S T A T E O F N E W Y O R K

8188

2013-2014 Regular Sessions

I N A S S E M B L Y

October 4, 2013

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to establishing and empowering a neighborhood parks alliance within the New York city department of parks and recreation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The administrative code of the city of New York is amended by adding a new section 18-142 to read as follows:

S 18-142 NEIGHBORHOOD PARKS ALLIANCE. 1. ESTABLISHMENT. THERE IS HEREBY ESTABLISHED WITHIN THE DEPARTMENT A NEIGHBORHOOD PARKS ALLIANCE TO EFFECTUATE THE PURPOSES OF THIS SECTION IN THE CITY OF NEW YORK.

2. BOARD. (A) THE ALLIANCE SHALL BE GOVERNED BY A BOARD WHICH SHALL BE COMPOSED OF EIGHT MEMBERS TO BE APPOINTED AS FOLLOWS:

(1) ONE MEMBER SHALL BE APPOINTED BY EACH BOROUGH PRESIDENT OF THE CITY OF NEW YORK;

(2) ONE MEMBER SHALL BE APPOINTED BY THE MAYOR OF THE CITY OF NEW YORK;

(3) ONE MEMBER SHALL BE APPOINTED BY THE SPEAKER OF THE CITY COUNCIL OF THE CITY OF NEW YORK;

(4) ONE MEMBER SHALL BE APPOINTED BY THE PUBLIC ADVOCATE OF THE CITY OF NEW YORK.

(B) TO THE EXTENT PRACTICABLE, IN MAKING APPOINTMENTS, EACH APPOINTING AUTHORITY SHALL ENDEAVOR TO HAVE THE MEMBERSHIP OF THE BOARD REFLECT THE RACIAL, ETHNIC, GENDER, LANGUAGE AND GEOGRAPHIC DIVERSITY OF THE CITY OF NEW YORK.

(C) TO THE EXTENT PRACTICABLE, THE MEMBERSHIP SHALL INCLUDE ACTIVE MEMBERS OF PARK ADVOCACY ORGANIZATIONS OR THOSE THAT HAVE EXPERIENCE WORKING ON URBAN OPEN SPACE DEVELOPMENT.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(D) ANY VACANCY ON THE BOARD SHALL BE FILLED BY THE RESPECTIVE APPOINTING AUTHORITY IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT WAS MADE.

(E) THE MEMBERS OF THE BOARD SHALL BE APPOINTED FOR TERMS OF FOUR YEARS.

(F) THE MEMBERS OF THE BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES.

3. POWERS AND DUTIES OF THE BOARD. THE BOARD:

(A) SHALL APPOINT AN EXECUTIVE DIRECTOR WHO SHALL ACT IN ACCORDANCE WITH THE POLICIES OF THE BOARD;

(B) IS AUTHORIZED, WITHIN APPROPRIATIONS AVAILABLE THEREFOR, TO APPOINT SUCH EMPLOYEES AS ARE NECESSARY TO EXERCISE ITS POWERS AND FULFILL ITS DUTIES;

(C) SHALL HAVE THE POWER TO ADOPT, AMEND AND RESCIND RULES AND REGULATIONS TO GOVERN PROCEDURES OF THE BOARD IN ACCORDANCE WITH THIS SECTION;

(D) SHALL ESTABLISH AND ADMINISTER THE NEIGHBORHOOD PARKS FUND IN A BANK OR OTHER FEDERALLY INSURED DEPOSITORY LOCATED WITHIN THE STATE;

(E) SHALL ESTABLISH A NOT-FOR-PROFIT ENTITY CHARGED AND AUTHORIZED TO MANAGE, ALLOCATE AND DISTRIBUTE THE FUNDS PROVIDED BY CONTRIBUTING CONSERVANCY FUNDS TO RECIPIENT PARKS;

(F) SHALL DETERMINE CRITERIA FOR ELIGIBILITY OF PARKS TO RECEIVE MONIES FROM THE NEIGHBORHOOD PARKS FUND; AND

(G) SHALL PUBLICIZE THE AVAILABILITY OF FUNDS FROM THE NEIGHBORHOOD PARK FUND TO QUALIFYING RECIPIENT PARKS.

4. CONTRIBUTING CONSERVANCIES. CONTRIBUTING CONSERVANCIES:

(A) TO THE EXTENT PRACTICABLE CONTRIBUTING CONSERVANCIES SHALL SHARE PARK MANAGEMENT BEST PRACTICES WITH RECIPIENT PARKS.

