

LEGISLATIVE HISTORY CHECKLIST

NJSA: 40:69A-149.8 (Municipal departments--establish by ordinance-- clarify)

LAWS OF: 1985 CHAPTER: 458

BILL NO: S2948

Sponsor(s): Lynch

Date Introduced: May 6, 1985

Committee: Assembly: -----

Senate: County and Municipal Government

Amended during passage: Yes Substituted for A295 (not attached since identical to S2948). Amendments during passage denoted by asterisks.

Date of Passage: Assembly: January 6, 1986

Senate: December 9, 1985

Date of Approval: January 15, 1986

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: Assembly No

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: ~~No~~ Yes.

Following were printed:

Reports: No

Hearings: No

Sponsor's statement:

This bill clarifies the power of a municipality governed by a "mayor-council-administrator plan" of government under the "Optional Municipal Charter Law" to establish by ordinance municipal departments and validates actions heretofore taken in that regard.

458

1-15-86

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[OFFICIAL COPY REPRINT]

SENATE, No. 2948

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1985

By Senator LYNCH

Referred to Committee on County and Municipal Government

AN ACT concerning the "mayor-council-administrator plan" of municipal government and amending **and supplementing** P. L. 1981, c. 465.

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

1 1. Section 36 (16A-8) of P. L. 1981, c. 465 (C. 40:69A-149.8) is
2 amended to read as follows:

3 16A-8. *a.* The mayor shall nominate, and with the advice and
4 consent of the council appoint, a municipal administrator, an
5 assessor, a tax collector, an attorney, a clerk, a treasurer and such
6 other officers as may be provided by ordinance. Except where
7 otherwise prohibited by general law, one person may be appointed
8 to two or more such offices, except that one person shall not be
9 simultaneously the assessor and treasurer, or assessor and collector.
10 All such officers shall be annually appointed unless another term is
11 provided by this article or by general law.

12 *b.* *The municipality may provide by ordinance for the establish-*
13 *ment of municipal departments, not to exceed six in number. Each*
14 *department shall be headed by a director, who shall be appointed*
15 *by the mayor with the advice and consent of the council. Each*
16 *department head shall serve during the term of office of the mayor*
17 *appointing him, and until the appointment and qualification of a*
18 *successor. The mayor may remove any department head upon*
19 *written notice to the council. The council may remove department*
20 *heads for cause after hearing.*

21 *The municipal administrator shall supervise the administration*
22 *of each of the departments established by ordinance. For this*

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 printed in italics thus is new matter. .

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendment adopted June 17, 1985.**

23 *purpose, the municipal administrator shall have the power to*
24 *investigate the organization and operations of any department, to*
25 *prescribe standards and rules of administrative practice and proce-*
26 *dure, and to consult with the heads of departments.*

1 2. Section 36 (16A-9) of P. L. 1981, c. 465 (C. 40:69A-149.9) is
2 amended to read as follows:

3 16A-9. The municipal administrator shall administer the busi-
4 ness affairs of the municipality and shall, as provided by ordinance,
5 have such powers and perform such duties which are not required
6 by this article or general law to be exercised by the mayor, council
7 or other officer, board or body. The administrator shall receive such
8 compensation as may be provided by ordinance. The municipal
9 administrator shall serve **[at the pleasure of the council]** *during*
10 *the term of office of the mayor*, but may be removed **[only]** by a
11 vote of at least $\frac{2}{3}$ of the members of the council. The resolution of
12 removal shall become effective three months after its adoption. The
13 council may provide that the resolution shall have immediate effect,
14 but in that case the council shall cause to be paid to the administra-
15 tor forthwith any unpaid balance of his salary and his salary for
16 the next three calendar months following adoption of the resolution
17 unless he is removed for good cause. For the purposes of this
18 section, "good cause" shall mean conviction of a crime or offense
19 involving moral turpitude, the violation of the provisions of section
20 17-14, 17-15, 17-16, 17-17 or 17-18 of P. L. 1950, c. 210 (C. 40:69A-163
21 through 40:69A-167), or the violation of any code of ethics in effect
22 within the municipality.

