



7/29/2010

UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

ORDINANCE NUMBER: 709-2010
DATE OF INTRODUCTION: 7/29/2010
DATE OF ADOPTION:

AMENDING AN ORDINANCE TO AMEND THE LAWS OF UNION COUNTY: ADMINISTRATIVE CODE AND POLICIES AND GENERAL LEGISLATION: BY AMENDING § 1-114 DIVISION OF PARK MAINTENANCE; AMENDING CHAPTER 35-BUSINESS ENTERPRISES, MINORITY AND WOMEN; AND ARTICLE XVI-EMPLOYEE HANDBOOK

BE IT ORDAINED by the Board of Chosen Freeholders of the County of Union that the "Laws of Union County" are hereby amended as outlined in the attached Schedule A:

CONTINUED...

(See attached)

Note: All text that is underlined is inserted/new language. All text that is struck through is deleted language.

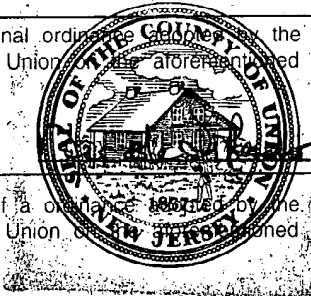
NO SUFFICIENCY OF FUNDS REQUIRED

Handwritten signature and date 7-22-10

Table with columns: INTRODUCTION, RECORD OF VOTE, FINAL ADOPTION. Rows list Freeholders: ESTRADA, JALLOH, KOWALSKI, MIRABELLA, PROCTOR, VAN BLAKE, WARD, SCANLON VICE CHAIRMAN, SULLIVAN CHAIRMAN.

APPROVED AS TO FORM
COUNTY ATTORNEY

I hereby certify the above is an original ordinance of the Board of Chosen Freeholders of the County of Union as of the above mentioned date.
CLERK



I hereby certify this is a true copy of a ordinance of the Board of Chosen Freeholders of the County of Union as of the above mentioned date.
CLERK

SCHEDULE A

PART I - ADMINISTRATIVE CODE

ARTICLE XVIII, Department of Parks & Community Renewal

[Adopted 6-26-1997 by Ord. No. 452; Amended 12-20-2007 by Ord. No. 664]

§ 1-100. Department established; purpose; organization.

[Amended 6-20-2002 by Ord. No. 553; 9-14-2006 by Ord. No. 636; 12-20-2007 by Ord. No. 664; 6-25-09 by Ord. No. 686]

- A. General Purpose; Departmental Organization. There shall be a Department of Parks and Community Renewal for the purpose of promoting and developing the planning, development and growth of the County of Union, coordinating all aspects of such through the efficient and effective use of financial, operational and administrative resources and to proactively address the needs of County residents. The Director shall be fully responsible for the Department's operation.
- B. There may be a Deputy Director who shall be responsible to the Director of the Department of Parks and Community Renewal and shall be responsible for developing plans and coordinating the implementation of plans for renovating existing park facilities and constructing new facilities.
- C. The Department shall have a Bureau of Recreation and a Bureau of Administrative Support. The Chief of each Bureau shall be the head of the Bureau and shall report to the Deputy Director of Parks and Community Renewal.
- The functions of the Bureau of Recreation is to develop and administer programs to facilitate the public use and enjoyment of County parks, playgrounds, the Watchung Reservation, open spaces and places of recreation; operating all County recreation facilities; and, coordinating park and recreational facilities, programs and special events of the County with other public and private recreational facilities within the County.
 - The functions of the Bureau of Administrative Support is to establish and maintain essential records and files relative to the programs offered by the Department, ensure payroll conformity, prepare and reconcile contract bids and bills, and maintain construction progress schedules and reports.

~~D. The Department shall have a Bureau of Environmental Conservation. The Chief of the Bureau shall be the head of the Bureau and shall report to the Deputy Director of Parks and Community Renewal. The functions of the Bureau of Environmental Conservation will be as follows:~~

- ~~• Implementing and coordinating Household Special Waste, Computer and Electronics, and Battery/Motor Oil/Filters recycling events funded through the Solid Waste Services Tax~~
- ~~• Implementing and coordinating the Scrap Tire Management Program to fund cleanup and disposal of scrap tires found on public lands.~~
- ~~• Providing administrative and coordination assistance to municipalities in implementing the Clean Communities Program.~~
- ~~• Performing such other duties as may be required by the Director of the Division of Park Planning and Maintenance.~~

- ~~•Preparing and Disseminating all mandated statistical programmatic reports to appropriate agencies and officials.~~
- ~~•The Bureau Chief of the Bureau of Planning and Environmental Conservation shall also serve as the District Recycling Coordinator.~~

E.D. The Department shall have a Bureau of Governmental Relations and Community Outreach. The Bureau Chief shall report to the Director of Parks and Community Renewal. The function of the Bureau of Governmental Relations and Community Outreach is to develop and administer programs to facilitate the public use and enjoyment of County parks and recreational facilities in consolidation of County grant programs for maximum effectiveness. The Bureau shall include the Office of Cultural and Heritage Affairs.

