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LAW/KR

P.L.2011, CHAPTER 197, *approved January 17, 2012*
Senate, No. 2825

1 AN ACT concerning the membership of the Fort Monmouth
2 Economic Revitalization Authority and amending P.L.2010,
3 c.51.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 8 of P.L.2010, c.51 (C.52:27I-25) is amended to read
9 as follows:

10 8. a. The authority shall consist of 13 members to be appointed
11 and qualified as follows:

12 (1) Three voting members appointed by the Governor with the
13 advice and consent of the Senate, for staggered terms of five years,
14 one of whom shall be a representative of the private sector with
15 relevant business experience or background; one of whom shall be
16 an individual who is knowledgeable in environmental issues,
17 conservation, or land use issues; and one of whom shall have
18 appropriate experience in workforce development and job training.
19 Preference shall be given to professionals with a background in
20 technology, finance, energy industry, or real estate. One of the
21 members appointed under this paragraph shall be a resident of the
22 county selected from a list of five candidates recommended by the
23 Monmouth County Board of Chosen Freeholders and submitted to
24 the Governor; the list of candidates for the initial selection of this
25 member shall be so submitted within 45 days after the date of
26 enactment of this act. In the event the Governor rejects all five
27 candidates for the member to be selected upon the recommendation
28 of the Monmouth County Board of Chosen Freeholders, the
29 Monmouth County Board of Chosen Freeholders may submit an
30 additional list of five different candidates within 30 days of the
31 Governor's rejection of the prior list. If the Monmouth County
32 Board of Chosen Freeholders does not submit a list of five
33 candidates within either of the aforementioned time periods, within
34 ten days after the expiration of such time period, the Governor shall
35 inform the Monmouth County Board of Chosen Freeholders in
36 writing that the Governor, at the Governor's discretion, will make
37 such appointment. Not more than two of the members appointed by
38 the Governor pursuant to this paragraph shall be members of the
39 same political party, but the provisions of this paragraph regarding
40 the selection of one such member from among candidates
41 recommended by the Monmouth County Board of Chosen
42 Freeholders shall not be construed to prohibit the appointment of a

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 resident of the county for either or both of the memberships under
2 this paragraph that are not filled from among candidates so
3 recommended;

4 (2) The Chairperson of the New Jersey Economic Development
5 Authority, ex officio and voting;

6 (3) Another member of the Executive Branch appointed by the
7 Governor to serve on the authority, ex officio and voting;

8 (4) One voting member, who shall be a member of the
9 Monmouth County Board of Chosen Freeholders to be appointed by
10 the Monmouth County Board of Chosen Freeholders;

11 (5) The mayors of Eatontown, Oceanport, and Tinton Falls, ex
12 officio and voting;

13 (6) The Commissioner of Labor and Workforce Development,
14 who shall serve as an ex officio, non-voting member;

15 (7) The Commissioner of Environmental Protection, who shall
16 serve as an ex officio, non-voting member;

17 (8) The Commissioner of Community Affairs, who shall serve
18 as an ex officio, non-voting member; and

19 (9) The Commissioner of Transportation, who shall serve as an
20 ex officio, non-voting member.

21 Each member appointed by the Governor shall hold office for the
22 term of that member's appointment and until a successor shall have
23 been appointed and qualified. The member appointed by the
24 Monmouth County Board of Chosen Freeholders shall hold office
25 for the term of that member's service on the board. In the event that
26 a member appointed by the Monmouth County Board of Chosen
27 Freeholders ceases to serve on that board, that member shall no
28 longer hold office on the authority and the board shall appoint a
29 member of the board to serve as a new member of the authority. A
30 member shall be eligible for reappointment. Any vacancy in the
31 membership occurring other than by expiration of term shall be
32 filled in the same manner as the original appointment but for the
33 unexpired term only.

34 b. Each ex officio member of the authority and the member
35 appointed by the Monmouth County Board of Chosen Freeholders
36 may designate an employee of the member's department or office to
37 represent the member at meetings of the authority. The mayors of
38 Eatontown, Oceanport, and Tinton Falls may designate a council
39 member of their respective municipality, in lieu of an employee of
40 the mayor's department or office, to represent them as a member at
41 meetings of the authority. The designee may act on behalf of the
42 member. The designation shall be in writing and shall be delivered
43 to the authority and shall be effective until revoked or amended in
44 writing to the authority.

