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LAW/RWH

**SENATE, No. 763**

**STATE OF NEW JERSEY**  
**214th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

**Sponsored by:**

**Senator STEPHEN M. SWEENEY**

**District 3 (Salem, Cumberland and Gloucester)**

**SYNOPSIS**

Authorizes director of board of freeholders to exercise veto power over proposed actions of county authorities.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel



1 AN ACT concerning the powers of the director of the board of  
2 freeholders over county authorities, supplementing Title 40 of  
3 the Revised Statutes and amending various parts of the statutory  
4 law.

5

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

8

9 1. (New section) a. The director of the board of chosen  
10 freeholders is authorized and empowered, with the consent of a  
11 majority of the members of the board, but not otherwise, to veto any  
12 action taken by any county authority or any member thereof at a  
13 meeting of a county authority. No action taken at a meeting by  
14 members of any county authority shall be effective if the director of  
15 the board of chosen freeholders returns to the authority a copy of  
16 the minutes with a veto of any action taken by the authority or any  
17 member thereof at a meeting of the authority or until 10 days after a  
18 copy of the minutes shall have been delivered to each member of  
19 board of chosen freeholders.

20 b. "County authority" in this section means a body, public and  
21 corporate, created by a county pursuant to any law authorizing that  
22 creation, which law provides that the public body so created has at  
23 least the following powers:

24 (1) To adopt and use a corporate seal;

25 (2) To sue and be sued;

26 (3) To acquire and hold real or personal property for its  
27 purposes; and

28 (4) To provide for and secure the payment of its bonds or other  
29 obligations, or to provide for the assessment of a tax on real  
30 property within its district, or to impose charges for the use of its  
31 facilities or any combination thereof.

32

33 2. Section 5 of P.L.1946, c.138 (C.40:14A-5) is amended to  
34 read as follows:

35 5. (a) The powers of a sewerage authority shall be vested in the  
36 members thereof in office from time to time. A majority of the  
37 entire authorized membership of the sewerage authority shall  
38 constitute a quorum at any meeting thereof. Action may be taken  
39 and motions and resolutions adopted by the sewerage authority at  
40 any meeting of the members thereof by vote of a majority of the  
41 members present, unless in any case the by-laws of the sewerage  
42 authority shall require a larger number. The sewerage authority  
43 may delegate to one or more of its officers, agents or employees  
44 such powers and duties as it may deem proper.

**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 The minutes of every meeting of an authority created by a county  
2 organized pursuant to the provisions of the "county executive plan"  
3 of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-  
4 1 et seq.) shall be delivered by the end of the fifth business day  
5 following the meeting, except as otherwise provided herein, by and  
6 under the certification of the secretary of the authority to the county  
7 executive. Except as otherwise provided herein, no action taken at  
8 a meeting by the members of an authority shall be effective until  
9 approved by the county executive or until 10 days after the copy of  
10 the minutes shall have been delivered. If, within the 10-day period,  
11 the county executive returns to the authority and to the board of  
12 freeholders the copy of the minutes with a veto of any action taken  
13 by the authority or any member thereof at a meeting, together with a  
14 written explanation of the reasons for his veto of the action, that  
15 action shall be of no effect unless the board of freeholders overrides  
16 the veto of the action by a majority vote of its full membership  
17 within 10 days of the receipt of the veto action. The county  
18 executive may approve all or any part of an action taken at a  
19 meeting prior to the expiration of the 10-day period. If the county  
20 executive takes no action with respect to the minutes within the 10-  
21 day period, the minutes shall be deemed to be approved. The veto  
22 powers accorded under this subsection shall not affect in any way  
23 the covenants contained in the bond indentures of the authority, or  
24 any collective bargaining agreement or binding arbitration decisions  
25 affecting employees of the authority.

26 No resolution or other action of the authority providing for the  
27 issuance or refunding of bonds or other financial obligations shall  
28 be adopted or otherwise made effective by the authority without the  
29 prior approval in writing of the county executive. This power shall  
30 be exercised with due regard for the rights of the holders of bonds  
31 of the authority at any time outstanding, and nothing in, or done  
32 pursuant to, this subsection shall in any way limit, restrict or alter  
33 the obligation or powers of the authority or any representative or  
34 officer of the authority to carry out and perform in every detail each  
35 and every covenant, agreement or contract at any time made or  
36 entered into by or on behalf of the authority with respect to its  
37 bonds or for the benefit, protection or security of the holders  
38 thereof.

39 If two-thirds or more of the members of an authority make a  
40 determination that an action taken at a meeting is in response to an  
41 emergency situation, a copy of the minutes of that meeting shall be  
42 delivered to the county executive as soon as practicable following  
43 the meeting and the county executive shall have up to 24 hours after  
44 the copy of the minutes has been delivered to approve or veto the  
45 minutes of that meeting. If the county executive takes no action  
46 with respect to the minutes within the 24-hour period, the minutes  
47 shall be deemed approved. If, within the 24-hour period, the county

1 executive returns to the authority and to the board of freeholders the  
2 copy of the minutes with a veto of any action taken by the authority  
3 or any member thereof at the meeting, together with a written  
4 explanation of the reasons for his veto of the action, that action  
5 shall be of no effect unless the board of freeholders overrides the  
6 veto of the action by a majority vote of its full membership within  
7 48 hours of the receipt of the veto action.

