

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40:69A-14 et al

(Optional
Municipal Charter
Law--changes
references to
"councilmen"--
now council
members)

LAWS OF: 1989

CHAPTER: 221

Bill No: A934

Sponsor(s): Kern and Smith

Date Introduced: Pre-filed

Committee: Assembly: Municipal Government

Senate: County & Municipal Government

Amended during passage: No

Date of Passage: Assembly: February 29, 1988

Senate: November 20, 1989

Date of Approval: December 29, 1989

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

(over)

Sponsors' Statement:

This bill amends the "Optional Municipal Charter Law" P.L. 1950, c.210. (c. 40: 69A-1 et seq.) by substituting the term "council members" for the word "councilmen" and eliminating certain other references to the masculine gender.

1 AN ACT concerning the form of designation of members of
2 certain municipal governing bodies and amending P.L. 1950, c.
3 210, P.L. 1973, c. 89 and P.L. 1981, c. 465.

4
5 BE IT ENACTED by the Senate and General Assembly of the
6 State of New Jersey:

7 1. Section 1-14 of P. L.. 1950, c. 210 (C. 40:69A-14) is
8 amended to read as follows:

9 1-14. The question to be submitted to the voters for the
10 adoption of any of the optional plans of government authorized
11 by this act, including any of the alternatives contained in this
12 act, shall be submitted in the following form or such part
13 thereof as shall be applicable:

14 "Shall(insert name of plan)..... of the Optional Municipal
15 Charter Law, providing for (a division of the municipality into
16(insert number)..... wards, with(insert number).....
17 [councilmen] council members (one to be elected from each
18 ward and ...(insert number)... to be elected at large) at
19 elections held in ...(insert May, or November)... , (insert, if
20 appropriate) with run-off elections to be held thereafter if a
21 sufficient number of candidates fail to attain a majority of
22 votes, be adopted by ...(insert name of municipality)... ?".

23 (cf: 1981, c.465, s.3)

24 2. Section 17 of P.L. 1981, c. 465 (C. 40:69A-34.2) is
25 amended to read as follows:

26 17. Any municipality adopting a mayor-council plan of
27 government shall provide in its charter either:

28 a. That the council members shall be elected at large by the
29 voters of the municipality at the regular municipal election, or
30 general election, as the charter shall provide; or

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 b. That the municipality shall be divided into wards pursuant
2 to the authority granted in section 1-13 or 1-19 (C. 40:69A-13
3 or 40:69A-19); that [councilmen] council members shall be
4 elected at large and by wards at the regular municipal election
5 or general election, as the charter shall provide; and that no
6 more than one [councilmen] council member shall be elected
7 from each ward established in the municipality, and all other
8 [councilmen] council members shall be elected at large.

9 (cf: P.L. 1981, c.465, s.17)

10 3. Section 18 of P.L. 1981, c. 465 (C. 40:69A-34.3) is
11 amended to read as follows:

12 18. a. Any municipality, adopting a mayor-council plan of
13 government may provide in its charter that the council members
14 elected at the first regular municipal election or general
15 election, as the charter shall provide, following the adoption of
16 the plan shall serve for the following terms: if the municipal
17 council is to consist of five members, two shall serve for four
18 years and three for two years; if the municipal council is to
19 consist of seven members, three shall serve for four years and
20 four for two years; or if the municipal council is to consist of
21 nine members, four shall serve for four years and five for two
22 years. The length of the respective term of each member of the
23 first council shall be determined by lot at the organization of
24 the council immediately following the election.

25 b. Notwithstanding the provisions of subsection a. of this
26 section, if a municipality adopting the provisions of this section
27 shall also provide in its charter that the municipality shall be
28 divided into wards pursuant to the authority granted in section
29 1-13 or 1-19 (C. 40:69A-13 or 40:69A-19), the council members
30 elected at the first regular municipal election or general
31 election, as the charter shall provide, following the adoption of
32 the plan shall serve as follows: the [councilmen] council
33 members elected at large for a term of four years; and the
34 [councilmen] council members elected from wards for a term of
35 two years.