45 c. Each member appointed by the Governor may be removed
46 from office by the Governor for cause, after a public hearing, and
47 may be suspended by the Governor pending the completion of that
48 hearing. Each such member, before entering the duties of

1 membership, shall take and subscribe an oath to perform those
2 duties faithfully, impartially, and justly to the best of the person's
3 ability. A record of those oaths shall be filed in the office of the
4 Secretary of State.

5 d. The Governor shall appoint the chairperson of the authority.
6 The members of the authority shall annually elect a vice-
7 chairperson from among their members. The chairperson shall
8 appoint a secretary and treasurer. The powers of the authority shall
9 be vested in the voting members thereof in office from time to time;
10 five voting members of the authority shall constitute a quorum, and
11 the affirmative vote of five voting members shall be necessary for
12 any action taken by the authority, except as otherwise provided in
13 subsection e. of this section, or unless the bylaws of the authority
14 shall require a larger number. No vacancy in the membership of the
15 authority shall impair the right of a quorum to exercise all the rights
16 and perform all the duties of the authority.

17 e. The affirmative vote of seven members shall be required for
18 the following actions taken by the authority:

19 (1) any action to adopt or revise the plan, as provided in section
20 18 of this act, or to adopt or revise the development and design
21 guidelines or land use regulations adopted by the authority as
22 provided in section 17 of this act; (2) any action to enter into a
23 designated redevelopment agreement with the EDA as provided in
24 subsection a. of section 16 of this act; (3) any action to adopt any
25 amendment to the plan pursuant to paragraph (1) of subsection e. of
26 section 17 of this act; (4) any action to approve any project
27 undertaken by the EDA; (5) any action to acquire easements, rights
28 of way, or fee title to properties pursuant to subsection g. of section
29 9 of this act; (6) in any year that the authority is anticipated to
30 receive no funding from the federal government, any action to
31 approve the budget of the office for that year or any amendment to
32 the budget pursuant to subsection d. of section 6 of this act; and (7)
33 consent to the designation of any portion of the project area as an
34 area in need of redevelopment or any area in need of rehabilitation
35 pursuant to the provisions of the "Local Redevelopment and
36 Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.), as provided in
37 subsection o. of section 9 of this act.

38 f. The members of the authority shall serve without
39 compensation, but the authority may, within the limits of funds
40 appropriated or otherwise made available for such purposes,
41 reimburse its members for necessary expenses incurred in the
42 discharge of their official duties.

43 g. (1) No member, officer, employee or agent of the authority or
44 office shall have a personal interest, either directly or indirectly, in
45 any project, employment agreement or any contract, sale, purchase,
46 lease, or transfer of real or personal property to which the authority
47 or office is a party.

1 (2) The authority, as well as any business entity performing or
2 seeking to perform a contract for the authority, shall be subject to
3 the provisions of P.L.2005, c.51 (C.19:44A-20.13 et seq.).

4 (3) The members, officers, and employees of the authority shall
5 be subject to the same financial disclosure requirements as the
6 members, officers, and employees of State authorities subject to
7 executive orders of the Governor with respect to financial
8 disclosure.

9 h. The authority may be dissolved by act of the Legislature on
10 condition that the authority has no debts or obligations outstanding
11 or provision has been made for the payment, retirement,
12 termination, or assumption of its debts and obligations. Upon
13 dissolution of the authority, all property, funds, and assets thereof
14 shall be vested in the State, unless the Legislature directs otherwise.

15 i. A true copy of the minutes of every meeting of the authority
16 shall be forthwith delivered by and under the certification of the
17 secretary thereof to the Governor. No action taken at such meeting
18 by the authority shall have force or effect until 10 days, Saturdays,
19 Sundays, and public holidays excepted, after the copy of the
20 minutes shall have been so delivered, unless during such 10-day
21 period the Governor shall approve the same, in which case such
22 action shall become effective upon such approval. If, in that 10-day
23 period, the Governor returns such copy of the minutes with veto of
24 any action taken by the authority or any member thereof at such
25 meeting, such action shall be void.

26 j. Any and all proceedings, hearings or meetings of the
27 authority shall be conducted in conformance with the "Senator
28 Byron M. Baer Open Public Meetings Act," P.L.1975, c.231
29 (C.10:4-6 et seq.).

30 k. Records of minutes, accounts, bills, vouchers, contracts or
31 other papers connected with or used or filed with the authority or
32 with any officer or employee acting for or in its behalf are declared
33 to be public records, and shall be open to public inspection in
34 accordance with P.L.1963, c.73 (C.47:1A-1 et seq.).

35 (cf: P.L.2010, c.51, s.8)

36
37 2. This act shall take effect immediately.