(B) SHALL BE REQUIRED TO CONTRIBUTE NO LESS THAN TWENTY PERCENT OF THEIR OPERATING BUDGETS TO THE NEIGHBORHOOD PARKS FUND ON AN ANNUAL BASIS.

(C) SHALL ATTEND AN ANNUAL GENERAL MEETING OF THE NEIGHBORHOOD PARKS ALLIANCE BOARD AND REPRESENTATIVES FROM RECIPIENT PARKS.

5. THE NEIGHBORHOOD PARKS FUND. (A) THE NEIGHBORHOOD PARKS FUND SHALL CONSIST OF ALL REVENUES RECEIVED BY THE ALLIANCE FROM CONTRIBUTING CONSERVANCIES AND ALL OTHER MONEYS APPROPRIATED, CREDITED, OR TRANSFERRED THERETO FROM ANY OTHER SOURCE PURSUANT TO LAW. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT THE ALLIANCE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS SUBDIVISION AND DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.

(B) NO MONIES FROM THE FUND OR THE ALLIANCE SHALL BE TRANSFERRED TO THE GENERAL FUND OR ANY SPECIAL REVENUE FUND OR SHALL BE USED FOR ANY PURPOSE OTHER THAN THE PURPOSES SET FORTH IN THIS SECTION.

(C) MONIES IN THE NEIGHBORHOOD PARK FUND SHALL BE USED FOR THE SOLE PURPOSES OF FUNDING THE OPERATIONS OF THE NEIGHBORHOOD PARKS ALLIANCE AND MAINTENANCE AND OPERATIONS OF RECIPIENT PARKS.

(D) MONIES FROM THE FUND SHALL BE DISTRIBUTED BY THE BOARD TO RECIPIENT PARKS BASED ON CRITERIA TO BE DETERMINED BY THE BOARD.

6. DEFINITIONS. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "CONTRIBUTING CONSERVANCY" SHALL MEAN ANY NOT-FOR-PROFIT ENTITY WITH AN OPERATING BUDGET OF NO LESS THAN FIVE MILLION DOLLARS THAT OPERATES ANY PARK OR PORTION OF ANY PARK UNDER THE JURISDICTION OF THE COMMISSIONER OF PARKS AND RECREATION IN THE CITY OF NEW YORK, PURSUANT TO A WRITTEN CONSERVANCY ARRANGEMENT AND PROVIDED THAT "CONSERVANCY" SHALL NOT INCLUDE ANY NOT-FOR-PROFIT ENTITY THAT OPERATES IN THREE OR

MORE BOROUGHS, THAT ENTERS INTO A WRITTEN AGREEMENT WITH THE NEIGHBORHOOD PARKS ALLIANCE THAT COMMITS NO LESS THAN TWENTY PERCENT OF ITS ANNUAL OPERATING BUDGET TO BE ADMINISTERED BY THE NEIGHBORHOOD PARKS ALLIANCE.

(B) "CONSERVANCY ARRANGEMENT" SHALL MEAN ANY LICENSE OR OTHER WRITTEN AUTHORIZATION ALLOWING A CONSERVANCY TO OPERATE ANY PARK OR PORTION OF ANY PARK UNDER THE JURISDICTION OF THE COMMISSIONER OF PARKS AND RECREATION IN THE CITY OF NEW YORK.

(C) "OPERATES" SHALL MEAN THE ABILITY TO HIRE A MAJORITY OF FULL TIME STAFF FOR SUCH PARK.

(D) "RECIPIENT PARKS" SHALL MEAN ALL PARKS THAT HAVE A BUDGET PROVIDED SOLELY BY THE LOCAL MUNICIPALITY AND HAVE HAD A RANKING OF UNACCEPTABLE FROM THE DEPARTMENT IN THE PRECEDING TWO YEARS AND FOR WHICH THE LOCAL COUNCIL MEMBER AND THE DEPARTMENT HAVE SIGNED A MEMORANDUM OF UNDERSTANDING TO MAINTAIN FUNDING FROM THE MUNICIPALITY AT THE AMOUNT BUDGETED IN THE PRIOR FISCAL YEAR.

(E) "NEIGHBORHOOD PARKS FUND" SHALL MEAN THE FUND ADMINISTERED BY THE NEIGHBORHOOD PARKS ALLIANCE WITH REVENUE GENERATED FROM CONTRIBUTING CONSERVANCIES.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.