

40:41A-1 to 144

April 10, 1973

LEGISLATIVE HISTORY OF N.J.S. 40:41A-1 to 144
(Counties, Optional Charter Law)

L.1972 - Chap.154 - S283

Introduced by Schluter.

Bill had no Introducer's Statement.

Was not amended in Legislature.

There was Statement by Senate County and Municipal
Government Committee. (Bill and Committee Statement and
Governor's Press Release enclosed).

Prior reports and bills

- NJ N.J. County and Municipal Law Revision
KA6.2 Commission
40A:11 Report on County Government. Second
1962 Draft ... Chapter 13 Optional County Govern-
 ment Law, 1962
- 974.90 N.J. County and Municipal Government Study
M966 Commission
1968 Creative localism: a prospectus
 March 11, 1968. at page 66ff.
- 974.90 N.J. County and Municipal Government Study
C857 Commission
1969 Second Report. County Government: Challenge
 and Change. April 28, 1969
- 974.90 N.J. County and Municipal Government Study
C857 Commission
1969e County Government: Challenge and Change
 Summary of recommendations. 1969
- 974.90 N.J. County and Municipal Government Study
C857 Commission
1969b County Government. Supplementary
 Readings and Research Materials. 1969

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40:41A -
1 to 144

974.90 N.J. County and Municipal Government Study
C857 Commission
1969a Proposed draft. Optional County Charter
Law. For study and discussion purposes only.
1969

974.90 N.J. County and Municipal Government Study
C857 Commission
1969d Public Hearing (reproposed 6 pt. County
Charter) 1969

1970 - S513 - Musto, et al
Bill had Hearing (Bill enclosed)

974.90 N.J. Legislature. Senate Committee on County
C857 and Municipal Government.
1970a Public Hearing on S513 of 1970.

974.90 N.J. County and Municipal Government Study
C857 Commission
1970 Commentary on the Optional County Charter
For study and discussion purposes only. 1970

1971 - A2450 - Schluter, et al
The Bill was amended in Committee. It did not
pass. (Bill with Statement and OCR enclosed)

1972 - A691 - Kean, et al
The Bill did not get out of Committee. (Bill
enclosed)

Later Bills

1972/73 - S786 - Schluter, et al
This Bill did not move. (enclosed)

1972/73 - S1149 - Schluter
This Bill introduced to amend several sections
of the Optional County Charter Law. Was amended
once in the Senate, twice in the Assembly. It has
not passed at the time of this writing. (Bill and
amendments enclosed)

HP/EH
Encl.

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1972 SESSION



OPTIONAL COUNTY CHARTER LAW

SENATE NO. 283

By Senators SCHLUTER, SCHIAFFO, MUSTO, RINALDO,
McGAHN, BROWN, CAFIERO and EPSTEIN

AN ACT concerning counties, providing plans of optional county
charters and for the manner of adoption and effect thereof.

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ASSEMBLY, No. 691

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1972

By Assemblymen KEAN, DICKEY, KALTENBACHER, WEIDEL, DENNIS, ORECHIO, FORAN, LITTELL, MERCK, VREELAND, Assemblywoman MARGETTS and Assemblyman De KORTE

Referred to Committee on County Government

AN ACT concerning counties, providing plans of optional county charters and for the manner of adoption and effect thereof.

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

ARTICLE 1. PROCEDURES FOR ADOPTION FOR
OPTIONAL COUNTY CHARTER PLANS

A. BY ELECTION OF A CHARTER STUDY COMMISSION AND REFERENDUM

1 1. Submission of charter study question. Whenever authorized
2 by resolution of the board of freeholders or on petition of the regis-
3 tered voters of any county, an election shall be held in the county
4 upon the question, "Shall a charter study commission be elected
5 to study the present governmental structure of
6 county, to consider and make findings concerning the form of county
7 government and to make recommendations thereon?" A petition
8 calling for such an election shall bear the signatures of a number
9 of persons registered to vote in the county equal to or exceeding in
10 number 10% of the persons registered to vote in the county
11 on the fortieth day preceding the most recent previous primary or
12 general election. Whenever such resolution or petition shall be
13 filed with him, the county clerk shall provide for submission of the
14 question at the next general election occurring not less than 60 days
15 after the date of such filing. At the election, the question shall be
16 submitted in the same manner as other public questions.

17 When a resolution or petition for the election of a charter study
18 commission has been duly filed with the county clerk, no other such
19 resolution or petition and no other proceedings for the adoption of
20 any other charter or form of government available to the county
21 may be filed unless the voters shall decide the aforesaid question
22 in the negative or until the charter study commission elected by
23 the voters shall have been discharged.

