

**Bergen County Open Space, Recreation, Floodplain
Protection, Farmland & Historic Preservation Trust Fund**

PROGRAM STATEMENT



County of Bergen

I. INTRODUCTION

Through a 1997 State Law (N.J.S.A. 40:12-15.1 et seq.), New Jersey counties are permitted to establish a dedicated trust fund to acquire land for conservation/open space purposes, recreation facilities enhancement, and farmland and historic preservation. Counties are given great latitude in crafting their own trust funds to meet their particular priorities and objectives.

Under this Law, the Board of Chosen Freeholders needs voter approval to create and fund such a trust. The County of Bergen recognized the merits of a trust and, on November 3, 1998, placed a public question on the ballot to determine whether the County should establish such a trust fund. The ballot question was approved by a two-to-one majority of those who voted. The vote of approval allowed the Freeholder Board to establish a trust fund, which they did via Resolution #1853 on November 24, 1998, entitled the Bergen County Open Space, Recreation, Farmland & Historic Preservation Trust Fund (hereinafter “Trust Fund”).

Bergen County’s Trust Fund had an initial life span of 5 years, ending in 2003. Based on the success of this initial effort, the County of Bergen sought to re-authorize the Trust Fund, via a public question to the electorate on the ballot of November 4, 2003. The ballot question was approved by a two-to-one majority of those who voted. The vote of approval allowed the Freeholder Board to re-authorize and modify the Trust Fund, which they did via Resolution #1753 on December 17, 2003.

In September of 2011 the State Trust Fund Law was amended to include an additional purpose to acquire flood-prone properties, otherwise known as “Blue Acres Projects.” Based upon this amendment, the County of Bergen sought the approval of the voters, via a 2013 ballot question, to add this new program category. The ballot question was approved by nearly a two-to-one majority of those who voted. The vote of approval allowed the Freeholder Board to amend the Trust Fund, which they did via Resolution # 1762-13 on December 18, 2013, and naming the program the Bergen County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund.

Rules and Regulations for the administration of the Trust Fund Program, identified as the “Program Statement” was formally adopted by the Board of Chosen Freeholders via **Resolution # 1853, November 24, 1998, and have been periodically amended as necessary: # 1812, 10/20/99; # 493, 4/18/01; # 903, 7/7/04; # 542, 4/15/09; # 1087, 8/11/10; # 667-14, 6/4/14.** This Program Statement is intended to outline the objectives of the program and the governance process that the Trust Fund will follow.

II. STRUCTURE OF THE TRUST FUND

The Trust Fund is funded through a property tax assessment to be determined annually by the governing body of the County, at a rate not to exceed one cent per \$100.00 of total County equalized real property valuation.

The Trust Fund is divided into two separate categories, each having its own distinct goals and objectives. The **County Program** uses Trust Fund dollars on a countywide basis to preserve

land, maximize recreational opportunities, acquire flood-prone properties, and preserve farmland and historic areas. Those that are eligible to apply to the County Program include: County departments, municipalities, and charitable conservancies. Seventy (70) percent of each year's open space tax revenue shall be allocated to the County Program.

The second program of the Trust Fund is the **Municipal Park Improvement Program**. Each of Bergen County's 70 municipalities is eligible to apply to this program in order to improve their municipal open space and recreational facilities. Thirty (30) percent of each year's open space tax revenue shall be allocated to the Municipal Park Improvement Program.

Any unused funds will stay within the respective Program categories and made available in the next available funding round. Any interest earned on the investment of funds of the Trust Fund shall be retained within the Trust Fund.

As necessary, the County Executive and the Board of Chosen Freeholders will determine whether it is appropriate to modify the priorities and objectives of the program. The program may also expire should there be a determination by the County Executive and the Board of Chosen Freeholders that it is no longer necessary.

III. GOVERNANCE

The Department of Planning & Economic Development, Division of Open Space (Division) administers the Trust Fund Program. The Division will ensure standard applications for the Trust Fund Grant program categories are available; which may be revised to ensure program efficacy.

After the County Freeholders adopt the annual Trust Fund tax rate resolution for the funding round, the funding schedule will be established. A specific date will be established, as appropriate, for applications to be submitted. A project review and award schedule will be developed and communicated to applicants.

