

C. Dittus
MOC
EM
CA
City Planner
CE
ZFO
Finance
Tax Assessor
Zoning Officer
4/30/02

CITY OF GARFIELD

ORDINANCE NO. 2338

AN ORDINANCE ESTABLISHING THE GARFIELD REDEVELOPMENT AGENCY
PURSUANT TO N.J.S.A. 40A:12-1 et seq.

WHEREAS, the City Council of the City of Garfield has determined that it is in the best interest of the City to stimulate the redevelopment of the currently existing industrial and other commercial areas; and

WHEREAS, the City Council has directed the Garfield Planning Board to commence the review of the entire City in order to establish which areas of the City can be classified as areas in need of redevelopment; and

WHEREAS, the Garfield City Council and Planning Board have determined that the focus redevelopment of the City should be targeted to specific sites; and

WHEREAS, the Garfield Planning Board commissioned the City Planner to review the Master Plan and prepare a Redevelopment Area Analysis; and

WHEREAS, the Garfield Planning Board after receipt and review of the Redevelopment Area Analysis scheduled public hearings pertaining to the following locations:

A) River Drive and Monroe Street
Block 50.01 Lot 1
Block 50.02 Lot 2

and

B) Block 6 Lot 1
Block 7.02 Lot 1.02 on Hobart Place,

and

C) Block 18 Lot 25
Block 19.01 Lot 31
Block 19.02 Lot 1 on Passaic Street

and after due notice, the Planning Board concluded that the above areas are properties which meet the statutory criteria as areas in need of redevelopment; and

WHEREAS, the City Council of the City of Garfield has determined that it is in the best interest of the City of Garfield to establish a Redevelopment Agency; and

WHEREAS, the Redevelopment Agency in conjunction with the Garfield Planning Board will review all industrial and commercial areas in the City in an attempt to redevelop these properties; and

WHEREAS, a Redevelopment Agency will help to create new business, job opportunities, and the redevelopment of the City; and

WHEREAS, the City Council of the City of Garfield on December 18, 2001, adopted Resolution # 01-486 authorizing various City professionals to prepare an application pursuant to N.J.S.A.40A:5A-4 and filed same with the Local Finance Board; and

WHEREAS, on February 22, 2002, counsel submitted a formal application on behalf of the City of Garfield to the Local Finance Board for the creation of the Garfield Redevelopment Agency; and

WHEREAS, on March 13, 2002, the following City representatives:

Mayor Frank Calandriello
Councilman Louis Aloia
City Manager Joseph D. Migliaccio
City Auditor Dieter Lerch
Bond Counsel Edward Mc Manimon
Special Counsel Christos J. Diktas

appeared before the Local Finance Board and obtained the statutory approvals pursuant to N.J.S.A.40A:12(A)1 to introduce and adopt this Ordinance thus establishing the City of Garfield Redevelopment Agency; and

WHEREAS, N.J.S.A.40A:12(A)-11 establishes the authority for the City of Garfield to create a Redevelopment Agency;

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Garfield to create a Redevelopment Agency:

SECTION ONE:

Title:

The Agency which will be created pursuant to this ordinance shall be entitled as the "Garfield Redevelopment Agency".

SECTION TWO:

Terms of Commissioners of Redevelopment Agency

A. There shall be seven Commissioners of the Redevelopment Agency, which shall be nominated by the City Council and confirmed upon a majority vote of same.

B) Terms:

(i) Commissioners shall serve for a term of five (5) years;

(ii) Exceptions: Initial Commissioner Board

- a) One (1) Commissioner shall serve for a term of one (1) year;
- b) One (1) Commissioner shall serve for a term of two (2) years;
- c) Two (2) Commissioners shall serve for a term of three (3) years;
- d) One (1) Commissioner shall serve for a term of four (4) years;
- e) Two (2) Commissioners shall serve for a term of five (5) years;

(iii) Not more than two (2) of the Commissioners shall be officers or employees of the municipality. A Commissioner who is a member of the governing body shall serve for a term of one year. If two members of the governing body are chosen as Commissioners, than the governing body shall not appoint a Commissioner for the two year position.

(iv) Terms and Vacancies:

- a) Each Commissioner shall hold office for the term of his appointment and until his successor shall have been appointed and qualified.
- b) The terms of Commissioners other than the members of the governing body shall be appointed to staggered terms;
- c) Any vacancy occurring in the office of Commissioner, from any cause, shall be filed in the same manner as the original appointment but for the unexpired term.

(v) Certificate of Appointment

A) A Certificate of the appointment or reappointment of each Commissioner shall be filed with the Clerk, and the Certificate shall be conclusive evidence of the due and proper appointment of that Commissioner.

(vi) Compensation

Commissioners shall receive no compensation for their services, but shall be entitled to reimbursement for actual expenses necessarily incurred in the discharge of the duties of Commissioner including travel expenses.