36 (cf: P.L. 1981, c.465, s.18)

37 4. Section 1 of P.L. 1973, c. 89 (C. 40:69A-60.8) is amended
38 to read as follows:

1 1. The municipal council of any municipality having a
2 population of more than 300,000 which, prior to January 9, 1982
3 had adopted the form of government designated as
4 "Mayor-Council Plan C" provided for in article 5 of the act of
5 which this act is a supplement, may appoint an executive
6 secretary and not more than four aides for each [councilman]
7 council member, who shall serve, and be removable at the
8 pleasure of the [councilman] council member, and who shall
9 serve in the unclassified service of the civil service of the city
10 and shall receive such salary as shall be fixed by ordinance, but
11 said salary shall not exceed the salaries of persons present
12 holding the positions of executive secretary or aide on the
13 effective date of this amendatory act. Persons appointed
14 pursuant to this section may have their salaries increased on a
15 periodic basis but not in excess of the average percentage
16 increase granted to other municipal employees in the same
17 period.

18 The municipal council of any municipality having a population
19 of more than 200,000, but less than 300,000, which, prior to
20 January 9, 1982, had adopted the form of government designated
21 as "Mayor-Council Plan C" provided for in article 5 of P.L.
22 1969, c. 210 (C. 40:69A-55 et seq.) may appoint not more than
23 one aide for each [councilman] council member, who shall serve,
24 and be removable at the pleasure of the [councilman] council
25 member, and who shall serve in the unclassified service of the
26 civil service of the city and shall receive a salary as shall be
27 fixed by ordinance, except that the salary so fixed shall not
28 exceed \$10,000.00.

29 No municipality shall adopt the provisions of this section on or
30 after the date occurring six months after the effective date of
31 this amendatory act.

32 (cf: P.L. 1973, c.89, s.1)

33 5. Section 24 of P.L. 1981, c. 485 (C. 40:69A-83.2) is
34 amended to read as follows:

35 24. Any municipality adopting a council-manager plan of
36 government shall provide in its charter either:

37 a. That the council members shall be elected at large by the
38 voters of the municipality at the regular municipal election, on
39 general election, as the charter shall provide; or

1 b. That the municipality shall be divided into wards pursuant
2 to the authority granted in section 1-13 or 1-19 (C. 40:69A-13
3 or 40 :69A-19),that [councilmen] council members shall be
4 elected at large and by wards at the regular municipal election
5 or general election, as the charter shall provide; and that no
6 more than one [councilman] council member shall be elected
7 from each ward established in the municipality, and all other
8 [councilmen] council members shall be elected at large.

9 (cf: P.L. 1981, c.465, s.24)

10 β. Section 25 of P.L. 1981, c. 465 (C. 40:69A-83.3) is
11 amended to read as follows:

12 25. Any municipality adopting a council-manager plan of
13 government may provide in its charter that the council members
14 elected at the first regular municipal election or general
15 election, as the charter shall provide, following the adoption of
16 the plan shall serve for the following terms: if the municipal
17 council is to consist of five members, two shall serve for four
18 years and three for two years; if the municipal council is to
19 consist of seven members, three shall serve for four years and
20 four for two years; or if the municipal council is to consist of
21 nine members, four shall serve for four years and five for two
22 years. The length of the respective term of each member of the
23 first council shall be determined by lot at the organization of
24 the council immediately following the election; except that if,
25 pursuant to the charter, the mayor is elected directly by the
26 voters, the mayor shall, for the purposes of this subsection, be
27 counted among those first [councilmen] council members to
28 serve a four year term.

29 b. Notwithstanding the provisions of subsection a. of this
30 section, if a municipality adopting the provisions of this section
31 shall also provided in its charter that the municipality shall be
32 divided into wards pursuant to the authority granted in section
33 1-13 or 1-19 (C. 40:69A-13 or 40:69A-19), the council members
34 elected at the first regular municipal election or general
35 election, as the charter shall provide, following the adoption of
36 the plan shall serve as follows: the [councilmen] council
37 members elected at large for a term of four years; and the
38 [councilmen] council members elected from wards for a term of

1 two years.