Grant funding recommendations are developed by the Trust Fund Public Advisory Committee. These funding recommendations are submitted to the County Executive and Board of Chosen Freeholders in the form of a preliminary funding recommendation report. A Freeholder Resolution is adopted by the Freeholders identifying the recommendations and sets a date, no less than 30-days, for a public hearing to solicit public comment on the grant award recommendations. No less than 45-days after the public hearing, a final grant funding Resolution is then adopted by the Freeholders in accordance with N.J.S.A. 40:12-15.1 et seq.

IV. GRANT CATEGORIES & GUIDELINES

Grant program guidelines and/or manuals govern the award of matching grants. These documents establish project eligibility requirements, application requirements, funding award and criteria, and program administration requirements. These guidelines, manuals and the grant administrator responsible for the respective sub-category are as follows:

County Program

1. **Land Acquisition Program**: The **Open Space Partnership Manual** is the guidance document governing the review and award of matching grants to municipalities and qualified non-profit organizations for the acquisition of land for recreation and conservation purposes.
 - The Division of Open Space is the grant administrator.
2. **Bergen County Park Improvement Program**: The Bergen County Department of Parks is responsible for submitting its requests for the development of new and/or the rehabilitation of existing County Park facilities to the Division of Open Space.
3. **Farmland Preservation Program**: The **Farmland Easement Purchase Guidelines** is the guidance document governing the grants to the County for the acquisition of farmland development easements from landowners who want to continue farming their land.
 - The Division of Open Space is the grant administrator.
4. **Historic Preservation Program**: The **Historic Preservation Grant Guidelines** is the guidance document governing grants for the acquisition, stabilization, rehabilitation, restoration, and preservation of historic sites; preservation planning documents, by the County, municipalities, and qualified non-profit organizations.
 - The Division of Cultural and Historic Affairs is the grant administrator.
5. **Floodplain Protection Program**: The **Floodplain Protection Program Manual** is the guidance document governing the grants for the acquisition of floodprone properties and restoring the land to a natural state useful for recreation and conservation purposes by County, municipalities, and qualified non-profit organizations.
 - The Division of Open Space is the grant administrator.

Municipal Park Improvement Program

The **Municipal Park Improvement Program Rules & Procedures Manual** is the guidance document governing the grants to Bergen County municipal governments for the development and/or the rehabilitation of municipal outdoor recreation facilities.

- The Division of Open Space is the program administrator.

All program governing documents are on file with the Division of Open Space.

V. INELIGIBLE CRITERIA

Projects ineligible for funds from any program category include, but are not limited to the following:

- A. Any maintenance, care, custodial, or policing expenditures associated with the acquisition of open space, and active or passive recreation.

- B. Lands that are and will remain predominantly covered by buildings or structures not appropriate for environmental education, recreational use, or historic preservation.
- C. Activities that will have a significant adverse impact on environmental resources or open space values.
- D. The acquisition of land that is less than 2.0 acres. However, projects of less than 2.0 acres may be considered if contiguous to an existing park/greenway or if of great environmental/ecological significance.

VI. GRANT ADMINISTRATORS

Grant administrators will process applications submitted - guiding applicants through the review, recommendation and approval phases. Administrators will work closely with grant applicants, instructing and educating them about the process and the responsibilities involved with getting a grant.

A second duty of the grant administrators is project administration. Once a grant has been awarded, the grant administrator will assist in drafting the grant contract with the Office of County Counsel. The grant contract details the responsibilities of the County and the grantee in completing the project. Upon its execution, signed by both the grantee and the County, it is a legally binding and enforceable document.

The final step in the project administration process, the grant administrator will seek the necessary financial documentation from the grantee verifying payment records, reviewing invoices and receipts. Grants are made on a reimbursement basis. This means that the grantee incurs the costs and then requests reimbursement for eligible costs.

VII. ADVISORY COMMITTEES

I. Trust Fund Public Advisory Committee

The County Executive, with the advice and consent of the Board of Freeholders, may appoint Advisory Committee members from the following categories of County Departments, municipalities, and organizations:

- Freeholder Liaison
- Bergen County Department of Planning & Economic Development
- Bergen County Department of Parks
- Bergen County Treasurer
- Bergen County League of Municipalities
- Recreation and Park Association
- Historic Preservation Representative
- Agricultural Representative
- Business Organization Representative
- Three (3) Environmental/Conservation Group Representatives
- Three (3) Members of the Public, Chosen At-Large

The **Term of Office** of the members of the Trust Fund Public Advisory Committee shall be as follows.