(vii) Quorum

Four Commissioners shall constitute a quorum for the purpose of conducting business and exercising powers and all other purposes.

Action may be taken by the Agency upon affirmative vote of the majority, but not less than four (4) of the Commissioners present, unless in any case the Bylaws of the Agency shall require a larger number.

(viii) Officers/Director

The agency shall select a Chairman and a Vice-Chairman and the Agency shall employ an Executive Director, who shall be the Secretary to the Redevelopment Authority..

SECTION THREE

Conflict

a) No Commissioner or employee of an agency shall acquire any interest, direct or indirect, in a Redevelopment project or in any property included or planned to be included in a project.

b) Nor shall any Commissioner or employee shall have any interest, direct or indirect, in any contract or proposed contract for materials and services to be finished or used in connection with a project.

c) All conflicts of interest must be immediately disclosed in writing to the

Agency, and the disclosure shall be entered in the minutes of the Agency.

d) For inefficiency or neglect of duty or misconduct in office, a Commissioner may be removed by the municipality by which he was appointed or by the agency, subject to substantive and procedural due process.

SECTION FOUR:

Executive Director

A. An Executive Director of a Redevelopment Agency shall be appointed in accordance with the requirements of N.J.S.A.40A12A-12, et seq.

B. Qualifications

1) Degree from an accredited four year college or University in any one of the following disciplines:

a) Public Arbitration

b) Social Science, or

c) Other applicable program; and

d) (i) five years experience in public administration, public finance, realty, or similar professional employment.

(ii) A Masters Degree in an appropriate program subject to acceptance by the Department of Community Affairs may substitute for two years of the experience required.

2) Exceptions:

A person possessing the required work experience and holding

a certification from the National Association of Housing and Redevelopment Authority shall not be required to meet the educational requirement.

3) Executive Director Term of Office/Title

A. The Executive Director shall serve at the pleasure of the Commissioners of the Agency and may be relieved with or without cause of his duties only after 120 days written notice.

B. The title Executive Director shall be unclassified Civil Service. All other employees shall be required to comply with the Civil Service laws.

SECTION FIVE:

Commissioners Course of Study - Commissioners and Executive Director

A. Any person serving as a member of a Redevelopment Agency shall satisfactorily complete the course of study prescribed by the Commissioner of the Department of Community Affairs within eighteen (18) months following the date of their appointment.

B. Failure to complete the Course of Study during this time period shall be equivalent to a resignation of office.

C. Notwithstanding, a person who fails to complete their studies during the eighteen (18) month period may continue to serve to the end of his appointed term even if the pending period in that term exceeds eighteen months.

However, such a member shall not be eligible for reappointment to membership as a Commissioner until a period of five (5) years has elapsed following the completion of the interim term.

D. Executive Director Course of Study

A. Any person serving as the Executive Director of the Redevelopment Agency shall satisfactorily complete the course of study prescribed by the Commissioners within two years after their appointment. Failure to so comply shall be equivalent to a resignation of office.

SECTION SIX

Repealer

BE IT FURTHER ORDAINED, that all other ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed, to the extent of such inconsistency.

SECTION SEVEN

Effective Date

BE IT FURTHER ORDAINED, that this ordinance shall take effect upon passage and publication as provided by law.

SECTION EIGHT

Legislative Intent

BE IT FURTHER ORDAINED, that this ordinance has been created pursuant to N.J.S.A. 40A:12A-1 et seq., the "Local Redevelopment and Housing Law", as may and hereafter be amended; the City Council does hereby incorporate by reference N.J.S.A.40A12A-1 as it may apply to Redevelopment Agencies, into this ordinance and has intentionally not delineated or restricted the language of this ordinance in order.

SECTION NINE

This section has been purposely left blank for future amendments.

SECTION TEN

Severability

BE IT FURTHER ORDAINED, that the provisions of this ordinance are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of the regulation of their application to other persons or circumstances. It is hereby declared to be the legislative intent that this ordinance would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such persons or circumstances, to which the ordinance or part hereof is held inapplicable, had been specifically exempted therefrom.

INTRODUCTION ON 3/28/02:

	AYE	NAY	ABSTAIN	ABSENT
KASICA-GIACOMARRO	X			
ALOIA	X			
LAVERTY	X			
KRONE				X
CALANDRIELLO	X			

ADOPTION ON 4/23/02:

	AYE	NAY	ABSTAIN	ABSENT
KASICA-GIACOMARRO	X			
ALOIA	X			
LAVERTY	X			
KRONE	X			
CALANDRIELLO	X			

Paul J. Calandriello
James Krone
Alodia
Laverty

I hereby CERTIFY that the foregoing ORDINANCE was adopted by the City Council at a Regular Meeting held Tuesday, April 23, 2002.

Andrew J. Pavlica
Andrew J. Pavlica, CITY CLERK