2 (cf: P.L. 1981, c.465, s.25)

3 7. Section 9-11 of P.L. 1950, c. 210 (C. 40:69A-91) is
4 amended to read as follows:

5 9-11. It is the intention of this article that the municipal
6 council shall act in all the matters as a body, and it is contrary
7 to the spirit of this article for any of its members to seek
8 individually to influence the official acts of the municipal
9 manager, or any other officer, or for the council or any of its
10 members to direct or request the appointment of any person to,
11 or his removal from, office; or to interfere in any way with the
12 performance by such officers of their duties. The council and
13 its members shall deal with the administrative service solely
14 through the manager and shall not give orders to any
15 subordinates of the manager, either publicly or privately.
16 Nothing herein contained shall prevent the municipal council
17 from appointing committees or commissions of its own members
18 or of citizens to conduct investigations into the conduct of any
19 officer or department, or any matter relating to the welfare of
20 the municipality, and delegating to such committees or
21 commissions such powers of inquiry as the municipal council
22 may deem necessary. Any ~~[councilman]~~ council member
23 violating the provisions of this section shall, upon conviction
24 thereof in a court of competent jurisdiction, be disqualified as
25 ~~[councilman]~~ a council member.

26 (cf: P.L. 1950, c.210, s.9-11)

27 8. Section 13-3 of P.L. 1950, c. 210 (C. 40:69A-117) is
28 amended to read as follows:

29 13-3. The council shall consist of the mayor and two
30 ~~[councilmen]~~ council members, unless pursuant to the authority
31 granted under section 1-13 or 1-19 of article 1 of this act, or
32 unless provided by amendment of the charter pursuant to section
33 7 of this amendatory act, the municipality shall be governed by
34 a mayor and four or six ~~[councilmen]~~ council members.
35 Members of the council shall be elected at large by the voters of
36 the municipality and shall serve for a term of three years.

37 (cf: P.L. 1981, c.465, s.31)

38 9. Section 33 of P.L. 1981, c. 465 (C. 40:69A-117.2) is
39 amended to read as follows:

40 33. Any municipality adopting a small municipality

1 plan of government may provide in its charter that the council
2 members elected at the first regular municipal action or general
3 election as the charter shall provide, following the adoption of
4 the plan shall serve for the following terms: if the municipal
5 council is to consist of three members, one shall serve for one
6 year, one for two years and one for three years; if the municipal
7 council is to consist of five members, two shall serve for one
8 year, two for two years and one for three years; or if the
9 municipal council is to consist of seven members, three shall
10 serve for a term of one year, two for a term of two years and
11 two for a term of three years. The length of the respective
12 term of each member of the first council shall be determined by
13 lot at the organization of the council immediately following
14 their election; except that if, pursuant to the charter, the mayor
15 is elected directly by the voters, the mayor shall, for the
16 purposes of this section, be counted among those first
17 [councilmen] council members to serve a four year term.

18 (cf: P.L. 1981, c.465, s.33)

19 10. Section 13-9 of P.L. 1950, c. 210 (C. 40:69A-123) is
20 amended to read as follows:

21 13-9. The mayor shall also appoint a finance committee of
22 council which may consist of one or more [councilmen] council
23 members, and may appoint and designate other committees of
24 council of similar composition.

25 (cf: P.L. 1950, c.210, s.13-9)

26 11. Section 16A-3 of P.L. 1981, c. 465 (C. 40:69A-149.3) is
27 amended to read as follows:

28 16A-3. The council shall consist of the mayor and six
29 [councilmen] council members. The mayor and council shall be
30 elected at the general election to be held on the first Tuesday
31 after the first Monday in November. Except as otherwise
32 provided in this article for [councilmen] council members first
33 elected, the mayor shall serve for a term of four years and the
34 [councilmen] council members for a term of three years,
35 beginning on January 1 next following their election.

36 (cf: P.L. 1981, c.465, s.36)

37 12. Section 16A-4 of P.L. 1981, c. 465 (C. 40:69A-149.4) is
38 amended to read as follows:

39 16A-4. The mayor and [councilmen] council members

1 shall be elected at large by the voters of the municipality. At
2 the first election following the adoption by a municipality of
3 this section, of the six [councilmen] council members to be
4 elected, two shall serve for a term of three years, two shall
5 serve for a term of two years, and two shall serve for a term of
6 one year.

7 (cf: P.L. 1981, c.469, s.36(16A-4))

8 13. Section 16A-5 of P.L. 1981, c. 465 (C. 40:69A-149.5) is
9 amended to read as follows:

10 16A-5. The legislative power of the municipality shall be
11 exercised by the council, except as may be otherwise provided
12 by general law. The mayor shall preside over all meetings of the
13 council except as herein provided, but shall not vote except to
14 give the deciding vote in case of a tie. Three [councilmen]
15 council members and the mayor, and in the absence of the
16 mayor, four [councilmen] council members shall constitute a
17 quorum for the transaction of business, but a smaller number
18 may meet and adjourn from time to time. The council shall
19 annually select from among the [councilmen] council members a
20 president of the council who shall serve in place of the mayor in
21 the event of [his] the mayor's absence, disability or refusal to
22 preside. The mayor shall, when necessary, call special meetings
23 of the council. In case of [his] the mayor's neglect or refusal,
24 any four [councilmen] council members may call a special
25 meeting upon due notice of the time and place to the mayor and
26 all [councilmen] council members.