1 2. Election of charter study commission. At the same election
2 as the public question is submitted, a charter study commission of
3 nine members shall be elected by the county's registered voters.
4 There shall be placed on the ballot the names of charter study com-
5 mission candidates who shall have been nominated in the same
6 manner as provided by law for candidates nominated by petition
7 for freeholder, except that they shall be listed without party or
8 other designation or slogan. The voting instructions shall state
9 that the voter may vote on the question and that, regardless of
10 how or whether he voted on the charter question, he may vote for
11 nine members of a charter study commission who shall serve if the
12 question is determined in the affirmative.

1 3. Nominating petitions. Candidates for the charter study com-
2 mission shall be persons who were registered voters of the county
3 as of the date of the most recent preceding general election. They
4 may be nominated by petition signed by at least 200 registered
5 voters. Said petition shall be filed not less than 40 days before the
6 date of the election.

7 a. Each nominating petition shall set forth the name, place of
8 residence, and post office address of the candidate thereby nomi-
9 nated, that the nomination is for the office of charter study commis-
10 sioner and that the petitioners are legally qualified to vote for such
11 candidate. Every voter signing a nominating petition shall add to
12 his signature, his place of residence, post office address and street
13 number, if any. No voter shall sign petitions for more than nine
14 candidates. No petition shall set forth the name of more than one
15 candidate.

16 b. Each nominating petition shall, before it may be filed with the
17 county clerk, contain an acceptance of such nomination in writing,
18 signed by the candidate therein nominated, upon or annexed to
19 such petition, or if the same person be named in more than one
20 petition, upon or annexed to one of such petitions. Such acceptance
21 shall certify that the nominee is a registered voter of the county,
22 that he consents to stand as a candidate at the election and that, if
23 elected, he agrees to take office and serve.

24 .c. Each nominating petition shall be verified by an oath or
25 affirmation of one or more of the signers thereof, taken and sub-
26 scribed before a person qualified under the laws of New Jersey to
27 administer an oath, to the effect that the petition was signed by
28 each of the signers thereof in his proper handwriting, that the
29 signers are, to the best knowledge and belief of the affiant, regis-
30 tered voters of the county, and that the petition is prepared and
31 filed in good faith for the sole purpose of endorsing the person
32 named therein for election as stated in the petition.

33 d. All candidates shall be listed together on the same line or
34 column of or position on the ballot, with no bracketing or separation
35 into separate groups and with no slogans under any name. In no
36 way shall slates or tickets be designated or suggested on the ballot.

1 4. Canvass of returns. The result of the votes cast for and
2 against the charter study question shall be returned by election
3 officers, and a canvass of such election had, as is provided by law
4 in the case of other public questions put to the voters of a county.
5 The votes cast for members of the charter study commission shall
6 be counted, and the result thereof returned by the election officers,
7 and a canvass of such election had, as is provided by law in the
8 case of the election of members of the board of freeholders. The
9 nine candidates receiving the greatest number of votes shall be
10 elected and shall constitute the charter study commission, provided
11 that if a majority of those voting on the public question shall vote
12 against the election of a charter study commission, none of the
13 candidates shall be elected. If two or more candidates shall receive
14 the same number of votes, and such number of votes shall qualify
15 both election to the ninth and last remaining vacancy on the com-
16 mission, they shall draw lots to determine which one shall be elected.

1 5. Organization meeting of commission. The county clerk shall
2 convene the first meeting of the charter study commission as soon
3 as possible and in any event no later than 15 days after its election.
4 At that meeting the charter study commission shall organize itself
5 and elect one of its members as chairman, and another as vice-
6 chairman, fix its hours and place or places of meeting, and adopt
7 such rules for the conduct of its business as it may deem necessary
8 and advisable. A majority of the members of said commission shall
9 constitute a quorum for the transaction of business but no recom-
10 mendation of said commission shall have any legal effect pursuant
11 to sections 12 through 14 of this act unless adopted by a majority
12 of the whole number of the members of the commission. The chair-
13 man of the charter commission shall thereafter convene and preside

14 over all meetings. In his absence or if he is disabled, the vice-
15 chairman shall serve in his place.

1 6. Vacancies. Any vacancy occurring in the charter commission
2 shall be filled by the unsuccessful candidate who shall have received
3 the greatest number of votes in the charter study commission elec-
4 tion if he shall be available to fill such vacancy. In the event that
5 the vacancy cannot be filled in this manner, the remaining members
6 of the charter study commission shall appoint some other properly
7 qualified citizen.