8 (b) Each member of a sewerage authority shall hold office for  
9 the term for which he was appointed and until his successor has  
10 been appointed and has qualified.

11 (c) No member, officer or employee of a sewerage authority  
12 shall have or acquire any interest, direct or indirect, in the sewerage  
13 system or in any property included or planned to be included in the  
14 sewerage system or in any contract or proposed contract for  
15 materials or services to be furnished to or used by the sewerage  
16 authority, but neither the holding of any office or employment in  
17 the government of any county or municipality or under any law of  
18 the State nor the owning of any property within the State shall be  
19 deemed a disqualification for membership in or employment by a  
20 sewerage authority, and members of the governing body of a local  
21 unit may be appointed by such governing body and may serve as  
22 members of a sewerage authority. A member of a sewerage  
23 authority may be removed only by the governing body by which he  
24 was appointed and only for inefficiency or neglect of duty or  
25 misconduct in office and after he shall have been given a copy of  
26 the charges against him and, not sooner than ten days thereafter,  
27 had opportunity in person or by counsel to be heard thereon by such  
28 governing body.

29 (d) A sewerage authority may reimburse its members for  
30 necessary expenses incurred in the discharge of their duties. The  
31 resolution, ordinance or parallel ordinances for the creation of a  
32 sewerage authority may provide that the members of the sewerage  
33 authority may receive compensation for their services within an  
34 annual and other limitations to be stated in such resolution,  
35 ordinance or parallel ordinances, and in that event, each member  
36 may receive from the sewerage authority such compensation for his  
37 services as the sewerage authority may determine within the  
38 limitations stated in such resolution, ordinance or parallel  
39 ordinances. The said annual or other limitations stated in any such  
40 resolution, ordinance or parallel ordinances may be amended by  
41 subsequent resolution, ordinance or parallel ordinances, as the case  
42 may be, but no reduction of any such limitation shall be effective as  
43 to any member of the sewerage authority then in office except upon  
44 the written consent of the sewerage authority. No member of any  
45 sewerage authority shall receive any compensation for his services  
46 except as provided in this subsection.

1 (e) Every sewerage authority, upon the first appointment of its  
2 members and thereafter on or after the first day of February in each  
3 year, shall annually elect from among its members a chairman and a  
4 vice-chairman who shall hold office, until the first day of February  
5 next ensuing and until their respective successors have been  
6 appointed and have qualified. Every sewerage authority may also,  
7 without regard to the provisions of Title 11 of the Revised Statutes,  
8 appoint and employ a secretary and such professional and technical  
9 advisers and experts and such other officers, agents and employees  
10 as it may require, and shall determine their qualifications, terms of  
11 office, duties and compensation.

12 (f) The minutes of every meeting of an authority created by a  
13 county which has not adopted the provisions of the "Optional  
14 County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall  
15 be delivered by the end of the fifth business day following the  
16 meeting, by and under the certification of the secretary of the  
17 authority to each member of the county board of freeholders. No  
18 action taken at a meeting by the members of an authority shall be  
19 effective if, within 10 days after the copy of the minutes shall have  
20 been delivered to each member of the board of freeholders, such  
21 action is vetoed by the director of the board of freeholders, with the  
22 concurrence of a majority of the members of board of freeholders.  
23 If, within the 10-day period, the board of freeholders returns to the  
24 authority the copy of the minutes with a veto of any action taken by  
25 the authority or any of the authority's members thereof at a  
26 meeting, that action shall be of no effect. If the director takes no  
27 action with respect to the minutes within the 10-day period, the  
28 minutes shall be deemed to be approved. The veto power accorded  
29 under this subsection shall not affect in any way the covenants  
30 contained in the bond indentures of the authority, or any collective  
31 bargaining agreement or binding arbitration decisions affecting  
32 employees of the authority.

33 (cf: P.L.1995, c.91, s.2)

34

35 3. Section 14 of P.L.1957, c.183 (C.40:14B-14) is amended to  
36 read as follows:

37 14. a. The powers of a municipal authority shall be vested in the  
38 members thereof in office from time to time. A majority of the  
39 entire authorized membership of the municipal authority shall  
40 constitute a quorum at any meeting thereof. Action may be taken  
41 and motions and resolutions adopted by the municipal authority at  
42 any meeting of the members thereof by vote of a majority of the  
43 members present, unless in any case the by-laws of the municipal  
44 authority shall require a larger number.

