

**Officially Recognized Friends Organizations
"ORFO's"**

Division Order #30

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**New Jersey Department of Environmental Protection
Division of Parks and Forestry
PO Box 404
Trenton, NJ 08625**

**Officially Recognized Friends Organizations
 "ORFOs"
 Division of Parks and Forestry
 Division Order Number 30
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1. INTRODUCTION

This Division Order describes the policy and procedural requirements for relationships between the Division of Parks and Forestry (hereafter "Division") and those organizations affiliated with the Division. These affiliated groups, known as Officially Recognized Friends Organizations (hereafter "ORFOs"), have been designated as such by the Director of the Division of Parks and Forestry (hereafter "Director").

ORFOs are private non-profit corporations established under state and federal law. They support the activities, programs and sites of the Division in a variety of ways, through a formal written agreement with the Division. For many years, ORFOs have been among the Division's most effective supporters.

2. PURPOSE AND OBJECTIVES

This Division Order is intended to set guidelines for the relationships between the Division and the ORFO(s) by specifying policies and procedural requirements.

3. AUTHORITY

Pursuant to the authority granted by the "State Parks and Forestry Resources Act" P.L. 1983 Chapter 324, the Director hereby establishes these policies and procedural requirements pertaining to ORFOs.

4. GENERAL POLICIES

4.1 Applying for ORFO Designation

When the Director receives a request from an organization expressing an interest in ORFO designation, the following information will be sent to the organization.:

- A Memorandum of Understanding (hereafter MOU)
- A copy of Division Order No. 30 (Officially Recognized Friends Organizations) and 33 (Donations and Fundraising)
- Generic License Agreement, if appropriate
- Generic Lease Agreement, if appropriate
- Sample constitution and By-laws, if appropriate
- Information on Charitable Organization Registration

The organization must execute and return to the Director the MOU and supporting documents as outlined in Section 4.2 as proof that the organization meets the criteria in Section 4.2 of this Division Order. Upon receipt, the Director will determine the

organization's compliance with this Division Order and, at his or her discretion, grant ORFO designation to the organization.

4.2 Criteria for ORFO Designation

In order for an organization to have, achieve, or retain ORFO status, they must:

- Possess an executed Memorandum of Understanding between the organization and the Division of Parks and Forestry;
- Be registered as a non-profit corporation in the State of New Jersey, or an adjoining state if approved by the Director;
- Be registered with the State of New Jersey under the Charitable Registration and Investigation Act;
- Be registered with the Internal Revenue Service (IRS) under Section 501(c)3 as a tax exempt, non-profit organization;
- Develop a five year management plan that must be approved by the Division Representative that describes the goals, objectives, programs, projects and activities of the ORFO that are based on the Division's goals and objectives;
- Have adopted and submitted to the Division constitution and By-laws that govern and support the activities of the ORFO;
- Have a Board of Directors or Trustees and Officers who are annually elected and/or appointed and supported by the general membership, and has committee structure;
- Have an ongoing, sustained relationship with the Division, and have a stated purpose that supports and is in agreement with the overall mission of the Division.
- Comply with the terms set forth in the MOU.
- Develop and maintain a cooperative working relationship with the Division Representative.

NOTE: The Director reserves the authority to approve, deny, or rescind ORFO designation.

4.3 ORFO Memorandum of Understanding (MOU)

The Division of Parks and Forestry has developed one standard Memorandum of Understanding for ORFOs.

4.3.1 Duration of MOU

A Memorandum of Understanding will be for a period of five years from the date of execution with an option to renew for an additional five years provided that the criteria established in this Division Order are met.

4.3.2 Renewal of MOU

ORFO must notify Director at least ninety (90) days prior to the termination of the MOU of their interest in renewing this agreement for an additional five years. The Director shall notify ORFO thirty (30) days prior to the termination date of this agreement of Division's intent to extend the agreement. The MOU can only be in effective for a period not to exceed 10 years (e.g., five (5) years from the date of execution plus five (5) years for renewal provided all criteria in this Division Order are met).