E.E. The Office of Cultural and Heritage Affairs functions and responsibilities shall include:

- (1) Create, support and encourage programs promoting public interest and participation in local arts, history and culture.
- (2) Maintain an annual preservation awards program commending noteworthy historic preservation.
- (3) Educate the public on local, state and municipal efforts to preserve historical sites.
- (4) Maintain an historic inventory as a resource for federal and state agencies and local planners.

[Amended 9-14-2006 by Ord. No. 664]

G.F. The Department of Parks & Community Renewal shall consist of the following Divisions:

- (1) Division of Planning and Community Development.
- (2) Division of Information Technologies. [Added 7-22-1999 by Ord. No. 503]
- (3) Division of Golf Operations. [Added 12-20-2007 by Ord. No. 664]
- (4) Division of Parks Planning and Horticultural Services

[Amended 9-14-2006 by Ord. No. 636; 12-20-2007 by Ord. No. 664]

§ 1-113. Division of Parks Planning and Horticultural Services

A. Division head. The Director of the Division of Park Planning and Horticultural Services shall be the head of the Division and shall be responsible to the Deputy Director of the Department of Parks and Community Renewal for its operation.

B. Division organization.

- (1) Within the Division, there shall be the following subdivision:
 - a) The Bureau of Horticulture.
- (2) The Division of Park Planning and Horticulture Services' functions and responsibilities shall include:
 - a) Responsible for developing plans and coordinating the implementation of plans for renovating existing Park facilities, constructing new facilities, and environmental park programs.
- (3) The Bureau of Horticulture's functions and responsibilities shall include:
 - a) Providing for the care, cultivation, planting and replanting of all lawns on County property.
 - b) Providing for the care, cultivation, planting and replanting of flowers and shrubs on County property.

§ 1-114. Division of Park Maintenance

[Added 6-25-2009 by Ord. No. 686]

- A. Under the direction and supervision of the Director of the Department of Engineering, Public Works and Facilities, the Division of Park Maintenance's functions shall include preserving and improving all County park and recreational facilities.
- B. Division Head. The Director of the Division of Park Maintenance shall be the head of the Division and shall be responsible to the Director of the Department of Engineering, Public Works and Facilities.
- C. Division Organization
- a. Within the Division, there shall be the following Bureaus:
- i. The Bureau of Parks-Sector I
 - ii. The Bureau of Parks-Sector II
 - iii. The Bureau of Recycling and Planning
- b. Bureau Chief. The Chief of each Bureau shall be the head of the Bureau and shall be responsible to the Director of the Division of Park Maintenance.
- c. The functions of ~~each the Bureau of Parks-Sector I and Parks-Sector II~~ shall include the provision of care and maintenance of all County park and recreational facilities within its respective Sectors.
- d. The functions of the Bureau of Recycling and Planning will be as follows:
- Implementing and coordinating Household Special Waste, Computer and Electronics, and Battery/Motor Oil/Filters, and other recycling related events.
 - Implementing and coordinating the Scrap Tire Management Program to fund cleanup and disposal of scrap tires found on public lands.
 - Providing administrative and coordination and assistance to municipalities in implementing the Clean Communities Program.
 - Performing such other duties as may be required by the Director of the Division of Park Planning and Maintenance.
 - Preparing and Disseminating all mandated statistical programmatic reports to appropriate agencies and officials.
 - The Bureau Chief of the Bureau of Planning and Environmental Conservation shall also serve as the District Recycling Coordinator.

Chapter 35. BUSINESS ENTERPRISES, MINORITIES AND WOMEN, SMALL BUSINESS ENTERPRISES

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union 9-10-1987 as Res. No. 676-87. Amendments noted where applicable.]

GENERAL REFERENCES

Affirmative action employment -- See Ch. 12.

§ 35-1. Declaration of policy.