45 b. The minutes of every meeting of an authority created by a  
46 county organized pursuant to the provisions of the "county  
47 executive plan" of the "Optional County Charter Law," P.L.1972,

1 c.154 (C.40:41A-1 et seq.) shall be delivered by the end of the fifth  
2 business day following the meeting, except as otherwise provided in  
3 subsection d. of this section, by and under the certification of the  
4 secretary of the authority to the county executive. Except as  
5 otherwise provided in subsection d. of this section, no action taken  
6 at a meeting by the members of an authority shall be effective until  
7 approved by the county executive or until 10 days after the copy of  
8 the minutes shall have been delivered. If, within the 10-day period,  
9 the county executive returns to the authority and to the board of  
10 freeholders the copy of the minutes with a veto of any action taken  
11 by the authority or any member thereof at a meeting, together with a  
12 written explanation of the reasons for his veto of the action, that  
13 action shall be of no effect unless the board of freeholders overrides  
14 the veto of the action by a majority vote of its full membership  
15 within 10 days of the receipt of the veto action. The county  
16 executive may approve all or any part of an action taken at a  
17 meeting prior to the expiration of the 10-day period. If the county  
18 executive takes no action with respect to the minutes within the 10-  
19 day period, the minutes shall be deemed to be approved. The veto  
20 powers accorded under this subsection shall not affect in any way  
21 the covenants contained in the bond indentures of the authority, or  
22 any collective bargaining agreement or binding arbitration decisions  
23 affecting employees of the authority.

24 c. No resolution or other action of the authority providing for  
25 the issuance or refunding of bonds or other financial obligations  
26 shall be adopted or otherwise made effective by the authority  
27 without the prior approval in writing of the county executive. This  
28 power shall be exercised with due regard for the rights of the  
29 holders of bonds of the authority at any time outstanding, and  
30 nothing in, or done pursuant to, this subsection shall in any way  
31 limit, restrict or alter the obligation or powers of the authority or  
32 any representative or officer of the authority to carry out and  
33 perform in every detail each and every covenant, agreement or  
34 contract at any time made or entered into by or on behalf of the  
35 authority with respect to its bonds or for the benefit, protection or  
36 security of the holders thereof.

37 d. If two-thirds or more of the members of an authority make a  
38 determination that an action taken at a meeting is in response to an  
39 emergency situation, a copy of the minutes of that meeting shall be  
40 delivered to the county executive as soon as practicable following  
41 the meeting and the county executive shall have up to 24 hours after  
42 the copy of the minutes has been delivered to approve or veto the  
43 minutes of that meeting. If the county executive takes no action  
44 with respect to the minutes within the 24-hour period, the minutes  
45 shall be deemed approved. If, within the 24-hour period, the county  
46 executive returns to the authority and to the board of freeholders the  
47 copy of the minutes with a veto of any action taken by the authority



1 or any member thereof at the meeting, together with a written  
2 explanation of the reasons for his veto of the action, that action  
3 shall be of no effect unless the board of freeholders overrides the  
4 veto of the action by a majority vote of its full membership within  
5 48 hours of the receipt of the veto action.

6 (e) The minutes of every meeting of an authority created by a  
7 county which has not adopted the provisions of the "Optional  
8 County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall  
9 be delivered by the end of the fifth business day following the  
10 meeting, by and under the certification of the secretary of the  
11 authority to each member of the county board of freeholders. No  
12 action taken at a meeting by the members of an authority shall be  
13 effective if within 10 days after the copy of the minutes shall have  
14 been delivered to each member of the board of freeholders, such  
15 action is vetoed by the director of the board of freeholders, with the  
16 concurrence of a majority of the members of board of freeholders.  
17 If, within the 10-day period, the board of freeholders returns to the  
18 authority the copy of the minutes with a veto of any action taken by  
19 the authority or any of the authority's members thereof at a  
20 meeting, that action shall be of no effect. If the director takes no  
21 action with respect to the minutes within the 10-day period, the  
22 minutes shall be deemed to be approved. The veto power accorded  
23 under this subsection shall not affect in any way the covenants  
24 contained in the bond indentures of the authority, or any collective  
25 bargaining agreement or binding arbitration decisions affecting  
26 employees of the authority.

27 (cf: P.L.1995, c.91, s.3)

28

29 4. Section 7 of P.L.1960, c.183 (C.40:37A-50) is amended to  
30 read as follows:

31 7. a. The powers of an authority shall be vested in the  
32 members thereof in office from time to time, and a majority of the  
33 entire authorized voting membership of the authority shall  
34 constitute a quorum at any meeting thereof. Action may be taken  
35 and motions and resolutions adopted by the authority at any meeting  
36 of the members thereof by the affirmative vote of a majority of the  
37 voting members present, unless in any case the bylaws of the  
38 authority shall require a larger number.

