

**CITY OF BRIGANTINE
ORDINANCE NO. 15 OF 2024**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGANTINE TO
AMEND CHAPTER 39 OF THE CITY CODE REGARDING THE BRIGANTINE
GARDEN CLUB ADVISORY BOARD**

WHEREAS, the City of Brigantine (the City) is a municipal entity organized and existing under the laws of the State of New Jersey and located in Atlantic County; and

WHEREAS, The Mayor and City Council created the Brigantine Garden Club Advisory Board via Ordinance 16-2019 to assist in the identification and development of gardening related programs, with a focus on areas of environmental responsibility, conservation, and education; and

WHEREAS, the Advisory Board requests amends to the Code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Brigantine, County of Atlantic, State of New Jersey as to read as follows:

§ 39-1 Creation.

Pursuant to N.J.S.A. 40A:69A-89, the Brigantine Garden Club Advisory Board (hereinafter the “Garden Club” or “Advisory Board”) is hereby created and established. This Board is not a Shade Tree Commission pursuant to N.J.S.A. 40:64-1, et seq., and is not intended to have the powers of a Commission.

§ 39-2 Powers and Duties.

The Garden Club shall act in an advisory capacity to the City Council and provide the following:

- A. Recommend, plan, and organize the planting and maintenance of the City-owned flowerbeds and parks and perform the planting of flowers and shrubs in said places.
- B. Submit an annual report to the City Council regarding its activities over the prior twelve (12) months, and, if requested, appear before the City Council for the discussion of same.
- C. In order to accomplish the above purposes, the Board shall hold public meetings and encourage volunteers to participate in its projects. The names of these volunteers shall be submitted to the City Manager by the secretary on an annual basis or when volunteers change.

§ 39-3 Membership.

The Garden Club Advisory Board shall consist of nine (9) members with at least one (1) member being a City Council person and one member being the City’s Director of Public Works. Except for the Director of Public Works, each member shall be a resident of Brigantine. These members shall be selected at a public Garden Club meeting in October by members and volunteers. The appointments of Advisory Board members shall be made by City Council as soon as practicable after the board’s selection process. The newly appointed members shall then select the Board’s

officers at the final Advisory Board Meeting of the Year. The officer position will be: two co-chairs, secretary, and treasurer, and will include three additional at-large Board members.

§ 39-4 Term of appointment.

The term of members of the Board shall be for a one-year period. A person may serve for successive years if re-selected and re-appointed by Council. The term limit of service is three consecutive terms; after one year off, a board member may be permitted to return, subject to the above restriction.

§39-5 Vacancies.

Any vacancy created other than by expiration of a term shall be filled by a vote of the Board and approval by City Council.

§ 39-6. Compensation.

No member of the Advisory Board shall receive any compensation for being a member.

§ 39-7. Funding.

The City Council may, if necessary, appropriate funds for use by the Board to meet its stated purposes. Its expenses shall not exceed the funds appropriated by the City Council. The fiscal year will adhere to the City of Brigantine calendar year of January 1 to December 31.

§39-8 Donations.

The City and the Board are permitted to accept donations, fees, and grants on behalf of the Brigantine Garden Club for the purposes of assisting with the beautification of the city, and promoting environmental responsibility, conservation, and education. Such money shall be held in Trust by the City designated to the Garden Club Trust Fund in accordance with N.J.S.A. 40A:4-39 and in accordance with N.J.S.A. 40A:5-29.

§39-9 Organization and administration.

- A. The Garden Club shall provide for its own internal organizational rules and procedures as it deems desirable. However, no rule or procedure shall be inconsistent with any federal, state, or local statute or regulation.
 1. The Garden Club may recruit community volunteers to assist on projects. The names of the volunteers shall be submitted to the City Manager on an annual basis or when volunteers change. No volunteer shall be considered or have any rights of an employee of the City of Brigantine.
 2. The Garden Club volunteers engaged in activity authorized herein or directed by Council and/or the Superintendent of Public Works shall be extended insurance coverage by the City of Brigantine through the Atlantic County Municipal Joint Insurance Fund. The insurance coverage provided herein, does not establish an obligation on the part of the City to indemnify or hold harmless the Garden Club

volunteers nor provide any compensation in excess of the amounts provided by the ACMJIF.