1 7. Duties of commission. It shall be the function and duty of the
2 charter study commission to study the form of government of the
3 county, to compare it with other forms available under the laws of
4 this State, to determine whether or not in its judgment the govern-
5 ment of the county could be strengthened, made more clearly
6 responsive or accountable to the people or whether its operation
7 could be more economical or efficient, under a changed form of
8 government.

1 8. Advisors to the charter study commission. In any county in
2 which a charter study commission has been established under this
3 act, there shall also be established an advisory body to be known
4 as the advisory board whose members shall have the right to
5 participate in the deliberations of the charter study commission,
6 but without the right to vote on commission recommendations or to
7 endorse or dissent from any report of the commission by virtue of
8 their official advisory role, although this in no way shall be deemed
9 to inhibit their right to make comments as individuals after the
10 release to the public of the charter study commission's report. The
11 advisory board shall consist of the persons who, as of the second
12 Tuesday of January next following the commission's organization
13-14 board of freeholders, the county chairmen of the two political
15 parties which received the largest vote in the county in three out
16 of four of the most recent gubernatorial elections, the mayor of the
17 municipality having the largest population in the county and the
18 mayor of the municipality having the smallest population of over
19 50 in the county, according to the last population estimate pub-
20 lished by the Division of Economic Development of the New Jersey
21 Department of Labor and Industry, one Senator and one member
22 of the General Assembly, both of whom shall be members of the
23 county's delegation in the Legislature and both of whom shall be
24 residents of the county at the time of their election to the advisory

25 body. The Senator and member of the General Assembly shall be
26 elected to the advisory body by a majority vote of the whole number
27 of the county's board of chosen freeholders within one week of the
28 approval of the charter study referendum by the county's voters.

29 Nothing in this act shall be deemed to prohibit the board of chosen
30 freeholders from electing as legislative members of the advisory
31 body any persons who are not at the time of their election to the
32 advisory body incumbent legislators but who will be legislators as
33 of 3:00 p.m. on the second Tuesday of January following the election
34 of the charter study commission. If there be no legislators or legis-
35 lators-elect of the county's legislative delegation residing in the
36 county as of 7 days after the approval of the charter study referen-
37 dum by the voters, the board of freeholders shall elect two mayors
38 of municipalities within the county to membership on the advisory
39 body.

40 If the advisory body shall include among its members three
41 mayors pursuant to the above provisions, no more than two of these
42 mayors shall be of the same political party. The mayor of any
43 municipality operating under a nonpartisan form of government
44 shall be deemed to be a member of the party in whose primary
45 election he last voted. If he shall never have voted in a primary
46 election, he shall be deemed to have no party affiliation.

47 The membership of the advisory board shall be promulgated by
48 the chairman of the charter study commission not later than 3 p.m.
49 on the second Tuesday of January following the commission's
50 organization meeting. If for any reason any member of the ad-
51 visory board shall vacate the office by virtue of which he sits on
52 the board, his successor, regardless of such successor's party
53 affiliation, shall also succeed him on the board on the effective date
54 of his assuming his predecessor's office.

1 9. State participation in charter studies. The Commissioner of
2 the New Jersey Department of Community Affairs or his designee
3 shall serve ex officio as a nonvoting advisor to all charter study
4 commissions established under this act. It shall be his duty to
5 collect, evaluate and transmit to each charter study commission
6 such information, advice, plans, and policies as he may deem
7 pertinent to county government and its relationship to State and
8 municipal government. He shall meet with the charter study
9 commission as frequently as the commission shall request in order

10 to assist the commission in determining the best form to recommend
11 for the county's government.

1 10. Expenses and compensation of the commission. Members of
2 the charter study commission shall serve without compensation but
3 shall be reimbursed by the county for their necessary expenses
4 incurred in the performance of their duties.

5 Upon submission of a budget by the charter study commission
6 during the first week of January next following its election, the
7 board of freeholders shall appropriate a sum adequate to support
8 a full study of the county's government as set forth in section 7,
9 as well as the printing, and publication of its reports, findings and
10 recommendations as set forth in section 12 of this act. Within the
11 limits of such appropriations and privately contributed funds and
12 services as shall be made available to it, the charter study com-
13 mission may appoint one or more consultants and clerical and other
14 assistants to serve at the pleasure of the commission and may fix
15 a reasonable compensation to be paid such consultants and clerical
16 and other assistants.

1 11. Dissemination of information. The charter study commission
2 shall hold public hearings, may hold private hearings, sponsor
3 public forums and otherwise provide for the widest possible dis-
4 semination of information and the stimulation of public discussion
5 respecting the purposes and progress of its work.