39 b. The minutes of every meeting of an authority created by a  
40 county organized pursuant to the provisions of the "county  
41 executive plan" of the "Optional County Charter Law," P.L.1972,  
42 c.154 (C.40:41A-1 et seq.) shall be delivered by the end of the fifth  
43 business day following the meeting, except as otherwise provided in  
44 subsection d. of this section, by and under the certification of the  
45 secretary of the authority to the county executive. Except as  
46 otherwise provided in subsection d. of this section, no action taken  
47 at a meeting by the members of an authority shall be effective until

1 approved by the county executive or until 10 days after the copy of  
2 the minutes shall have been delivered. If, within the 10-day period,  
3 the county executive returns to the authority and to the board of  
4 freeholders the copy of the minutes with a veto of any action taken  
5 by the authority or any member thereof at a meeting, together with a  
6 written explanation of the reasons for his veto of the action, that  
7 action shall be of no effect unless the board of freeholders overrides  
8 the veto of the action by a majority vote of its full membership  
9 within 10 days of the receipt of the veto action. The county  
10 executive may approve all or any part of an action taken at a  
11 meeting prior to the expiration of the 10-day period. If the county  
12 executive takes no action with respect to the minutes within the 10-  
13 day period, the minutes shall be deemed to be approved. The veto  
14 powers accorded under this subsection shall not affect in any way  
15 the covenants contained in the bond indentures of the authority, or  
16 any collective bargaining agreement or binding arbitration decisions  
17 affecting employees of the authority.

18 c. No resolution or other action of the authority providing for  
19 the issuance or refunding of bonds or other financial obligations  
20 shall be adopted or otherwise made effective by the authority  
21 without the prior approval in writing of the county executive. This  
22 power shall be exercised with due regard for the rights of the  
23 holders of bonds of the authority at any time outstanding, and  
24 nothing in, or done pursuant to, this subsection shall in any way  
25 limit, restrict or alter the obligation or powers of the authority or  
26 any representative or officer of the authority to carry out and  
27 perform in every detail each and every covenant, agreement or  
28 contract at any time made or entered into by or on behalf of the  
29 authority with respect to its bonds or for the benefit, protection or  
30 security of the holders thereof.

31 d. If two-thirds or more of the members of an authority make a  
32 determination that an action taken at a meeting is in response to an  
33 emergency situation, a copy of the minutes of that meeting shall be  
34 delivered to the county executive as soon as practicable following  
35 the meeting and the county executive shall have up to 24 hours after  
36 the copy of the minutes has been delivered to approve or veto the  
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38 with respect to the minutes within the 24-hour period, the minutes  
39 shall be deemed approved. If, within the 24-hour period, the county  
40 executive returns to the authority and to the board of freeholders the  
41 copy of the minutes with a veto of any action taken by the authority  
42 or any member thereof at the meeting, together with a written  
43 explanation of the reasons for his veto of the action, that action  
44 shall be of no effect unless the board of freeholders overrides the  
45 veto of the action by a majority vote of its full membership within  
46 48 hours of the receipt of the veto action.

1       (e) The minutes of every meeting of an authority created by a  
2 county which has not adopted the provisions of the "Optional  
3 County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall  
4 be delivered by the end of the fifth business day following the  
5 meeting, by and under the certification of the secretary of the  
6 authority to each member of the county board of freeholders. No  
7 action taken at a meeting by the members of an authority shall be  
8 effective if within 10 days after the copy of the minutes shall have  
9 been delivered to each member of the board of freeholders, such  
10 action is vetoed by the director of the board of freeholders, with the  
11 concurrence of a majority of the members of board of freeholders.  
12 If, within the 10-day period, the board of freeholders returns to the  
13 authority the copy of the minutes with a veto of any action taken by  
14 the authority or any of the authority's members thereof at a  
15 meeting, that action shall be of no effect. If the director takes no  
16 action with respect to the minutes within the 10-day period, the  
17 minutes shall be deemed to be approved. The veto power accorded  
18 under this subsection shall not affect in any way the covenants  
19 contained in the bond indentures of the authority, or any collective  
20 bargaining agreement or binding arbitration decisions affecting  
21 employees of the authority.

22 (cf: P.L.1995, c.91, s.4)

23

24       5. This act shall take effect immediately.

25

26

27

#### STATEMENT

28

29       This bill would authorize the director of the county board of  
30 freeholders in a county which has not adopted the provisions of the  
31 "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et  
32 seq.), with the consent of a majority of the members of the board, to  
33 veto any action of a county authority. The veto power authorized in  
34 this bill is comparable to the veto power granted to county  
35 executives in counties organized pursuant to the provisions of the  
36 "county executive plan" of the "Optional County Charter Law,"  
37 P.L.1972, c.154 (C.40:41A-1 et seq.).

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

**SENATE, No. 763**

**STATE OF NEW JERSEY**

DATED: MAY 10, 2010

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 763.

This bill would authorize the director of the county board of freeholders in a county which has not adopted the provisions of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), with the consent of a majority of the members of the board, to veto any action of a county authority. The veto power authorized in this bill is comparable to the veto power granted to county executives in counties organized pursuant to the provisions of the "county executive plan" of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.).

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**SENATE, No. 763**

**STATE OF NEW JERSEY**

DATED: JUNE 10, 2010

The Assembly Housing and Local Government Committee reports favorably Senate Bill No. 763.