The County declares that the existence of a strong and healthy free enterprise system is directly related to well-being and competitive strength of small business concerns, ~~minority business concerns and women business concerns~~ and the opportunity for small businesses, ~~minority businesses and women businesses~~ to have free entry into business, to grow and to expand, and finds that the County must attempt to ensure that a fair proportion of the County's total purchases and contracts for construction, property, supplies and services is placed with small business concerns, ~~minority business concerns and women business concerns~~.

§ 35-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGENT -- The Union County Director of the Division of Purchasing.

CONTRACTS -- All purchases of the County of Union, but not including the goods and services over which the County has no discretion as to the payee such as regulated utilities ~~New Jersey Bell, Public Service Electric and Gas~~, maintenance of patients in state institutions and two-year out-of-County college reimbursement

DIVISION -- The Division of Purchasing.

~~MINORITY BUSINESS -- A business which has a place of business in the state, is independently owned and operated and at least 51% of which is owned and controlled by persons who are Black, Hispanic, Portuguese, Asian American, American Indian or Alaskan Natives.~~

SET-ASIDE CONTRACT:

- A. A contract for goods, equipment, construction or services which is designated as a contract for which bids are invited and accepted only from small, ~~minority or women~~ businesses;
- B. A portion of a contract when that portion is so designated; or
- C. Any other purchase or procurement so designated.

~~SMALL BUSINESS [R1] -- A business which has its principal place of business in the state, is independently owned and operated and meets all other qualifications as may be established in accordance with N.J.S.A. 52:27H-21.8(g) ~~et seq.~~ N.J.A.C. 17:13-1.2 and 17:14-1.2~~

~~WOMEN BUSINESS -- A business which has a place of business in the state, is independently owned and operated and at least 51% of which is owned and controlled by women.~~

§ 35-3. Set-aside program.

A. Notwithstanding the provisions of any County bidding or Local Public Contracts Law to the contrary, but subject to any superseding federal statutes or rules, the Division may designate a contract and/or a portion thereof for goods and services, ~~equipment, or construction or services~~ to be awarded by the agent to a qualified small, minority or women businesses pursuant to the goals and procedures established by this program whenever there is a reasonable expectation that bids may be obtained from at least two qualified small businesses, minority businesses or women businesses capable of furnishing the desired goods and services or, ~~equipment, construction or services~~ at a fair and reasonable price. The designation shall be made prior to the advertisement of bids.

B. There ~~is~~ are established a goals that the Division attempt to award at least 15% of the dollar value of its contracts to for small businesses, ~~at least 7% of its contracts for minority businesses and at least 3% of its contracts for women businesses~~. These goals may, where appropriate, be attained by the direct designation of businesses by requiring that a portion of such a prime contract be subcontracted to small businesses, ~~minority businesses or women businesses~~. The Division shall make a good faith effort to attain the goals established in this section.

~~C. The goals established shall be attained independently of each other, and any given contract may be counted for purposes of attaining the small business, minority business or the women business goal, but not towards more than one goal.~~

~~D.C.~~ For purposes of obtaining these goals, the Division shall, when necessary, specifically set aside contracts or portions of contracts for which only small businesses, ~~minority businesses or women businesses~~ may bid.

D. The advertisement for bids on a set-aside contract shall indicate that the contract to be awarded is a qualified small business enterprise set-aside contract ~~the invitation to bid as a set-aside~~. The advertisement shall be in at least one newspaper which will best provide notice thereof to qualified small business enterprises ~~such newspaper or newspapers as will best~~

~~give notice thereof to appropriate bidders and shall be sufficiently in advance of the date fixed for receiving the bids purchase or contract to promote competitive bidding among those businesses for whom the contract is being set aside, but said notice shall not be published less than 10 days prior to that date.~~ The newspaper or newspapers in which the advertisement shall appear shall be selected by the Division of Purchasing. The advertisement shall designate the time and place at which sealed proposals shall be received and publicly opened and read, the amount of the cash or certified check, if any, which shall accompany each bid and such other items as the Division may deem proper. The advertisement shall be made by the Division pursuant to the procedure set forth in the law governing such contracts.