1 3. (New Section) Any ordinance heretofore adopted by a
2 municipality governed by section 36 of P. L. 1981, c. 465 (C.
3 40:69A-149.1 through 40:69A-149.16) which provides for the
4 establishment of municipal departments, and any actions taken by a
5 municipality pursuant to that ordinance, are validated and con-
6 firmed; provided, that the ordinance shall be amended to conform
7 with the provisions of this amendatory and supplementary act
8 within 90 days after its effective date.

1 4. This act shall take effect immediately.

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 8 within 90 days after its effective date.

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STATEMENT

This bill clarifies the power of a municipality governed by a
 "mayor-council-administrator plan" of government under the
 "Optional Municipal Charter Law" to establish by ordinance
 municipal departments and validates actions heretofore taken in
 that regard.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

SENATE, No. 2948

with Senate committee amendment

STATE OF NEW JERSEY

DATED: JUNE 17, 1985

Senate Bill No. 2948 Sca amends section 36 (16A-8) of P. L. 1981, c. 465 (C. 40:69A-149.8) to clarify that any municipality which has adopted the "mayor-council-administrator plan" form of government under the "Optional Municipal Charter Law" (P. L. 1950, c. 210; C. 40:69A-1 et seq.) may, by ordinance, provide for the establishment of up to six municipal departments. The amendment provides that each municipal department is to be headed by a director who is to be appointed by the mayor with the advice and consent of the council. Each department head is to serve during the term of the mayor who made the appointment. Department heads may be removed by the mayor upon written notice to the council and by the council for cause after a hearing.

The amendment authorizes the municipal administrator to supervise the administration of all municipal departments established by ordinance and to investigate the organization and operation of those departments, to prescribe standards and rules of administrative practice and procedure, and to consult with the various department heads.

The bill also amends section 36 (16A-9) of P. L. 1981, c. 465 (C. 40:69A-149.9) to specify that the municipal administrator of a municipality which has adopted the "mayor-council-administrator plan" form of government is to serve during the term of the mayor, rather than at the pleasure of the council.

Finally, the bill validates the actions of any municipality operating under the "mayor-council-administrator plan" form of government which, prior to the effective date of this bill, established by ordinance municipal departments.

The committee amendment is technical in nature.

Signed Bills

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S-2652, sponsored by Senate President John F. Russo, D-Ocean, which provides that a juvenile who has been tried as an adult and convicted of murder shall not be sentenced to death. The bill also provides for appeal of a death sentence by the Public Defender or counsel appointed by the court in cases where the defendant refuses to appeal a death sentence.

S-2948, sponsored by State Senator John A. Lynch, D-Middlesex, which amends the mayor-council-administrator plans of municipal government under the Faulkner Act to strengthen the powers of the mayor and of the municipal administrator.

S-3163, sponsored by State Senator Walter E. Foran, which appropriates \$175,000 from the General Fund to the Department of Higher Education to fund an Integrated Pest Management Program at Cook College.

S-3166, also sponsored by Senator Foran, which appropriates \$220,400 to the State Museum for the preservation of State House portraits.

S-3182, sponsored by State Senator Frank Pallone, Jr., D-Monmouth, which appropriates \$38,389,500 to the Department of Environmental Protection from the 1983 Green Acres Trust Fund and the Green Trust Fund to acquire and develop recreational land.

S-3483, sponsored by State Senator John P. Caufield, D-Essex, which appropriates \$435,000 in Federal funds to the Department of Education for services to deaf and blind children.

S-3487, sponsored by State Senator Joseph Bubba, R-Passaic, which appropriates \$270,000 in Federal funds to purchase and improve equipment for the New Jersey Public Broadcasting Authority.

S-3490, sponsored by State Senator Daniel J. Dalton, D-Camden, which appropriates \$750,000 in Federal funds to the Department of Environmental Protection for the purpose of funding the hazardous waste manifest system.