This bill would authorize the director of the county board of freeholders in a county which has not adopted the provisions of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), with the consent of a majority of the members of the board, to veto any action of a county authority. The veto power authorized in this bill is comparable to the veto power granted to county executives in counties organized pursuant to the provisions of the "county executive plan" of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.).

# ASSEMBLY, No. 2078

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED FEBRUARY 11, 2010

**Sponsored by:**

**Assemblyman JOSEPH CRYAN**

**District 20 (Union)**

**Assemblyman JOHN J. BURZICHELLI**

**District 3 (Salem, Cumberland and Gloucester)**

**Assemblywoman ELEASE EVANS**

**District 35 (Bergen and Passaic)**

**SYNOPSIS**

Authorizes director of board of freeholders to exercise veto power over proposed actions of county authorities.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/11/2010)**

A2078 CRYAN, BURZICHELLI

2

1 AN ACT concerning the powers of the director of the board of  
2 freeholders over county authorities, supplementing Title 40 of  
3 the Revised Statutes and amending various parts of the statutory  
4 law.

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

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10 freeholders is authorized and empowered, with the consent of a  
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12 action taken by any county authority or any member thereof at a  
13 meeting of a county authority. No action taken at a meeting by  
14 members of any county authority shall be effective if the director of  
15 the board of chosen freeholders returns to the authority a copy of  
16 the minutes with a veto of any action taken by the authority or any  
17 member thereof at a meeting of the authority or until 10 days after a  
18 copy of the minutes shall have been delivered to each member of  
19 board of chosen freeholders.

20 b. "County authority" in this section means a body, public and  
21 corporate, created by a county pursuant to any law authorizing that  
22 creation, which law provides that the public body so created has at  
23 least the following powers:

24 (1) To adopt and use a corporate seal;

25 (2) To sue and be sued;

26 (3) To acquire and hold real or personal property for its  
27 purposes; and

28 (4) To provide for and secure the payment of its bonds or other  
29 obligations, or to provide for the assessment of a tax on real  
30 property within its district, or to impose charges for the use of its  
31 facilities or any combination thereof.

32

33 2. Section 5 of P.L.1946, c.138 (C.40:14A-5) is amended to  
34 read as follows:

35 5. (a) The powers of a sewerage authority shall be vested in the  
36 members thereof in office from time to time. A majority of the  
37 entire authorized membership of the sewerage authority shall  
38 constitute a quorum at any meeting thereof. Action may be taken  
39 and motions and resolutions adopted by the sewerage authority at  
40 any meeting of the members thereof by vote of a majority of the  
41 members present, unless in any case the by-laws of the sewerage  
42 authority shall require a larger number. The sewerage authority  
43 may delegate to one or more of its officers, agents or employees  
44 such powers and duties as it may deem proper.

**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.**

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2 organized pursuant to the provisions of the "county executive plan"  
3 of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-  
4 1 et seq.) shall be delivered by the end of the fifth business day  
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7 executive. Except as otherwise provided herein, no action taken at  
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9 approved by the county executive or until 10 days after the copy of  
10 the minutes shall have been delivered. If, within the 10-day period,  
11 the county executive returns to the authority and to the board of  
12 freeholders the copy of the minutes with a veto of any action taken  
13 by the authority or any member thereof at a meeting, together with a  
14 written explanation of the reasons for his veto of the action, that  
15 action shall be of no effect unless the board of freeholders overrides  
16 the veto of the action by a majority vote of its full membership  
17 within 10 days of the receipt of the veto action. The county  
18 executive may approve all or any part of an action taken at a  
19 meeting prior to the expiration of the 10-day period. If the county  
20 executive takes no action with respect to the minutes within the 10-  
21 day period, the minutes shall be deemed to be approved. The veto  
22 powers accorded under this subsection shall not affect in any way  
23 the covenants contained in the bond indentures of the authority, or  
24 any collective bargaining agreement or binding arbitration decisions  
25 affecting employees of the authority.

26 No resolution or other action of the authority providing for the  
27 issuance or refunding of bonds or other financial obligations shall  
28 be adopted or otherwise made effective by the authority without the  
29 prior approval in writing of the county executive. This power shall  
30 be exercised with due regard for the rights of the holders of bonds  
31 of the authority at any time outstanding, and nothing in, or done  
32 pursuant to, this subsection shall in any way limit, restrict or alter  
33 the obligation or powers of the authority or any representative or  
34 officer of the authority to carry out and perform in every detail each  
35 and every covenant, agreement or contract at any time made or  
36 entered into by or on behalf of the authority with respect to its  
37 bonds or for the benefit, protection or security of the holders  
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39 If two-thirds or more of the members of an authority make a  
40 determination that an action taken at a meeting is in response to an  
41 emergency situation, a copy of the minutes of that meeting shall be  
42 delivered to the county executive as soon as practicable following  
43 the meeting and the county executive shall have up to 24 hours after  
44 the copy of the minutes has been delivered to approve or veto the  
45 minutes of that meeting. If the county executive takes no action  
46 with respect to the minutes within the 24-hour period, the minutes  
47 shall be deemed approved. If, within the 24-hour period, the county  
48 executive returns to the authority and to the board of freeholders the



1 copy of the minutes with a veto of any action taken by the authority  
2 or any member thereof at the meeting, together with a written  
3 explanation of the reasons for his veto of the action, that action  
4 shall be of no effect unless the board of freeholders overrides the  
5 veto of the action by a majority vote of its full membership within  
6 48 hours of the receipt of the veto action.

