

40:41A-99 et al.

LEGISLATIVE HISTORY CHECKLIST

NJSA 40:41A-99 et al.

Laws of 1975 Chapter 255

Bill No. S 3408

Sponsor(s) Merlino, McGahn & Musto

Date Introduced November 17, 1975

Committee: Assembly -----

Senate -----

Amended during passage ~~Yes~~ No

Date of passage: Assembly Nov. 24, 1975

Senate Nov. 17, 1975

Date of approval November 26, 1975

Following statements are attached if available:

Sponsor statement Yes ~~No~~

Committee Statement: Assembly ~~Yes~~ No

Senate ~~Yes~~ No

Fiscal Note ~~Yes~~ No

Veto message ~~Yes~~ No

Message on signing Yes ~~No~~

Following were printed:

Reports ~~Yes~~ No

Hearings ~~Yes~~ No

Do Not Remove From Library  
DEPOSITORY COPY

10/4/76

MAR 1977

CHAPTER 053 L. L. 1975

APPROVED 11-26-75

SENATE, No. 3408

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 17, 1975

By Senators MERLINO, McGAHN and MUSTO

(Without Reference)

AN ACT to amend the "Optional County Charter Law," approved September 19, 1972 (P. L. 1972, c. 154).

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

1 1. Section 99 of P. L. 1972, c. 154 (C. 40:41A-99) is amended  
2 to read as follows:

3 99. Meetings of board; journal. The board of freeholders shall  
4 by ordinance or resolution designate the time of holding regular  
5 meetings, which shall be at least monthly. All meetings of the board  
6 of freeholders shall be held at the county seat, except that **[special]**  
7 meetings may upon resolution of the board be held at such other  
8 times and places as the board may deem fit. The county executive,  
9 or supervisor or board chairman or president may, and upon  
10 written request of a majority of the members of the board, shall,  
11 call a special meeting of the board. In the call he shall designate  
12 the purpose of the special meeting and not any other business shall  
13 be considered.

14 The clerk to the board shall keep a journal of the board's pro-  
15 ceedings and record, sign and present to the board for approval,  
16 the minutes of every meeting. All official action or votes of the  
17 board shall be taken at meetings open to the public.

1 2. Section 125 of P. L. 1972, c. 154 (C. 40:41A-125) is amended  
2 to read as follows:

3 125. Adoption of the administrative code. **[On or before 12:00 m.**  
4 **on May 1 following]** *Any time after 60 days from the date of the*  
5 *organization of the first board of chosen freeholders elected under*  
6 *this act, the board of chosen freeholders shall adopt an adminis-*  
7 *trative code organizing the administration of the county govern-*  
8 *ment, setting forth the duties and responsibilities and powers of*

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

9 all county officials and agencies, and the manner of performance  
10 needed. Nothing in the administrative code shall change the duties  
11 or powers of county officers whose existence is mandated by the  
12 constitution or shall diminish the duties, responsibilities or powers  
13 of any elected or appointed head of the executive branch or chief  
14 assistant thereto or chief or county administrator.

1 3. Section 126 of P. L. 1972, c. 154 (C. 40A:41A-126) is amended  
2 to read as follows:

3 126. Effective date of administrative code. [At 12:00 m. on May 1  
4 following the organization of the first board of chosen freeholders  
5 elected under this act, the] *The administrative code shall enter  
6 into effect 30 days after its adoption, but not later than May 1  
7 following the organization of the first board of chosen freeholders  
8 elected under this act, and all theretofore existing agencies shall  
9 assume the form, perform the duties, and exercise the power  
10 granted them under the administrative code and shall do so in the  
11 manner prescribed therein.*

1 4. Section 128 of P. L. 1972, c. 154 (C. 40:41A-128) is amended  
2 to read as follows:

3 128. Appointments between election and time of taking office  
4 under optional plan; pending actions and proceedings.