- E. The Division shall establish reasonable regulations appropriate for controlling the designation of prospective small business, ~~minority business and women business~~ bidders according to the financial ability and experience of the bidders and the capital and equipment available to them pursuant to and reasonably related to the class or category of work to be performed or materials and supplies to be furnished or hired in the performance of any subcontract and may require each bidder to furnish a statement thereof.
- F. The Division shall establish a procedure whereby businesses may request inclusion on appropriate lists for small businesses, ~~minority businesses and women businesses.~~
- G. The Division shall establish a procedure annually reviewing the lists and determining whether the businesses on the lists shall continue to be designated as small businesses, ~~minority businesses or women businesses.~~
- H. When a contract or portion thereof has been designated as a qualified small business enterprise, ~~minority business or women business set-aside contract~~, invitations for bids shall be confined to qualified small businesses, ~~minority businesses and/or women businesses~~ designated by the Division as appropriate for the set-aside, and bids from other bidders which are not qualified small business enterprises shall be rejected. The purchase, contract or expenditure of funds shall be awarded among the qualified small businesses, ~~minority businesses or women businesses enterprises~~ in accordance with the statutes and rules governing purchases by the Division. The award shall be made within the time frame authorized statute.
- I. If the Division determines that the acceptance of the lowest responsible bid on a set-aside contract will result in the payment of unreasonable price, the Division shall reject all bids and withdraw the designation of the small business, minority business or women business set-aside contracts. Qualified small businesses enterprises, ~~minority businesses and women businesses~~ shall be notified in writing of the small business, minority business and women business set-aside cancellation, the reasons for the rejection and the County's intent to resolicit bids on an unrestricted basis. The cancelled bid solicitation shall not be considered ~~deonted~~ as a set-aside for the purposes of attaining established set-aside goals. ~~Except in cases of emergency, prior to the final award of the contract, the Division shall provide an opportunity for a hearing on the reasons for the rejection of the set-aside designation.~~
- J. If the Division determines that two bids from qualified small businesses cannot be obtained, the Division may withdraw the designation of the set-aside contract and resolicit bids on an unrestricted basis pursuant to the Local Public Contracts Law. The cancelled designation shall not be considered as a set-aside for the purposes of attaining established set-aside goal.

§ 35-4. Violations and penalties.

- A. Where the purchasing agent determines that a business has been classified as a qualified small business enterprise, ~~minority business or women business~~ on the basis of false information knowingly supplied by the business and has been awarded a contract to which it would not otherwise have been entitled under this program, the purchasing agent shall have the authority to:
 - (1) Assess against the business any difference between the contract and what the County's cost would have been if the contract had not been awarded in accordance with the provisions of this program.

- (2) In addition to the amount due under Subsection A(1), assess against the business a penalty in an amount of not more than 10% of the amount of the contract involved.
 - (3) Order the business ineligible to transact any business with the County for a period to be determined by the purchasing agent.
- B. Prior to any final determination, assessment or order under this section, the purchasing agent shall afford the business an opportunity for a hearing on the reasons for the imposition of the penalties set forth in Subsection A(1), (2) or (3) of this section.

§ 35-5. Report to the Board of Chosen Freeholders.

The Division shall submit a report to the Board of Chosen Freeholders by January 31 of each year describing the County's efforts in attaining the set-aside goals and the percentage of the dollar value of total procurements awarded pursuant to this program.

The Board of Chosen Freeholders shall publish a list of the County's attainments in the immediately preceding local fiscal year, to include the County and local municipalities averages, in at least one newspaper circulating in the County by March 1 of each year.

Construal; statutory authority.

- A. This program is to be liberally construed to effectuate the purpose herein described. Nothing herein is to be construed as repealing or abridging the emergency powers of any agency of government except to the extent expressly set forth herein.
- B. If any section, subsection, paragraph, sentence, clause, phrase or portion of this program shall be adjudged or declared invalid for any reason whatsoever, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof, which shall remain in full force and effect.
- C. All provisions of the Local Public Contracts Law, P.L. 1971, c. 198 (*N.J.S.A. 40A:11-1 et seq.*), and any supplements thereto, shall apply to purchases, contracts and agreements made pursuant to this program unless otherwise superseded by the provisions of this program.
- D. This program is promulgated and adopted in accordance with P.L. 1985, c. 482 (*N.J.S.A. 40A:11-41 et seq.*).

Chapter 100, PERSONNEL

[HISTORY: Adopted by the Board of Chosen Freeholders of the County of Union as indicated in article histories. Amendments noted where applicable.]

ARTICLE XVI, Employee Handbook

[The County of Union Employee Handbook, Resolution No. ~~2009-31~~ 2010-634 adopted ~~4-4-2009~~, July 29, 2010 is on file in the office of the Clerk of the Board. A copy of this Handbook can be obtained by contacting the Division of Personnel Management and Labor Relations.]