7 (b) Each member of a sewerage authority shall hold office for  
8 the term for which he was appointed and until his successor has  
9 been appointed and has qualified.

10 (c) No member, officer or employee of a sewerage authority  
11 shall have or acquire any interest, direct or indirect, in the sewerage  
12 system or in any property included or planned to be included in the  
13 sewerage system or in any contract or proposed contract for  
14 materials or services to be furnished to or used by the sewerage  
15 authority, but neither the holding of any office or employment in  
16 the government of any county or municipality or under any law of  
17 the State nor the owning of any property within the State shall be  
18 deemed a disqualification for membership in or employment by a  
19 sewerage authority, and members of the governing body of a local  
20 unit may be appointed by such governing body and may serve as  
21 members of a sewerage authority. A member of a sewerage  
22 authority may be removed only by the governing body by which he  
23 was appointed and only for inefficiency or neglect of duty or  
24 misconduct in office and after he shall have been given a copy of  
25 the charges against him and, not sooner than ten days thereafter,  
26 had opportunity in person or by counsel to be heard thereon by such  
27 governing body.

28 (d) A sewerage authority may reimburse its members for  
29 necessary expenses incurred in the discharge of their duties. The  
30 resolution, ordinance or parallel ordinances for the creation of a  
31 sewerage authority may provide that the members of the sewerage  
32 authority may receive compensation for their services within an  
33 annual and other limitations to be stated in such resolution,  
34 ordinance or parallel ordinances, and in that event, each member  
35 may receive from the sewerage authority such compensation for his  
36 services as the sewerage authority may determine within the  
37 limitations stated in such resolution, ordinance or parallel  
38 ordinances. The said annual or other limitations stated in any such  
39 resolution, ordinance or parallel ordinances may be amended by  
40 subsequent resolution, ordinance or parallel ordinances, as the case  
41 may be, but no reduction of any such limitation shall be effective as  
42 to any member of the sewerage authority then in office except upon  
43 the written consent of the sewerage authority. No member of any  
44 sewerage authority shall receive any compensation for his services  
45 except as provided in this subsection.

46 (e) Every sewerage authority, upon the first appointment of its  
47 members and thereafter on or after the first day of February in each  
48 year, shall annually elect from among its members a chairman and a

1 vice-chairman who shall hold office, until the first day of February  
2 next ensuing and until their respective successors have been  
3 appointed and have qualified. Every sewerage authority may also,  
4 without regard to the provisions of Title 11 of the Revised Statutes,  
5 appoint and employ a secretary and such professional and technical  
6 advisers and experts and such other officers, agents and employees  
7 as it may require, and shall determine their qualifications, terms of  
8 office, duties and compensation.

9 (f) The minutes of every meeting of an authority created by a  
10 county which has not adopted the provisions of the "Optional  
11 County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall  
12 be delivered by the end of the fifth business day following the  
13 meeting, by and under the certification of the secretary of the  
14 authority to each member of the county board of freeholders. No  
15 action taken at a meeting by the members of an authority shall be  
16 effective if, within 10 days after the copy of the minutes shall have  
17 been delivered to each member of the board of freeholders, such  
18 action is vetoed by the director of the board of freeholders, with the  
19 concurrence of a majority of the members of board of freeholders.  
20 If, within the 10-day period, the board of freeholders returns to the  
21 authority the copy of the minutes with a veto of any action taken by  
22 the authority or any of the authority's members thereof at a  
23 meeting, that action shall be of no effect. If the director takes no  
24 action with respect to the minutes within the 10-day period, the  
25 minutes shall be deemed to be approved. The veto power accorded  
26 under this subsection shall not affect in any way the covenants  
27 contained in the bond indentures of the authority, or any collective  
28 bargaining agreement or binding arbitration decisions affecting  
29 employees of the authority.

30 (cf: P.L.1995, c.91, s.2)

31

32 3. Section 14 of P.L.1957, c.183 (C.40:14B-14) is amended to  
33 read as follows:

34 14. a. The powers of a municipal authority shall be vested in the  
35 members thereof in office from time to time. A majority of the  
36 entire authorized membership of the municipal authority shall  
37 constitute a quorum at any meeting thereof. Action may be taken  
38 and motions and resolutions adopted by the municipal authority at  
39 any meeting of the members thereof by vote of a majority of the  
40 members present, unless in any case the by-laws of the municipal  
41 authority shall require a larger number.