4.3.3 Termination of MOU and/or ORFO Designation

The Director or ORFO may terminate the MOU prior to the end of the five (5) years by giving at least ninety (90) days' written notice of the intent to terminate. The MOU shall terminate at the expiration of the 90 days, automatically in the event of the dissolution of the ORFO or upon revocation of the ORFO status by the Director in accordance with this Division Order. The Director may terminate any existing ORFO's lease or license agreement at the time he or she terminates the MOU.

5. RESPONSIBILITIES AND AGREEMENTS

5.1 Division Responsibilities and Agreements

5.1.1 Division Representative

The Director will designate one employee to assume responsibility for an ORFO's activities, hereafter "Division Representative".

5.1.1.a The Division Representative may serve on ORFO boards only in an ex-officio capacity. Division Representatives may only offer advice on ORFO decisions concerning the relationship of the ORFO to the Division, and may not represent the ORFO in business transactions or operations. However, Division employees may assist ORFO operations.

5.1.1.b The Division Representative shall attend ORFO meetings in an advisory, non-voting capacity, but may not participate in executive sessions of an ORFO board unless invited by the board.

5.1.1.c In the event that a law or administrative order requires that a Division Representative participate in a voting capacity with an ORFO, the Director will be notified by the Division Representative and will appoint a representative for this purpose and charge them accordingly.

5.1.2 Access to Premises

ORFO members performing volunteer activities at Division facilities and/or sites shall have access at no charge during regular hours of operation or at such other times as the Superintendent or his or her designee authorizes. ORFO's use of Division premises will be governed by their MOU with the Division and will be consistent with the appropriate Management Plan and/or Annual Plans (see following section). ORFO employees, members and volunteers must wear readily identifiable identification of ORFO affiliation when engaged in public contact at site, and may not wear Division uniforms.

5.2 ORFO Responsibilities and Agreements

5.2.1 Management Plan and Annual Plan

5.2.1.a Management Plan - In coordination with the Division Representative, ORFOs will develop a five-year Management Plan coinciding with the term of the MOU and will describe the goals, objectives, programs, projects and activities of the ORFO. The ORFO five-year Management Plan must be approved by the Director.

5.2.1.b Annual Plan - ORFO will develop an Annual Plan and operating and capital budgets for ORFO's upcoming calendar year by November 1st of each year, and submit a copy of the plan and budgets to the Superintendent and Director. The Annual Plan will be an implementation plan, based on the approved five-year Management Plan, and include details, such as dates, times, and description of planned activities, acquisitions, fund raising programs, staffing and other proposed projects. The Director must approve the annual plan and budgets.

5.2.2 ORFO Administrative Requirements

5.2.2.a Annual Report - ORFOs must submit to the Division an annual report which summarizes its activities for the preceding calendar year. The report must include a copy of ORFO's IRS Form 990 (or 990EZ and 990T, if applicable), a copy of the previous year's audited or CPA certified, or reviewed financial statement, and a brief narrative of the year's activities and accomplishments. A copy of these documents must be submitted to the Superintendent and Director annually by June 15th.

5.2.2.b Financial Records - Financial records must be retained for at least seven (7) years and upon request be made available for audit by an authorized representative of the Division. ORFO shall promptly address and correct audit findings determined by the auditor(s).

5.2.2.c Insurance - Insurance must be obtained and maintained during the term of the ORFO agreement, as specified in the MOU. Coverage must be obtained for:

- comprehensive general liability, bodily injury liability and
- property damage liability, as well as
- worker's compensation and employer's liability insurance.

The State of New Jersey must be named as an additional insured on all insurance policies and a copy of insurance certificates must be provided to the Superintendent and Director annually within thirty (30) days of issuance.

ORFOs may not use the Division's individual volunteer program to circumvent requirements for insurance coverage included in the MOU or in this Division Order.

