

40:69A-60.7

LEGISLATIVE HISTORY CHECKLIST

(Police chief--Appointment in certain first class cities)

HJSA 40:69A-60.7

LAWS OF 1979 CHAPTER 163

Bill No. S687

Sponsor(s) Lipman

Date Introduced January 26, 1978

Committee: Assembly Municipal Government

Senate County and Municipal Government

Amended during passage Yes Amendments during passage denoted by asterisks

Date of Passage: Assembly July 16, 1979

Senate May 24, 1979

Date of approval August 6, 1979

Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly Yes

Senate Yes

Fiscal Note No

Veto message No

Message on signing No

Following were printed:

Reports No

Hearings No

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 687

STATE OF NEW JERSEY

INTRODUCED JANUARY 26, 1978

By Senator LIPMAN

Referred to Committee on County and Municipal Government

A SUPPLEMENT to the "Optional Municipal Charter Law,"
approved June 8, 1950 (P. L. 1950, c. 210; C. 40:69A-1 et seq.).

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

1 1. a. Notwithstanding the provisions of any other law to the
2 contrary, the governing body of any city of the first class, which
3 has adopted or shall hereafter adopt the form of government
4 designated as "Mayor-Council Plan C" provided for in article 5
5 of the act to which this act is a supplement, may provide, by
6 ordinance, that the mayor shall appoint **[a police director or a*
7 *director of public safety, and]** a police chief, ***who shall have*
7A *served as a superior police officer and possess at least 5 years*
7B *administrative and supervisory police experience,*** who shall
8 serve during the term of office of the mayor appointing **[them]**
9 **him**, and until the appointment and qualification of **[their suc-*
10 *cessors]** **his successor**, and who shall serve in the unclassified
11 service of the civil service of the city and shall receive such salary
11A as shall be fixed by ordinance.

12 b. The mayor of any first class city adopting the provisions of
13 this supplementary act may in his discretion remove any person
14 appointed pursuant to the provisions of this act, after notice and
15 an opportunity to be heard. Prior to removing such person the
16 mayor shall first file written notice of his intention to do so with
17 the council, and such removal shall become effective on the twentieth
18 day after the filing of such notice unless the council shall prior
19 thereto have adopted a resolution **disapproving such removal** by
20 **at least** a $\frac{2}{3}$ vote of the membership of the council **[disapproving*
21 *such removal]**.

1 2. This act shall take effect immediately.

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

SENATE, No. 687

STATE OF NEW JERSEY

INTRODUCED JANUARY 26, 1978

By Senator LIPMAN

Referred to Committee on County and Municipal Government

A SUPPLEMENT to the "Optional Municipal Charter Law,"
approved June 8, 1950 (P. L. 1950, c. 210; C. 40:69A-1 et seq.).

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

1 1. a. Notwithstanding the provisions of any other law to the
2 contrary, the governing body of any city of the first class, which
3 has adopted or shall hereafter adopt the form of government
4 designated as "Mayor-Council Plan C" provided for in article 5
5 of the act to which this act is a supplement, may provide, by
6 ordinance, that the mayor shall appoint a police director or a
7 director of public safety, and a police chief, who shall serve during
8 the term of office of the mayor appointing them, and until the
9 appointment and qualification of their successors, and who shall
10 serve in the unclassified service of the civil service of the city and
11 shall receive such salary as shall be fixed by ordinance.

12 b. The mayor of any first class city adopting the provisions of
13 this supplementary act may in his discretion remove any person
14 appointed pursuant to the provisions of this act, after notice and
15 an opportunity to be heard. Prior to removing such person the
16 mayor shall first file written notice of his intention to do so with
17 the council, and such removal shall become effective on the twentieth
18 day after the filing of such notice unless the council shall prior
19 thereto have adopted a resolution by a $\frac{2}{3}$ vote of the membership
20 of the council disapproving such removal.

1 2. This act shall take effect immediately.

STATEMENT

This bill would provide that in first class cities operating under
the "Mayor-Council Plan C" of the "Optional Municipal Charter

Law," the mayor may appoint a Police Director or a Director of Public Safety, and a police chief. Such officers would be appointed without competitive examination, and would serve in the unclassified service of the civil service. Any such first class city wishing to adopt the provisions of this act would be required to do so by ordinance of the governing body.

The bill also provides for the method of removal of persons appointed pursuant to its provisions. The mayor is given the power to remove such persons at his discretion, after notice and an opportunity to be heard. The governing body is given 20 days within which to disapprove the removal by a $\frac{2}{3}$ vote, prior to it becoming effective.

A precedent for this type of appointment exists in the manner of appointment of heads of municipal departments provided in sections 3 through 13 of P. L. 1950, c. 210 (C. 40:69A-43).

[OFFICIAL COPY REPRINT]

SENATE, No. 687

STATE OF NEW JERSEY

INTRODUCED JANUARY 26, 1978

By Senator LIPMAN

Referred to Committee on County and Municipal Government

A SUPPLEMENT to the "Optional Municipal Charter Law,"
approved June 8, 1950 (P. L. 1950, c. 210; C. 40:69A-1 et seq.).