5 a. No subordinate board, department, body, office, position or  
6 employment shall be created and, *except in the case of positions  
7 created by this act*, no appointments shall be made to any subordi-  
8 nate board, department or body, or to any office, employment or  
9 position, without limitation, between the date of election of officers  
10 and the *effective date* [of the adoption] of the administrative code;  
11 *except that such temporary appointments may be made as shall  
12 be deemed necessary for the continuation of government services  
13 or as may be required by emergency situations, which situations  
14 shall be identified in a resolution adopted by the board of free-  
15 holders; provided, however, that all such temporary appointments  
16 shall terminate on the date that the administrative code takes effect.  
17 Nothing in this subsection shall be construed as limiting the dis-  
18 cretion of the appointing authority to reappoint, on a permanent  
19 basis, any person whose temporary appointment terminates on the  
20 effective date of the administrative code.*

21 b. All actions and proceedings of a legislative, executive or  
22 judicial character which are pending upon the effective date of an  
23 optional plan adopted pursuant to this act may continue, and the  
24 appropriate officer or employee under such optional plan shall be  
25 substituted for the officer or employee theretofore exercising or dis-

26 charging the function, power or duty involved in such action or  
27 proceeding.

1 5. Section 129 of P. L. 1972, c. 154 (C. 40:41A-129) is amended  
2 to read as follows:

3 129. Employees in the classified service. [At 12:00 m. on May 1  
4 following the election of the first freeholder board elected under  
5 any plan set forth in articles 3 through 6 of this act] *On the effec-*  
6 *tive date of the administrative code*, all officers and employees in  
7 the classified service of the county shall be transferred to the  
8 department, division or agency to which the functions, powers or  
9 duties in which they were engaged are allocated under the admin-  
10 istrative code. Such transfer shall be without examination or  
11 diminution of existing compensation, pension or retirement rights,  
12 privileges or obligations of any such officer or employee. It is the  
13 intent of the Legislature that the adoption of any plan found in  
14 this charter shall not adversely affect the civil service tenure, pen-  
15 sion, seniority or promotional rights of any county officer or em-  
16 ployee in the classified service.

1 6. This act shall take effect immediately.

---

#### STATEMENT

This bill is necessitated by the practical difficulties experienced by the several counties having adopted charter plans pursuant to the Optional County Charter Law in implementing the provisions of that law. The changes contained in this bill are, therefore, of an immediate and most urgent matter, in that the excessively restrictive interpretations given to the several sections being amended are hampering the carrying out of indispensable housekeeping functions.

The bill's three substantive provisions authorize:

(1) The holding of regular meetings of the board of freeholders in locations other than that of the county seat, when authorized by an appropriate resolution of the board;

(2) The adoption of the administrative code any time after 60 days from the taking office of the first freeholder board, and changes the effective date of said code to 30 days after such adoption, but not later than May 1; and

(3) The making of temporary appointments for specified purposes between the date of election of the first board and the effective date of the administrative code.

The latter amendment also exempts from the provisions of section 128, limiting interim appointments, the appointment of persons

to fill positions created by the Optional County Charter Law. This provision is of a clarifying nature in that it was not intended, nor is it practicable, that the policy positions created by the optional charter law be subject to the provisions of section 128.

The change in the dates of adoption and implementation of the administrative code is intended to shorten the transitional period and thereby allow for a quicker changeover to the new system.

FROM THE OFFICE OF THE GOVERNOR

NOVEMBER 26, 1975

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

S-3408

Governor Brendan Byrne signed into law today a bill designed to enable counties which have recently chosen to operate under the new Optional County Charter Law to implement more expeditiously their new form of government.

The bill, sponsored by Senator Joseph P. Merlino, D-Mercer, makes several amendments to the law designed to shorten the transitional period and allow for a quicker transfer to the new system.

One change allows a board to adopt the new administrative code after 60 days in office and for the code to become effective 30 days after adoption. Previously, the code was to become effective May 1.

Another change permits the board to make temporary appointments for specific tasks prior to the effective date of the administrative code.

The measure also allows freeholder boards, when authorized by resolution of the board, to hold meetings at locations other than the county seat.

The four counties affected at the present time by the new law are Mercer, Atlantic, Union and Hudson.

###