The Freeholder Liaison, the Director or designee of the Bergen County Department of Planning & Economic Development, the Director or designee of the Bergen County Department of Parks, and the Treasurer or designee of the Bergen County Treasurer's Office shall serve as Ex-officio members. Ex-officio members shall have all the rights and privileges as all members of the Advisory Committee, except as follows:

1. While the Freeholder Liaison is vested with the right to vote as per the County Administrative Code of 1992, the Freeholder liaison maintains his/her discretion as to whether to exercise his/her right to vote for all Advisory Committee actions.
2. Unless otherwise stated, all Ex-officio members are permitted to serve as an officer of the Advisory Committee; however, no more than one Ex-Officio member shall serve as an officer during any one calendar year. The Freeholder liaison is prohibited from being an officer of the Advisory Committee.

All appointments to the Advisory Committee shall be for two-year terms. All members shall serve on a voluntary basis without compensation. Each shall file annually a Financial Disclosure Statement in accordance with N.J.S.A. 40A:9-22.1 et. seq., the Local Government Ethics Law.

The **Officers** of the Advisory Committee shall be a **Chairperson** and a **Vice-Chairperson**. The Officers shall be elected by a majority vote of the voting members at the annual organizational meeting of the Advisory Committee when the Committee holds its first meeting of the calendar year.

The term of office of all officers shall be for one (1) year. An elected officer shall serve for no more than two (2) consecutive terms.

The **Duties of the Chairperson** shall include, but not necessarily be limited to, the following:

- a. Preside at all regular and special meetings.
- b. Create Subcommittees as deemed necessary.
- c. Appoint Subcommittee members.
- d. Sign such documents as are necessary.

In the absence of the Chairperson, the **Vice-Chairperson** shall perform duties of the Chairperson.

A. Subcommittees

There shall be Subcommittees from among the members as the Chairperson and Advisory Committee deem necessary for the purpose of carrying out the business of the Advisory Committee.

B. Meetings

Meetings of the Advisory Committee shall be held as determined by the Division of Open Space or Chairperson. Special meetings may be held as necessary as determined by the Division of Open Space or Chairperson.

A simple majority of eight (8) out of the fifteen (15) voting members of the Advisory Committee shall constitute a quorum for the transaction of business.

C. Responsibilities

The Advisory Committee will work closely with the County to:

1. Recommend formal rules and regulations that the Trust Fund will follow. The Bergen County Board of Chosen Freeholders may amend these rules and regulations at any time as necessary.

The Advisory Committee shall assist the County of Bergen with regard to open space and recreation issues pertaining to the County Program.

D. Conflict of Interest

Any Advisory Committee member, who has an affiliation to any project where an application has been submitted for the Advisory Committee to review and recommend funding, must recuse him or herself from the application process of that particular project. "Affiliation" shall be construed to mean a connection to the project by way of familial, employment, elected official and/or board relationship. "Application Process" shall be construed to mean participation in the presentation, discussion, and voting of the project in question. A member who has recused him or herself from hearing a particular application is not precluded from participation in other applications before the Advisory Committee.

II. Municipal Park Improvement Program Regional Municipal Committees

Regional Municipal Committees will consist of the municipal administrators or Borough Clerk if there is no Administrator, from each of the Bergen County municipalities. Committee members shall make recommendations for funding to Division Staff after the review of applications and conducting a meeting of the sub-committee. Committee meetings will be held in those instances where funding requests exceed the funds available for any sub-region.

Grant Funding in this category is distributed into six established planning sub-regions, identified as follows:

- Central
- Northern Valley
- Northwest
- Pascack Valley
- Southeast
- Southwest

All applications for Municipal Park Improvement grants will be reviewed and a ranking number is computed for each per an application review scorecard. If the grant funding requests can be accommodated in any sub-region, then Division Staff will make recommendations for grant selections to the Trust Fund Public Advisory Committee.