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

1 1. a. Notwithstanding the provisions of any other law to the
2 contrary, the governing body of any city of the first class, which
3 has adopted or shall hereafter adopt the form of government
4 designated as "Mayor-Council Plan C" provided for in article 5
5 of the act to which this act is a supplement, may provide, by
6 ordinance, that the mayor shall appoint ***[a police director or a**
7 **director of public safety, and]*** a police chief, who shall serve dur-
8 ing the term of office of the mayor appointing ***[them]*** **him**, and
9 until the appointment and qualification of ***[their successors]***
10 **his successor**, and who shall serve in the unclassified service of the
11 civil service of the city and shall receive such salary as shall be
11A fixed by ordinance.

12 b. The mayor of any first class city adopting the provisions of
13 this supplementary act may in his discretion remove any person
14 appointed pursuant to the provisions of this act, after notice and
15 an opportunity to be heard. Prior to removing such person the
16 mayor shall first file written notice of his intention to do so with
17 the council, and such removal shall become effective on the twentieth
18 day after the filing of such notice unless the council shall prior
19 thereto have adopted a resolution **disapproving such removal** by
20 **at least** a $\frac{2}{3}$ vote of the membership of the council ***[disapproving**
21 **such removal]***.

1 2. This act shall take effect immediately.

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

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 687

[SECOND OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

DATED: JUNE 21, 1979

The Senate committee statement adequately expresses the provisions of this bill.

The bill applies to Newark and Jersey City; it comes at the request of Newark. In that city, the police director carries out long term administrative and planning policies; the police chief is responsible for the day to day implementation of those policies. The director and the chief must work closely together. The police director, in the unclassified civil service, must be responsive to the mayor and council. The police chief, on the other hand, in the classified service with tenure, may be unresponsive to the administration. By placing the office of police chief in the unclassified service, cooperation between the chief and the city administration will be assured.

The committee reports this bill with the understanding that legislation to be received by the Assembly, will deal with the problem of the relationship of the police chief to elected officials in more general terms.

Jersey City has voiced no objections to this bill.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

SENATE, No. 687

with Senate committee amendments

STATE OF NEW JERSEY

DATED: MAY 3, 1979

Senate Bill No. 687, as amended, would permit the governing body of any first class city operating under the "Mayor-Council Plan C" of the "Optional Municipal Charter Law" (Newark and Jersey City), to adopt an ordinance to provide that the mayor shall appoint a police chief. The police chief would be appointed without competitive examination, and would serve in the unclassified service.

The bill provides that the police chief would serve during the term of the mayor appointing him, and provides for a method of removal. The mayor is given the power to remove the chief at his discretion, after notice and an opportunity to be heard. The mayor must notify the council of his intention to remove such appointee, and the removal shall become effective 20 days following such notice unless the governing body shall within such 20 days adopt by a $\frac{2}{3}$ vote a resolution disapproving such removal.

The appointment and removal provisions parallel those set forth in section 3-13 of the Optional Municipal Charter Law (C. 40:69A-43) for heads of municipal departments, except that N. J. S. A. 40:69A-43 requires the appointments of such department heads by the mayor to be "with the advice and consent of the council." Senate Bill No. 687 does not contain a parallel provision in this respect.

The committee amended the bill to omit the positions of police director and director of public safety from the provisions of the bill, since the committee believes that these department head positions should continue to be subject to the uniform provisions governing the appointment and removal of department heads in Faulkner Act municipalities set forth in N. J. S. A. 40:69A-43.

SENATE COMMITTEE AMENDMENTS TO

SENATE, No. 687

STATE OF NEW JERSEY

ADOPTED MAY 3, 1979

Amend page 1, section 1, lines 6-7, omit "a police director or a director of public safety, and".

Amend page 1, section 1, line 8, omit "them", insert "him".

Amend page 1, section 1, line 9, omit "their successors", insert "his successor".

Amend page 1, section 1, line 19, after "resolution", insert "disapproving such removal"; after "by", insert "at least".

Amend page 1, section 1, line 20, omit "disapproving such removal".

SENATE AMENDMENTS TO
SENATE, No. 687
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED MAY 21, 1979

Amend page 1, section 1, line 7, after "chief," insert "who shall have served as a superior police officer and possess at least 5 years administrative and supervisory police experience,".

STATEMENT

This amendment would limit the discretion of the mayor of first class cities in appointing a police chief in the unclassified service under Senate 687 to persons who have served as a superior police officer and possess at least 5 years administrative and supervisory police experience.

FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

AUGUST 6, 1979

KATHRYN FORSYTH

Governor Brendan Byrne today signed the following bill into law.

S-687, sponsored by Senator Wynora Lipman (D-Essex), which permits Newark and Jersey City to adopt ordinances allowing the mayor of each city to appoint the police chief. The chief would be appointed without a competitive examination and would serve in the unclassified service, receiving a salary set by ordinance.

Under the measure, the chief would serve during the term of the mayor appointing him, but could be removed by the mayor at the mayor's discretion after due notice and an opportunity to be heard. The City Council would have 20 days after the mayor filed notice of removal to pass a resolution disapproving the removal.

#