

CHAPTER 46 LAWS OF N. J. 1962

APPROVED 5-18-62

SENATE, No. 257

STATE OF NEW JERSEY

INTRODUCED APRIL 16, 1962

By Senators LYNCH and STOUT

(Without Reference)

AN ACT authorizing counties and municipalities to enter into agreements with out-of-State counties and municipalities to establish regional or area advisory councils, regulating the content of such agreements and the membership, powers and functioning of such advisory councils.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. This act shall be known and may be cited as the "Regional Ad-
2 visory Council Act of 1962."

1 2. As used in this act unless a different meaning clearly appears from
2 the context:

3 (a) "Commissioner" means the Commissioner of Conservation and
4 Economic Development or his designated representative;

5 (b) "Governing body" means and includes the board of chosen free-
6 holders of a county and the governing body of a municipality;

7 (c) "Local unit" means and includes a county or municipality of this
8 State and refers to comparable local public agencies of other States;

9 (d) "Participating local unit" means a local unit which is a member
10 of a regional or area advisory council established pursuant to this act;

11 (e) "Regional or area advisory council," "advisory council" or "coun-
12 cil" means an advisory council created pursuant to this act or similar boards
13 or councils created pursuant to the laws of any other State.

1 3. The governing body of any local unit of this State is hereby authorized
2 to enter into regional or area agreements with any local unit or units of this
3 State and any other State or States for the establishment of a regional or
4 area advisory council to recommend programs and policies for the partici-
5 pating local units for co-operative or uniform action in dealing with common
6 governmental and community problems.

7 The governing body of any local unit of this State may authorize the
8 appropriate officials of such local unit to enter into such an agreement by
9 ordinance or resolution, as the case may be. Prior to the passage of said ordi-
10 nance or resolution, a public hearing shall be held in the local unit. Notice
11 of such public hearing shall be published at least once in a newspaper hav-
12 ing a general circulation in the local unit not less than 10 days prior to the
13 date designated therein for such hearing. The notice shall contain a brief
14 description of the regional or area agreement which shall specify the time and
15 place of the hearing.

1 4. A regional or area agreement or any modification, extension or
2 amendment thereof shall not become effective unless:

3 (a) The commissioner finds that such agreement will serve the general
4 public interest and will not substantially duplicate the services of any exist-
5 ing agreement and approves the provisions thereof;

6 (b) The Attorney General certifies that the agreement complies with the
7 laws and public policy of New Jersey and with the provisions of this act; and

8 (c) A copy of the agreement or any modification, extension or amendment
9 thereof is filed with the clerk of the governing body of each participating
10 local unit.

1 5. Each regional or area agreement shall contain provisions concerning
2 the following:

3 (a) The purpose or purposes of the agreement and the council created
4 thereunder;

5 (b) The territorial area to be served by the council. The agreement
6 shall provide that the participating local units shall be located within said
7 area;

8 (c) The specific functions, powers and duties of the council; and

9 (d) The representation of the participating local units on the advisory
10 council. Each participating local unit of this State shall have at least one
11 representative on any advisory council to which it is a member. Its repre-
12 sentative or representatives shall be appointed by the governing body of the
13 participating local unit or in such other manner as shall be prescribed by
14 such governing body. The qualifications and terms of office of such repre-
15 sentatives shall be prescribed by the appointing governing body subject to
16 any applicable provisions in the regional or area agreement. Each repre-
17 sentative shall serve without compensation but shall be entitled to receive
18 traveling and other necessary expenses actually incurred in the perform-
19 ance of his duties. In any agreement, it may provide and, in agreements
20 between local units of this State representing a total of more than one million
21 persons in the State of New Jersey, according to the most recent Federal
22 census, it shall provide that the commissioner shall be a nonvoting member
23 of the council.

24 (e) The apportionment of the costs and expenses of the council between
25 the participating local units. The apportionment of such costs and expenses
26 may be based upon the valuation of property, population or such other
27 factors or combination thereof as shall produce a reasonable apportionment
28 of such costs and expenses. Such apportionment may take into considera-
29 tion the value of any services or property contributed by any participating
30 local unit.

31 (f) The permanent staff and employees of the council, if any, including
32 provisions relating to the selection and appointment of personnel, the com-
33 pensation to be paid and other benefits available to such personnel. The
34 agreement shall provide whether such personnel are employees of the council
35 or of one or more of the participating local units. For the purposes of the
36 Public Employees' Retirement System, an advisory council established pur-
37 suant to this act shall be deemed to be a public agency.

38 (g) The composition of the executive board or body, if any, vested with
39 the duty and responsibility of governing the operation of the council. Such
40 provision shall provide for the annual selection of representatives on such a
41 board or body. If the commissioner is a member of the council, he shall be
42 a permanent member of such board or body but shall not exercise voting
43 privileges.

44 (h) The duration of the agreement which shall not exceed 20 years and
45 any appropriate provisions relating to the termination of the agreement
46 prior to the designated period of duration.

47 (i) Such other provision as shall be necessary to implement the pro-
48 visions of this act and the purposes of the agreement or as shall be required
49 by the commissioner to protect or promote the best interests of the State.

1 6. An advisory council established pursuant to the provisions of this act
2 shall have the power to conduct such studies and investigations as may be
3 desirable or necessary to carry out the advisory functions assigned to it but
4 the power and responsibility for implementing or operating any of the pro-
5 grams and policies recommended by the council shall be reserved to the
6 local units and, where appropriate, to the respective States.

1 7. An advisory council is hereby authorized to accept gifts, grants and
2 contributions from public and private sources, provided, however, that it
3 may not apply for or accept grants from the Federal Government or any
4 agency thereof, until such grant has been approved by the commissioner
5 and is otherwise authorized by the laws of the respective States of which the
6 participating local units shall be a part thereof.

1 8. Each advisory council shall have its accounts audited annually by an
2 auditor. A copy of the audit shall be sent to each participating local unit,
3 the commissioner and to the Division of Local Government, Department of
4 the Treasury.

5 Each advisory council shall submit an annual report to the participating
6 local units, the commissioner and the Governor.

1 9. Each advisory council shall render to the Attorney General of this
2 State reports concerning the activities of the area or regional council at such
3 time, in such form and manner, and containing such information as shall be
4 prescribed by the Attorney General. The Attorney General may examine
5 and investigate the accounts and records of the staff and employees of the
6 advisory council. For the purpose of such examination and investigation,
7 the Attorney General may compel the appearance and attendance of any
8 persons whose testimony may be required, may administer oaths, take tes-
9 timony, issue subpoenas and compel the production of books and papers, in
10 the manner prescribed by law. Each area or regional agreement shall ex-
11 pressly provide for the compliance by the staff and employees of the council
12 with the directions of the Attorney General regarding the making of reports
13 and shall expressly provide for the submission of such officers and employees
14 to examinations by and investigations of the Attorney General as herein
15 provided.

1 10. This act shall take effect immediately.