5.2.2.d ORFO Member/Employee Conduct Unbecoming – ORFO will immediately suspend or terminate membership of any member and employment of any employee whose conduct is unbecoming, whose behavior is objectionable, or whose conduct and/or behavior reflects negatively upon the ORFO, Division and/or State of New Jersey.

5.2.2.e Planning documents, grant applications and other such initiatives and proposals of the ORFO pertaining to the physical and programmatic development of the Division shall be reviewed for compliance and approved by the Division Representative prior to submission.

5.2.2.f ORFO shall not undertake or conduct any activity or bring any non-State-owned property onto Division property without prior approval from the Director or his or her designee, nor will ORFO undertake or conduct any business or activity contrary to its Certificate of Incorporation, Constitution and By-Laws or master, management and/or annual plan for the development or operation of Division property, facilities or sites.

6. ORFO ACTIVITIES

6.1 ORFO Interpretive Activities

The Division Representative must approve interpretive activities conducted by ORFOs.

6.1.1 The ORFO and the Division Representative will work cooperatively to establish guidelines for conducting interpretive programs and activities.

6.1.2 The Division Representative will review all interpretive programs conducted by ORFOs on behalf of the Division for content, accuracy, and effective delivery.

6.1.3 The Division Representative may assist the ORFO in providing training to and directing ORFO staff appropriate for their interpretive activities.

6.1.4 ORFO shall keep the Division Representative fully informed of its activities and plans by mean of an Annual Report approved by the Director, or by obtaining thirty (30) days prior approval from the area Superintendent for such activities.

6.1.5 The Director must approve any requested donations or fees charged by ORFOs on Division property.

6.2 ORFO Sales, Marketing and Public Relations Activities

6.2.1 General Requirements

6.2.1.a ORFOs must have an executed MOU to sell goods and services on Division property.

6.2.1.b Sales/profits must support the purposes of ORFOs as stated in their constitution and by-laws.

6.2.1.c ORFOs must display a sign that identifies the sales operation as a non-profit activity of the ORFO.

6.2.1.d ORFO shall obtain approval from the Director, a minimum of thirty (30) days in advance to use any State of New Jersey, Department of Environmental Protection, Division of Parks and Forestry, State Park Service or State Forestry Service logos. A copy of ORFO's request shall be provided to the Superintendent and Division Representative.

6.2.1.e ORFO shall obtain approval from the Director, a minimum of thirty (30) days in advance to purchase marketing items or release publications or any publicity that advertises actions or activities of the ORFO on Division property or use the name or logo of the State of New Jersey, Department of Environmental Protection, Division of Parks and Forestry, State Park Service or State Forestry Service. A copy of ORFO's request shall be provided to the Superintendent and Division Representative.

6.2.1.f Unless otherwise approved by the Director, ORFO shall obtain approval from the Director, a minimum of fourteen (14) days in advance to issue a press release or hold a press conference pertaining to the Division. A copy of ORFO's request for approval shall be provided to the Superintendent and Division Representative.

6.2.1.g ORFO shall provide a copy of all ORFO newsletters to the Director, Superintendent and Division Representative.

6.2.2 Approval of ORFO Fees and Sales Items

6.2.2.a The Division Representative shall review and approve the appropriateness, price, quality, and interpretive value of items to be sold by the ORFO.

6.2.2.b ORFO shall obtain approval from the Director, a minimum of thirty (30) days in advance to charge a fee or sell items on Division property, or when representing to the public its relationship with the Division, including the use of State-owned logos. A copy of ORFO's request for approval shall be provided to the Superintendent and Division Representative.

6.2.2.c ORFOs may not sell material that violates conservation or historic preservation principles of the Division.

6.3 ORFO Use of Facilities and Equipment

6.3.1 The Division at its discretion may provide ORFOs with suitable sales areas and other facilities to conduct business. The Division reserves the right to relocate or withdraw any such facilities in order to meet the needs of the Division upon one (1) week written advance notice to ORFO.