27 (cf: P.L. 1981, c.465, s.36(16A-5))

28 14. Section 17-13 of P.L. 1950, c. 210 (C. 40:69A-162) is
29 amended to read as follows:

30 17-13. In any municipality which has adopted articles 13 or
31 14 of this act, the candidate for mayor, if there be one, who
32 receives the greatest number of votes shall be elected and the
33 number of candidates for [councilmen] council member equal to
34 the number of places to be filled in the council, receiving the
35 greatest number of votes shall be elected.

36 (cf: P.L. 1950, c.210, s.17-13)

37 15. Section 17-31 of P.L. 1950, c. 210 (C. 40:69A-180) is
38 amended to read as follows:

39 17-31. (a) Council shall determine its own rules of

1 procedure, not inconsistent with ordinance or statute. A
2 majority of the whole number of members of the council shall
3 constitute a quorum, but no ordinance shall be adopted by the
4 council without the affirmative vote of a majority of all the
5 members of the council.

6 (b) Each ordinance or resolution shall be introduced in written
7 or typewritten form and shall be read and considered as provided
8 by general law. The vote upon every motion, resolution or
9 ordinance shall be taken by roll call and the yeas and nays shall
10 be entered on the minutes. The minutes of each meeting shall
11 be signed by the officer presiding at such meeting and by the
12 municipal clerk.

13 (c) The council at its organization meeting shall elect a
14 president of the council from among the members thereof and
15 ~~[he]~~ the president shall preside at its meetings and perform such
16 other duties as the council may prescribe. In the absence of the
17 president, the council shall elect a temporary presiding officer.
18 The compensation of the mayor, [councilmen] council members
19 and department heads shall be fixed by the council immediately
20 after its organization.

21 (cf: P.L. 1954, c.69, s.5)

22 16. This act shall take effect immediately.

23

24

25

MUNICIPALITIES

26

Local Officers and Employees

27

28 Changes all references in "Optional Municipal Charter Law"
29 from councilmen so that the term council members shall appear
30 in its place.

1 (c) The council at its organization meeting shall elect a
president of the council from among the members thereof and
3 [he] the president shall preside at its meetings and perform such
other duties as the council may prescribe. In the absence of the
5 president, the council shall elect a temporary presiding officer.
The compensation of the mayor, [councilmen] council members
7 and department heads shall be fixed by the council immediately
after its organization.

9 16. This act shall take effect immediately.

11
13 **STATEMENT**

15 This bill amends the "Optional Municipal Charter Law" P.L.
1960, c. 219 (C. 40:69A-1 et seq.) by substituting the term
"council members" for the word "councilmen", and eliminating
17 certain other references to the masculine gender.

19
21 **MUNICIPALITIES**

Local Officers and Employees

23 Changes all references in "Optional Municipal Charter Law"
from councilmen so that the term council members shall appear
25 in its place.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 934

STATE OF NEW JERSEY

DATED: FEBRUARY 1, 1988

The Assembly Municipal Government Committee favorably reports Assembly Bill No. 934.

This bill amends the "Optional Municipal Charter Law," P.L. 1980, c. 210 (C. 40:69A-1 et seq.) by substituting the term "council members" for the word "councilmen", and eliminating other references to the male gender, such as substituting the title "the president" for the pronoun "he" when referring to the president of the municipal council.

This bill was pre-filed for introduction in the 1988 session pending technical review. Technical review has been completed and all technical corrections have been made.

**SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE**

STATEMENT TO

ASSEMBLY, No. 934

STATE OF NEW JERSEY

DATED: FEBRUARY 6, 1989

The Senate County and Municipal Government Committee favorably reports Assembly Bill 934.

Assembly Bill 934 amends the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1 et seq.) by substituting the term "council members" for the word "councilmen", and eliminating other references to the male gender, such as substituting the title "the president" for the pronoun "he" when referring to the president of the municipal council.