42 b. The minutes of every meeting of an authority created by a  
43 county organized pursuant to the provisions of the "county  
44 executive plan" of the "Optional County Charter Law," P.L.1972,  
45 c.154 (C.40:41A-1 et seq.) shall be delivered by the end of the fifth  
46 business day following the meeting, except as otherwise provided in  
47 subsection d. of this section, by and under the certification of the  
48 secretary of the authority to the county executive. Except as

1 otherwise provided in subsection d. of this section, no action taken  
2 at a meeting by the members of an authority shall be effective until  
3 approved by the county executive or until 10 days after the copy of  
4 the minutes shall have been delivered. If, within the 10-day period,  
5 the county executive returns to the authority and to the board of  
6 freeholders the copy of the minutes with a veto of any action taken  
7 by the authority or any member thereof at a meeting, together with a  
8 written explanation of the reasons for his veto of the action, that  
9 action shall be of no effect unless the board of freeholders overrides  
10 the veto of the action by a majority vote of its full membership  
11 within 10 days of the receipt of the veto action. The county  
12 executive may approve all or any part of an action taken at a  
13 meeting prior to the expiration of the 10-day period. If the county  
14 executive takes no action with respect to the minutes within the 10-  
15 day period, the minutes shall be deemed to be approved. The veto  
16 powers accorded under this subsection shall not affect in any way  
17 the covenants contained in the bond indentures of the authority, or  
18 any collective bargaining agreement or binding arbitration decisions  
19 affecting employees of the authority.

20 c. No resolution or other action of the authority providing for  
21 the issuance or refunding of bonds or other financial obligations  
22 shall be adopted or otherwise made effective by the authority  
23 without the prior approval in writing of the county executive. This  
24 power shall be exercised with due regard for the rights of the  
25 holders of bonds of the authority at any time outstanding, and  
26 nothing in, or done pursuant to, this subsection shall in any way  
27 limit, restrict or alter the obligation or powers of the authority or  
28 any representative or officer of the authority to carry out and  
29 perform in every detail each and every covenant, agreement or  
30 contract at any time made or entered into by or on behalf of the  
31 authority with respect to its bonds or for the benefit, protection or  
32 security of the holders thereof.

33 d. If two-thirds or more of the members of an authority make a  
34 determination that an action taken at a meeting is in response to an  
35 emergency situation, a copy of the minutes of that meeting shall be  
36 delivered to the county executive as soon as practicable following  
37 the meeting and the county executive shall have up to 24 hours after  
38 the copy of the minutes has been delivered to approve or veto the  
39 minutes of that meeting. If the county executive takes no action  
40 with respect to the minutes within the 24-hour period, the minutes  
41 shall be deemed approved. If, within the 24-hour period, the county  
42 executive returns to the authority and to the board of freeholders the  
43 copy of the minutes with a veto of any action taken by the authority  
44 or any member thereof at the meeting, together with a written  
45 explanation of the reasons for his veto of the action, that action  
46 shall be of no effect unless the board of freeholders overrides the  
47 veto of the action by a majority vote of its full membership within  
48 48 hours of the receipt of the veto action.

1       (e) The minutes of every meeting of an authority created by a  
2 county which has not adopted the provisions of the "Optional  
3 County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall  
4 be delivered by the end of the fifth business day following the  
5 meeting, by and under the certification of the secretary of the  
6 authority to each member of the county board of freeholders. No  
7 action taken at a meeting by the members of an authority shall be  
8 effective if within 10 days after the copy of the minutes shall have  
9 been delivered to each member of the board of freeholders, such  
10 action is vetoed by the director of the board of freeholders, with the  
11 concurrence of a majority of the members of board of freeholders.  
12 If, within the 10-day period, the board of freeholders returns to the  
13 authority the copy of the minutes with a veto of any action taken by  
14 the authority or any of the authority's members thereof at a  
15 meeting, that action shall be of no effect. If the director takes no  
16 action with respect to the minutes within the 10-day period, the  
17 minutes shall be deemed to be approved. The veto power accorded  
18 under this subsection shall not affect in any way the covenants  
19 contained in the bond indentures of the authority, or any collective  
20 bargaining agreement or binding arbitration decisions affecting  
21 employees of the authority.

22 (cf: P.L.1995, c.91, s.3)

23

24       4. Section 7 of P.L.1960, c.183 (C.40:37A-50) is amended to  
25 read as follows:

26       7. a. The powers of an authority shall be vested in the  
27 members thereof in office from time to time, and a majority of the  
28 entire authorized voting membership of the authority shall  
29 constitute a quorum at any meeting thereof. Action may be taken  
30 and motions and resolutions adopted by the authority at any meeting  
31 of the members thereof by the affirmative vote of a majority of the  
32 voting members present, unless in any case the bylaws of the  
33 authority shall require a larger number.