6.3.2 The Division and the ORFO will enter into written lease or agreement for any assigned facilities owned by the Division that are used by the ORFO. The agreement will provide that:

6.3.2.a The Division Representative and Superintendent reserve the right to conduct inspections of assigned facilities whenever they deem necessary.

6.3.2.b For Division assigned facilities, the ORFO is responsible for routine maintenance and repair services and utilities such as water, electricity, heat, and air conditioning, to the extent these services and utilities are required for the operation of the building for ORFO purposes. The Division may provide ORFOs with routine maintenance and repair services and utilities such as water, electricity, heat, and air conditioning, to the extent these services and utilities are required for the operation of the building for Division purposes. Other maintenance and repair services and utilities may be provided by the ORFO or provided to the ORFO by the Division on a reimbursable basis. Responsibility for maintenance, repair and utilities as outlined in a written lease or agreement between ORFO and the Division shall supersede this section.

6.3.2.c The Division Representative or Superintendent and ORFO will negotiate a maintenance and operations plan for assigned facilities.

6.3.3 ORFO plans for construction, redesign, or renovation of facilities must be approved thirty (30) days in advance by the Director, and must be implemented in accordance with the provisions for improvement projects in the ORFO Agreement.

6.3.4 ORFO must possess an executed lease or license agreement with the Division to occupy any buildings or other property administered by the Division. The Director may terminate ORFO's lease or license agreement at any time he or she terminates the MOU.

6.4 Donations

6.4.1 Donations to ORFOs

6.4.1.a Donations will be governed by Division Order Number 33- Donations and Fundraising.

6.4.1.b ORFOs will accept donations only for the purposes described in their articles of incorporation and as provided for in the ORFO Agreement.

6.4.1.c All funds and property received by ORFO for use at Division-owned property will be expended, distributed and applied in a manner consistent with the laws of the State of New Jersey, the provisions of the Certificate of Incorporation and By-Laws of the ORFO and the MOU.

6.4.2 Donations from ORFOs

6.4.2.a The level of aid to the Division from each ORFO will vary based upon the nature and extent of the ORFOs activities and the needs of the Division. The ORFO and Division Representative will work together to determine a priority list of projects and materials to be funded through ORFO donations.

6.4.2.b If the Division accepts a monetary donation from an ORFO, timely completion of the funded project is required, and a report for the fund accountability will be made to the ORFO upon request.

6.5 Fundraising by ORFOs

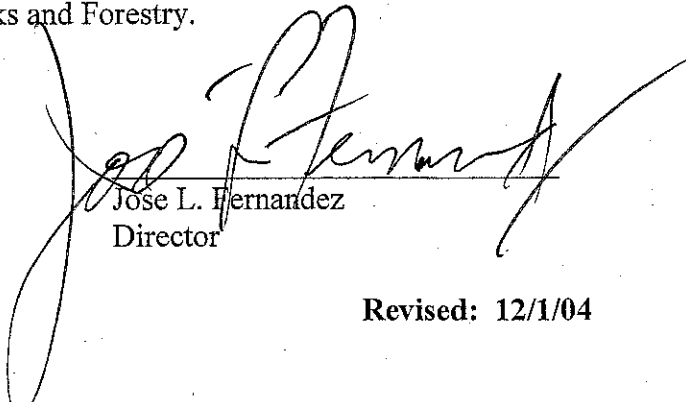
6.5.1 ORFO fundraising activities will be governed by Division Order Number 33 (Donations and Fundraising).

6.5.2 Funds raised by ORFO during fund raising activities for Division sites, facilities, activities, etc., shall be expended in support of the Division in accordance with the pre-approved plan or activities. Items purchased with said funds by ORFO for the Division must be approved by the Superintendent thirty (30) days in advance of the purchase, unless the Superintendent approves an alternate approval process.

7. CONFLICTS

Unresolved conflicts between ORFO and the Division Representative will be brought for ultimate resolution to the Director, Division of Parks and Forestry.

12/10/04
Date



Jose L. Hernandez
Director

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