

**BOROUGH OF NEW PROVIDENCE
Ordinance 2012-10**

“AN ORDINANCE OF THE BOROUGH OF NEW PROVIDENCE, COUNTY OF UNION, STATE OF NEW JERSEY, AMENDING ORDINANCE 2006-1 “CREATING A BUSINESS IMPROVEMENT DISTRICT AND DESIGNATING A DISTRICT MANAGEMENT CORPORATION ”

BE IT ORDAINED by the Mayor and Borough Council of the Borough of New Providence, County of Union and State of New Jersey, as follows:

SECTION I. Section 6 of Ordinance 2006-1 of the Borough of New Providence entitled “The Designated District Management Corporation” is amended, as follows:

SECTION 6. THE DESIGNATED DISTRICT MANAGEMENT CORPORATION

The non-profit corporation, ~~Business Improvement District of New Providence, New Jersey, Inc.,~~ [New Providence Downtown Improvement District, Inc.,] is hereby ~~created and~~ designated as the district management corporation for the District. This management corporation shall conduct its business in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. This corporation shall have no power of condemnation or eminent domain. It shall regularly file copies of the minutes of its meetings with the Borough Clerk so the minutes shall be conveniently available to the public for inspection.

SECTION II. Section 7 of Ordinance 2006-1 of the Borough of New Providence entitled “Powers Of The Designated District Management Corporation” is amended, as follows:

SECTION 7. POWERS OF THE DESIGNATED DISTRICT MANAGEMENT CORPORATION

The District Management Corporation shall serve as an advisory board to the Mayor and Borough Council, and shall have all powers and responsibilities necessary and requisite to effectuate the purposes of this ordinance and the District, including but not limited to:

1. Adopt bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules, regulations and policies in connection with the performance of its functions and duties. Said bylaws and other corporate documents shall provide that the corporation shall conduct its business in accordance with the Open Public Meetings Act.
2. Conduct regular meetings no less than quarterly.

3. Have a Board of Directors that shall consist of ~~seven (7)~~ [nine (9)] voting members and two (2) non-voting members.

SECTION III. Section 8 of Ordinance 2006-1 of the Borough of New Providence entitled "Board Of Directors" is amended, as follows:

SECTION 8. BOARD OF DIRECTORS

The Board of Directors shall include: (1) a member of the Governing Body appointed by the Mayor with the consent of the Borough Council; (2) a member of the Borough Planning Board appointed by the Mayor with the consent of the Borough Council; (3) one resident of the Borough who shall not be an owner or occupant of commercial property within the District, and who shall be appointed by the Mayor with the consent of the Borough Council. Each of the foregoing appointments shall be for a term of one (1) year expiring on December 31 of the year appointed, or until a successor is appointed. The Board of Directors shall include one (1) non-voting member appointed from ~~each of~~ the following organizations:

New Providence Business & Professional Association

The members appointed by these organizations shall serve at the pleasure of the appointing body.

~~Four (4) [Six (6)]~~ members of the Board of Directors shall consist of owners or occupants of commercial property located within the District. The bylaws shall provide for an election to select the members of the Board of Directors from the owners and/or occupants of commercial property included within the District. [Terms shall be for a period of three years.] ~~which election shall be held within three (3) months from the date of the adoption of this ordinance. Said elections will be for a term of four (4) years, except however at the first election, one (1) member shall be elected for one (1) year; one (1) member shall be elected for two (2) years, one (1) member shall be elected for three (3) years, and one (1) member shall be elected for four (4) years.~~ Any vacancies with regard to these elected members shall be filled by a majority vote of the Board members for the balance of the term.

The Board of Directors shall include one (1) non-voting member appointed from each of the following organizations:

New Providence Business & Professional Association

The members appointed by these organizations shall serve at the pleasure of the appointing body.

~~The Mayor and Borough Council will appoint a Business Improvement District Steering Committee (Steering Committee), consisting of five (5) members, to act until the Board of Directors shall be appointed, and whose members will carry out the duties of forming the non-profit corporation, to include securing corporate and non-profit status and creation of bylaws, formation of a nominating and election committee. The Steering Committee shall not expend or commit any district management corporation funds without a majority vote of the Steering Committee members. The bylaws shall provide for an election to create the Board of Directors by owners and/or occupants of commercial property included within the District, which election shall be held within three (3) months from the date of the adoption of this ordinance.~~

SECTION IV. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency.

SECTION V. This ordinance shall take effect immediately upon adoption and publication according to law

INTRODUCTION: May 9, 2012
PUBLIC HEARING: May 29, 2012
ADOPTED: May 29, 2012

BOROUGH OF NEW PROVIDENCE
COUNTY OF UNION
STATE OF NEW JERSEY

J. Brooke Hern, Mayor

Attest:

Wendi B. Barry, Borough Clerk