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40 STATEMENT

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42 This bill allows the mayors of the boroughs of Eatontown,
43 Oceanport, and Tinton Falls, as members of the Fort Monmouth
44 Economic Revitalization Authority ("authority"), to each designate
45 a council member of their respective municipality to represent them
46 at authority meetings and act on their behalf. Current law limits the
47 power of the three mayors and other ex officio members of the
48 authority to designate only an employee of the member's

1 department or office to represent them at meetings of the authority
2 where the designee may act on their behalf.

3

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5

6

7 _____

8 Allows Eatontown, Oceanport, and Tinton Falls mayors to
9 designate council member to represent them as members of Fort
Monmouth Economic Revitalization Authority.

SENATE, No. 2825

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED APRIL 11, 2011

Sponsored by:

Senator JENNIFER BECK

District 12 (Mercer and Monmouth)

Senator SEAN T. KEAN

District 11 (Monmouth)

Assemblywoman CAROLINE CASAGRANDE

District 12 (Mercer and Monmouth)

Assemblyman DECLAN J. O'SCANLON, JR.

District 12 (Mercer and Monmouth)

SYNOPSIS

Allows Eatontown, Oceanport, and Tinton Falls mayors to designate council member to represent them as members of Fort Monmouth Economic Revitalization Authority.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2012)

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20 technology, finance, energy industry, or real estate. One of the
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23 Monmouth County Board of Chosen Freeholders and submitted to
24 the Governor; the list of candidates for the initial selection of this
25 member shall be so submitted within 45 days after the date of
26 enactment of this act. In the event the Governor rejects all five
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28 of the Monmouth County Board of Chosen Freeholders, the
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44 lease, or transfer of real or personal property to which the authority
45 or office is a party.

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47 seeking to perform a contract for the authority, shall be subject to
48 the provisions of P.L.2005, c.51 (C.19:44A-20.13 et seq.).

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2 be subject to the same financial disclosure requirements as the
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7 condition that the authority has no debts or obligations outstanding
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18 period the Governor shall approve the same, in which case such
19 action shall become effective upon such approval. If, in that 10-day
20 period, the Governor returns such copy of the minutes with veto of
21 any action taken by the authority or any member thereof at such
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32 (cf: P.L.2010, c.51, s.8)

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34 2. This act shall take effect immediately.

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STATEMENT

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39 This bill allows the mayors of the boroughs of Eatontown,
40 Oceanport, and Tinton Falls, as members of the Fort Monmouth
41 Economic Revitalization Authority ("authority"), to each designate
42 a council member of their respective municipality to represent them
43 at authority meetings and act on their behalf. Current law limits the
44 power of the three mayors and other ex officio members of the
45 authority to designate only an employee of the member's
46 department or office to represent them at meetings of the authority
47 where the designee may act on their behalf.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

SENATE, No. 2825

STATE OF NEW JERSEY

DATED: JUNE 23, 2011

The Senate Economic Growth Committee reports favorably Senate Bill, No. 2825.

This bill allows the mayors of the boroughs of Eatontown, Oceanport, and Tinton Falls, as members of the Fort Monmouth Economic Revitalization Authority (“authority”), to each designate a council member of their respective municipality to represent them at authority meetings and act on their behalf. Current law limits the power of the three mayors and other ex officio members of the authority to designate only an employee of the member's department or office to represent them at meetings of the authority where the designee may act on their behalf.

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO

SENATE, No. 2825

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2011

The Assembly Commerce and Economic Development Committee reports favorably Senate Bill No. 2825.

This bill allows the mayors of the boroughs of Eatontown, Oceanport, and Tinton Falls, as members of the Fort Monmouth Economic Revitalization Authority (“authority”), to each designate a council member of their respective municipality to represent them at authority meetings and act on their behalf. Current law limits the power of the three mayors and other ex officio members of the authority to designate only an employee of the member's department or office to represent them at meetings of the authority where the designee may act on their behalf.

ASSEMBLY, No. 3972

STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED MAY 9, 2011

Sponsored by:

Assemblywoman CAROLINE CASAGRANDE

District 12 (Mercer and Monmouth)

Assemblyman DECLAN J. O'SCANLON, JR.

District 12 (Mercer and Monmouth)

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14 and perform all the duties of the authority.

