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

1. The Mayor of the City of Newark and/or his designee(s), the Business Administrator and the Director of the Department of Recreation, Cultural Affairs and Senior Services are hereby authorized to enter into and execute a Memorandum of Understanding (the “Agreement”) between the City Parks Foundation, Inc., 920 Broad Street, Newark, New Jersey 07102 (hereafter referred to as “PARKS”), and the City of Newark, 920 Broad Street, Room 216, Newark, New Jersey 07102 (hereafter referred to as “the City”) (together, the “Parties”).

2. The City will provide PARKS with reports describing programs and services of the Harriet

Tubman Monument Project in accordance with the following schedule, which is subject to change:

- a. Provide Three Hundred Thousand Dollars and Zero Cents (\$300,000.00), from the 2022 Budget for the Department of Recreation, Cultural Affairs and Senior Services to PARKS, so it can use the funds to pay the Artist and/or subcontractors for any materials or fees associated with the Harriet Tubman Monument Project.
- b. Promote the partnership between the City and PARKS.
- c. Manage the compliance, monitoring and reporting needed to ensure that the Harriet Tubman Monument Project is managed using good governance policies and practices.

3. As the Fiscal Agent, PARKS will also be responsible for receiving grant funds, in the amount of Three Hundred Thousand Dollars and Zero Cents (\$300,000.00), on behalf of the City from Audible, Inc., 1 Washington Park, Newark, New Jersey 07102, to use the funds to pay the Artist and/or subcontractors for all materials or fees associated with the Harriet Tubman Monument Project.

4. The City will report the activities of the Harriet Tubman Monument Project, to the extent required, on its state and federal government tax filing and financial reports. All disbursements from an Account shall be payments made to or on behalf of the City to accomplish the purposes of the Project. The City will provide PARKS with proper documentation to accomplish this, including furnishing PARKS with the City's Federal Employer Identification Number.

5. PARKS will report the Project's activities, to the extent required, on its state and federal government tax filing and financial reports. All disbursements from an Account shall be payments made to or on behalf of the City to accomplish the purposes of the Harriet Tubman Monument Project. PARKS will provide the City with proper documentation to accomplish this, including furnishing the City with the PARKS's Federal Employer Identification Number.

6. The City designates the Director of Recreation, Cultural Affairs, and Senior Services and/or his designee, the Arts and Cultural Director for the City of Newark, to act as an authorizing official. The authorizing official shall act as principal coordinator of the Harriet Tubman Monument Project's business as required with PARKS. The Director of the Department of Recreation, Cultural Affairs and Senior Services shall have authority to sign disbursement requests.

7. PARKS will provide all information and prepare all reports, including interim and final reports, required by Funding Organizations with the City's assistance and final approval.

8. PARKS will establish and operate a designated account(s) (the "Account") segregated on the PARKS's books for the use of the Harriet Tubman Monument Project on behalf of the City. All amounts deposited into the Account is for the support of the Harriet Tubman Monument Project, less administrative charges, if any, and subject to the conditions set forth below.

9. PARKS will disburse funds from the Account(s) as instructed in writing on duly completed PARKS' vouchers accompanied by required documentation and only as authorized by this Agreement. Disbursements will be restricted to the support and implementation of the Harriet Tubman Monument Project only.

10. PARKS will maintain all financial records relating to the Harriet Tubman Monument Project according to generally accepted accounting principles, retain records, as long as required by law, and make records available to auditors as required by law, along with said requirements herein, whichever is longer. PARKS's financial records shall be made available to the City, upon request.

11. PARKS will report the activities of the Harriet Tubman Monument Project, to the extent required, on its state and federal government tax fillings and financial reports. All disbursements from the Account shall be treated as a payment made to or on behalf of the City to accomplish the purposes of the Harriet Tubman Monument Project. The City will provide the PARKS with proper documentation to accomplish this, including furnishing the PARKS with the City's Federal Employer Identification Number.

STATEMENT

This Resolution authorizes the Mayor of the City of Newark and/or his designee(s), the Business Administrator and the Director of the Department of Recreation, Cultural Affairs and Senior Services to enter into and execute a Memorandum of Understanding between the City Parks Foundation, Inc., 920 Broad Street, Room 216, Newark, New Jersey 07102 and the City of Newark, 920 Broad Street, Newark, New Jersey 07102 (collectively, the "Parties"), which will commission a statue of abolitionist, Harriet Tubman, to be installed in Washington Park, which will be re-named Harriet Tubman Square, in her honor. This Agreement also states that the City will provide \$300,000.00 to PARKS, and collect contributions from Audible, Inc., to use these funds to pay the Artist and/or subcontractors for any materials and fees associated with the construction of the monument.. The term of this Agreement shall be April 1, 2022 until the completion of the Harriet Tubman Monument Project.