B. Procedures of the Brigantine Garden Club

1. The Club shall ensure accurate and complete minutes of each Board and general meeting are prepared and approved by the Board and forwarded to City Council. Treasurer's reports are also to be approved on a timely basis.
2. Any actions recommended by the Garden Club shall be submitted in a timely manner to the City Manager. Such reports and actions, recommended by the Garden Club, shall not be effective until reviewed by the Director of Public Works, who is then required to submit said reports and actions to the City Manager in a timely manner. The Club shall conduct its activities and meetings in accordance with all applicable federal, state, and local statutes and regulations, which shall include, but not be limited to, the Local Government Ethics Law, the Open Public Meetings Act and the Open Public Records Act.
3. The Garden Club with the Volunteers shall meet monthly at 265 42nd St. S Brigantine, NJ on the first Monday of the month commencing March until October of each year except when a holiday falls on the first Monday. In the event of a holiday, the meeting will then be held the second Monday of that month. Meetings are open to the public. The Garden Club may call special meetings of the volunteers with notice to them sent electronically including the purpose of each special meeting.
4. The Garden Club shall establish volunteer committees to accomplish its stated purposes.
5. The Garden Club shall adhere to the City of Brigantine purchase- ordering process for all purchases requested by volunteers. Failure to do so can result in lack of payment to the volunteer.

C. Duties of the Officers

1. Co-Chairs (2) - The Co-Chairs are responsible for ensuring that the members and the volunteers are aware of and fulfill their governing responsibilities, comply with applicable laws, conduct Advisory Board business effectively and efficiently and are accountable for their performance to the City of Brigantine. Co-Chairs shall give proper notice of any meetings and are responsible for timely distribution of materials such as agendas, etc. to the appropriate parties and shall conduct meetings in the absence of one Co-Chair. For the Board and Club to function effectively, the co-chair system must work. If the Board by vote determines that the co-chair system does not work, it may amend the ordinance by reverting to the previous system of president/vice-president. In an emergency regarding lack of officers, as determined by the board, the 3-term-limit restriction on current officers may be waived.

2. Secretary- The secretary shall keep minutes of Board and public meetings and make them available to members, volunteers, and City Council. The secretary shall be knowledgeable of the Club's records and related materials, providing advice and resources to the Board on topics such as government issues, amendments to the state law, etc., that will assist them in fulfilling their duties. As the custodian of the Club's records, the secretary is responsible for maintaining accurate documentation and meeting any legal requirements. The secretary is responsible for reviewing and updating documents as necessary and ensuring old documents are stored safely and readily accessible. The secretary, or the corresponding appointee, shall acknowledge notes of appreciation and donations, etc., listing them for the Board and at a general meeting on a timely basis.
3. Treasurer – The treasurer is responsible for drafting and presenting the annual budget to the Advisory Board and the City of Brigantine, preparing, and presenting a treasurer's report at each Advisory Board meeting, and working closely with the City's Dept. of Public Works on Advisory Board and volunteer needs, expenses, etc.

D. Committees

All committees for special projects are responsible for a written report to the Advisory Board about their plans and progress on an agreed-upon schedule.

1. The Garden Club shall appoint a North End and a South End Bed Tender Coordinator to oversee designated specific beds within the City of Brigantine. The coordinators assign the city beds as the beds become available. The Bed Tender Coordinators will submit the name and address of the volunteer Bed Tender to the Secretary to be submitted to the City of Brigantine.
2. Garden Awards Committee

The Advisory Board will seek volunteers for the garden awards. The volunteers will promote the Brigantine Garden Club through distribution of the awards to residents beautifying the city for a job well done.

Repealer, Severability and Effective Date.

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the City Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the City to meet the goals of the Ordinance.

C. This Ordinance shall take effect upon passage and publication according to law.

ACTION ON INTRODUCTION:

Motion made by: Councilman Kane
Motion seconded by: Councilman Lettieri

VOTE:

Deputy Mayor Bew: Yes
Councilman Lettieri: Yes
Councilman Haney: Yes
Councilman DeLucry: Yes
Councilman Kane: Yes
Councilman Riordan: Yes
Mayor Sera: Yes

ACTION ON ADOPTION (after public hearing)

Motion made by: Councilman Kane
Motion seconded by: Deputy Mayor Bew

VOTE:

Deputy Mayor Bew: Yes
Councilman Lettieri: Yes
Councilman Haney: Yes
Councilman DeLucry: Not Present
Councilman Kane: Yes
Councilman Riordan: Yes
Mayor Sera: Yes

CERTIFICATION

I HEREBY CERTIFY that the foregoing is a true copy of the ordinance that was introduced after first reading at a meeting of the Brigantine City Council held on August 21, 2024 and adopted after a public hearing at a meeting of the Brigantine City Council held on September 4, 2024.

Lynn Sweeney, RMC, City Clerk

Vince Sera, Mayor