15 e. The affirmative vote of seven members shall be required for
16 the following actions taken by the authority:

17 (1) any action to adopt or revise the plan, as provided in section
18 18 of this act, or to adopt or revise the development and design
19 guidelines or land use regulations adopted by the authority as
20 provided in section 17 of this act; (2) any action to enter into a
21 designated redevelopment agreement with the EDA as provided in
22 subsection a. of section 16 of this act; (3) any action to adopt any
23 amendment to the plan pursuant to paragraph (1) of subsection e. of
24 section 17 of this act; (4) any action to approve any project
25 undertaken by the EDA; (5) any action to acquire easements, rights
26 of way, or fee title to properties pursuant to subsection g. of section
27 9 of this act; (6) in any year that the authority is anticipated to
28 receive no funding from the federal government, any action to
29 approve the budget of the office for that year or any amendment to
30 the budget pursuant to subsection d. of section 6 of this act; and (7)
31 consent to the designation of any portion of the project area as an
32 area in need of redevelopment or any area in need of rehabilitation
33 pursuant to the provisions of the "Local Redevelopment and
34 Housing Law," P.L.1992, c.79 (C.40A:12A-1 et al.), as provided in
35 subsection o. of section 9 of this act.

36 f. The members of the authority shall serve without
37 compensation, but the authority may, within the limits of funds
38 appropriated or otherwise made available for such purposes,
39 reimburse its members for necessary expenses incurred in the
40 discharge of their official duties.

41 g. (1) No member, officer, employee or agent of the authority or
42 office shall have a personal interest, either directly or indirectly, in
43 any project, employment agreement or any contract, sale, purchase,
44 lease, or transfer of real or personal property to which the authority
45 or office is a party.

46 (2) The authority, as well as any business entity performing or
47 seeking to perform a contract for the authority, shall be subject to
48 the provisions of P.L.2005, c.51 (C.19:44A-20.13 et seq.).

1 (3) The members, officers, and employees of the authority shall
2 be subject to the same financial disclosure requirements as the
3 members, officers, and employees of State authorities subject to
4 executive orders of the Governor with respect to financial
5 disclosure.

6 h. The authority may be dissolved by act of the Legislature on
7 condition that the authority has no debts or obligations outstanding
8 or provision has been made for the payment, retirement,
9 termination, or assumption of its debts and obligations. Upon
10 dissolution of the authority, all property, funds, and assets thereof
11 shall be vested in the State, unless the Legislature directs otherwise.

12 i. A true copy of the minutes of every meeting of the authority
13 shall be forthwith delivered by and under the certification of the
14 secretary thereof to the Governor. No action taken at such meeting
15 by the authority shall have force or effect until 10 days, Saturdays,
16 Sundays, and public holidays excepted, after the copy of the
17 minutes shall have been so delivered, unless during such 10-day
18 period the Governor shall approve the same, in which case such
19 action shall become effective upon such approval. If, in that 10-day
20 period, the Governor returns such copy of the minutes with veto of
21 any action taken by the authority or any member thereof at such
22 meeting, such action shall be void.

23 j. Any and all proceedings, hearings or meetings of the
24 authority shall be conducted in conformance with the "Senator
25 Byron M. Baer Open Public Meetings Act," P.L.1975, c.231
26 (C.10:4-6 et seq.).

27 k. Records of minutes, accounts, bills, vouchers, contracts or
28 other papers connected with or used or filed with the authority or
29 with any officer or employee acting for or in its behalf are declared
30 to be public records, and shall be open to public inspection in
31 accordance with P.L.1963, c.73 (C.47:1A-1 et seq.).
32 (cf: P.L.2010, c.51, s.8)

33

34 2. This act shall take effect immediately.

35

36

37

STATEMENT

38

39 This bill allows the mayors of the boroughs of Eatontown,
40 Oceanport, and Tinton Falls, as members of the Fort Monmouth
41 Economic Revitalization Authority ("authority"), to each designate
42 a council member of their respective municipality to represent them
43 at authority meetings and act on their behalf. Current law limits the
44 power of the three mayors and other ex officio members of the
45 authority to designate only an employee of the member's
46 department or office to represent them at meetings of the authority
47 where the designee may act on their behalf.

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3972

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2011

The Assembly Commerce and Economic Development Committee reports favorably Assembly Bill No. 3972

This bill allows the mayors of the boroughs of Eatontown, Oceanport, and Tinton Falls, as members of the Fort Monmouth Economic Revitalization Authority (“authority”), to each designate a council member of their respective municipality to represent them at authority meetings and act on their behalf. Current law limits the power of the three mayors and other ex officio members of the authority to designate only an employee of the member's department or office to represent them at meetings of the authority where the designee may act on their behalf.