If funding requests exceed the funds available for any sub-region, then the Division staff will present grant request information, the results of the ranking scorecard, and convene a meeting with the respective Sub-regional Municipal Committee, who will review the eligible applications.

The Regional Municipal Committee shall make recommendations for funding to Division Staff. Division Staff will then review recommendations, make adjustments to recommendations if necessary, then present recommendations to the Trust Fund Public Advisory Committee for inclusion in the annual funding recommendations list.

III. County Agriculture Development Board

The Bergen County Agriculture Development Board (CADB) consists of seven voting members - four farmer and three public members. There are also three ex-officio members: Bergen County Soil Conservation District, Rutgers Cooperative Extension Agent of Bergen County and a Bergen County Planning Board Member. Members are appointed by the County Executive with the advice and consent of the Freeholders.

The CADB recommends grants to the Trust Fund Public Advisory Committee for grants to enable the County to purchase a deed restriction ensuring the land will not undergo non-agriculture development.

IV. Historic Preservation Advisory Board

The Historic Preservation Advisory Board consists of seventeen members and is appointed by the County Executive with the advice and consent of the Freeholders. The board reviews applications and recommends grant awards to the Trust Fund Public Advisory Committee.

V. Bergen County Department of Parks & Department of Planning and Economic Development

While not a committee, the Director, or designee, of the Bergen County Department of Parks shall be responsible for submitting a list of funding requests for the development of new and/or the rehabilitation of existing County Park facilities. The Director, or designee, of the Department of Planning and Economic Development shall be responsible for submitting a list of funding requests for the preservation of land for the County.

The Trust Fund Public Advisory Committee will invite Department representatives to present its funding requests to the Trust Fund Public Advisory Committee at a scheduled meeting.

VIII. AMENDMENT AND SEVERABILITY

The County Executive and the Board of Chosen Freeholders may amend this program statement at any time. Should any portion of this document be determined invalid or inappropriate or be deleted by Resolution of the Board of Chosen Freeholders, the remainder of the document shall remain in full force and effect.

- I. The County Executive and Board of Chosen Freeholders maintains the following discretion:
 1. The Freeholders must approve all grant awards to projects.
 2. The Freeholders must determine annually, upon a recommendation of the County Executive, whether to raise Trust Fund dollars and the annual rate or amount to be raised.
 3. The Freeholders may allocate Trust Fund dollars for the payment of debt service on indebtedness issued or incurred by the County for land acquisition, development of lands acquired for recreation or conservation purposes, and historic preservation activities.
 4. The County Executive and the Board of Chosen Freeholders shall determine whether to continue the Trust Fund program in its present form or as modified.

- II. Discretion to Relax Administrative, Procedural, and/or Substantive Requirements
 1. The County may, in its discretion and if consistent with the principles and purposes of the Trust Fund Program Statement, relax the strict application of any of the administrative, procedural, and/or substantive requirements of the Trust Fund Program Statement and/or other non-statutory requirements when necessary and in the public interest, for good cause shown by the grant recipient for land acquisition. Such authority does not extend to statutory requirements, legislative mandates, Green Acres Rules and Regulations, or any other independent authority.

The County is under no obligation to relax any of the administrative, substantive, or procedural requirements and retains complete discretion to determine whether to do so.

2. Procedure for Requesting Relief from Administrative, Procedural, and/or Substantive Requirements

Any Trust Fund grant recipient for land acquisition who seeks relief from any administrative, procedural, and/or substantive requirements(s) of the Trust Fund shall submit a written petition to the Department of Planning and Economic Development for consideration. The grant recipient shall also submit a copy of the petition to the Clerk to the Board of Chosen Freeholders, who will circulate it to the Board of Chosen Freeholders and the County Executive.

The Department of Planning and Economic Development shall review the petition and present the request to the Trust Fund Public Advisory Committee. The petitioner shall

make a presentation to the Trust Fund Public Advisory Committee in support of the requested relief.

After affording a hearing to the grant recipient, the Trust Fund Public Advisory Committee shall make a recommendation concerning the disposition of the petition to the County Executive and the Board of Chosen Freeholders. Pursuant to N.J.S.A. 40:12-15 et seq, any petition shall take the form of a recommendation from the Trust Fund Public Advisory Committee to the Freeholders prior to any formal action by the Freeholders.”