34       b. The minutes of every meeting of an authority created by a  
35 county organized pursuant to the provisions of the "county  
36 executive plan" of the "Optional County Charter Law," P.L.1972,  
37 c.154 (C.40:41A-1 et seq.) shall be delivered by the end of the fifth  
38 business day following the meeting, except as otherwise provided in  
39 subsection d. of this section, by and under the certification of the  
40 secretary of the authority to the county executive. Except as  
41 otherwise provided in subsection d. of this section, no action taken  
42 at a meeting by the members of an authority shall be effective until  
43 approved by the county executive or until 10 days after the copy of  
44 the minutes shall have been delivered. If, within the 10-day period,  
45 the county executive returns to the authority and to the board of  
46 freeholders the copy of the minutes with a veto of any action taken  
47 by the authority or any member thereof at a meeting, together with a  
48 written explanation of the reasons for his veto of the action, that

1 action shall be of no effect unless the board of freeholders overrides  
2 the veto of the action by a majority vote of its full membership  
3 within 10 days of the receipt of the veto action. The county  
4 executive may approve all or any part of an action taken at a  
5 meeting prior to the expiration of the 10-day period. If the county  
6 executive takes no action with respect to the minutes within the 10-  
7 day period, the minutes shall be deemed to be approved. The veto  
8 powers accorded under this subsection shall not affect in any way  
9 the covenants contained in the bond indentures of the authority, or  
10 any collective bargaining agreement or binding arbitration decisions  
11 affecting employees of the authority.

12 c. No resolution or other action of the authority providing for  
13 the issuance or refunding of bonds or other financial obligations  
14 shall be adopted or otherwise made effective by the authority  
15 without the prior approval in writing of the county executive. This  
16 power shall be exercised with due regard for the rights of the  
17 holders of bonds of the authority at any time outstanding, and  
18 nothing in, or done pursuant to, this subsection shall in any way  
19 limit, restrict or alter the obligation or powers of the authority or  
20 any representative or officer of the authority to carry out and  
21 perform in every detail each and every covenant, agreement or  
22 contract at any time made or entered into by or on behalf of the  
23 authority with respect to its bonds or for the benefit, protection or  
24 security of the holders thereof.

25 d. If two-thirds or more of the members of an authority make a  
26 determination that an action taken at a meeting is in response to an  
27 emergency situation, a copy of the minutes of that meeting shall be  
28 delivered to the county executive as soon as practicable following  
29 the meeting and the county executive shall have up to 24 hours after  
30 the copy of the minutes has been delivered to approve or veto the  
31 minutes of that meeting. If the county executive takes no action  
32 with respect to the minutes within the 24-hour period, the minutes  
33 shall be deemed approved. If, within the 24-hour period, the county  
34 executive returns to the authority and to the board of freeholders the  
35 copy of the minutes with a veto of any action taken by the authority  
36 or any member thereof at the meeting, together with a written  
37 explanation of the reasons for his veto of the action, that action  
38 shall be of no effect unless the board of freeholders overrides the  
39 veto of the action by a majority vote of its full membership within  
40 48 hours of the receipt of the veto action.

41 (e) The minutes of every meeting of an authority created by a  
42 county which has not adopted the provisions of the "Optional  
43 County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), shall  
44 be delivered by the end of the fifth business day following the  
45 meeting, by and under the certification of the secretary of the  
46 authority to each member of the county board of freeholders. No  
47 action taken at a meeting by the members of an authority shall be  
48 effective if within 10 days after the copy of the minutes shall have

1 been delivered to each member of the board of freeholders, such  
2 action is vetoed by the director of the board of freeholders, with the  
3 concurrence of a majority of the members of board of freeholders.  
4 If, within the 10-day period, the board of freeholders returns to the  
5 authority the copy of the minutes with a veto of any action taken by  
6 the authority or any of the authority's members thereof at a  
7 meeting, that action shall be of no effect. If the director takes no  
8 action with respect to the minutes within the 10-day period, the  
9 minutes shall be deemed to be approved. The veto power accorded  
10 under this subsection shall not affect in any way the covenants  
11 contained in the bond indentures of the authority, or any collective  
12 bargaining agreement or binding arbitration decisions affecting  
13 employees of the authority.

14 (cf: P.L.1995, c.91, s.4)

15

16 5. This act shall take effect immediately.

17

18

19

#### STATEMENT

20

21 This bill would authorize the director of the county board of  
22 freeholders in a county which has not adopted the provisions of the  
23 "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et  
24 seq.), with the consent of a majority of the members of the board, to  
25 veto any action of a county authority. The veto power authorized in  
26 this bill is comparable to the veto power granted to county  
27 executives in counties organized pursuant to the provisions of the  
28 "county executive plan" of the "Optional County Charter Law,"  
29 P.L.1972, c.154 (C.40:41A-1 et seq.).

ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 2078**

**STATE OF NEW JERSEY**

DATED: JUNE 10, 2010

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 2078.

This bill would authorize the director of the county board of freeholders in a county which has not adopted the provisions of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), with the consent of a majority of the members of the board, to veto any action of a county authority. The veto power authorized in this bill is comparable to the veto power granted to county executives in counties organized pursuant to the provisions of the "county executive plan" of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.).