1 12. Report and publication of findings. The charter study com-
2 mission shall report its findings and recommendations to the citizens
3 of the county on or before the end of the ninth calendar month next
4 following the date of its election in the form of a final report which
5 it shall file with the county clerk. It shall cause a sufficient number
6 of copies of its final report to be published and delivered to the
7 county clerk, who shall distribute it to all elected county and
8 municipal officials. In addition, there shall be printed and made
9 available at cost to the public at large a number of copies equal to at
10 least 1% of the county's registered voters as of forty days before
11 the most recent previous primary or general election.

12 The commission shall publish on two successive weeks in the man-
13 ner provided by section 142 of this act the full text of the proposed
14 charter, together with a summary of its findings and recommenda-
15 tions, a summary of the provisions of the plan, if any, which it
16 recommends for approval, and an analysis of and commentary upon
17 such plan.

1 13. Recommendations. The charter study commission may
2 report and recommend:

3 a. That a referendum be held to submit to the voters of the
4 county the question of adopting that one of the optional forms of
5 government set forth in articles 3 to 6, inclusive, of this act, that the
6 commission has designated; or

7 b. That the board of freeholders shall petition the Legislature
8 for the enactment of a special charter, the text of which shall be
9 appended to the charter study commission's report pursuant to
10 Article IV, Section VII, Paragraph 10, of the State Constitution
11 1947 and to the enabling legislation enacted thereunder to the extent
12 that such legislation is not inconsistent herewith; or

13 c. That the form of government of the county shall remain
14 unchanged.

15 The commission may also draft and submit to the freeholders
16 whatever recommendations it deems appropriate for the efficient
17 administration of the county. Such recommendations may include
18 a model administrative code. Such recommendations may be
19 adopted by the freeholders in whole or in part, whether or not a
20 new charter proposal is recommended by the commission or ap-
21 proved by the voters.

1 14. Additional recommendations. If the charter study commis-
2 sion shall vote to recommend adoption of one of the optional forms
3 set forth in articles 3 to 6, inclusive, of this act, it shall also con-
4 sider and make findings with respect to each of the three subjects set
5 forth in subsections a, b, and c of this section and determine which
6 plan would provide the best representation of the people of the
7 county. The final report shall set forth said findings and determina-
8 tions in detail.

9 Based upon said findings and determinations, the commission
10 shall designate, as an integral part of its recommended plan, its
11 choice of alternatives as follows:

12 a. Board size and term. The commission shall recommend that
13 the board be composed of five, seven or nine members, each of
14 whom shall hold office for a term of 3 years.

15 b. Concurrence of terms. The commission shall recommend
16 either a continuation of the present system of nonconcurrent terms
17 or the adoption of a new system of concurrent terms.

18 c. Constituencies. The commission shall recommend that all
19 board members be elected at large, or that they be elected by
20 districts, or that they be elected both at large and by districts. If
21 the last recommendation is made, the number of freeholders elected
22 by districts shall be as follows: in a county selecting a five-member
23 board three shall be by district; in a county selecting a seven-
24 member board four shall be by districts; and in a county selecting

25 a nine-member board five shall be by districts. Nothing in this
26 paragraph shall apply to those officials whose constituency, term or
27 method of election is defined in subsequent sections of this act.

1 15. Date of charter referendum. If the charter study commission
2 shall have recommended the adoption of one of the optional forms
3 of government authorized by articles 3 to 6 inclusive, of this act,
4 the county clerk shall cause a referendum question conforming with
5 the requirements of section 16 to be placed upon the ballot at such
6 time and in such form as the commission shall in its report specify.
7 The commission may specify that the question be submitted at the
8 general election occurring not less than 60 days next following the
9 filing of the commission's report with the county clerk, or, if there
10 be no general election within 120 days next following the filing of
11 its report, then at a special election occurring not less than 60 days
12 or more than 120 days next following such filing of the report. At
13 such election, the referendum question shall appear on the ballot
14 in the same manner as other public questions are printed on the
15 ballot. If the charter study commission shall have prepared an
16 interpretive statement to accompany such question, such interpre-
17 tive statement shall immediately precede the referendum question
18 on the ballot.

1 16. Form of the referendum question. If the charter study com-
2 mission shall have recommended that the voters approve one of
3 the optional forms contained in this act, the following question,
4 framed by the commission to conform with its recommendations
5 shall be submitted to the voters:

6 "Shall the (designating the caption of article 3, 4, 5 or 6)
7 of the Optional County Charter Law be adopted for
8 county, with provision for a board of freeholders of (designat-
9 ing 5, 7 or 9) members elected for (concurrent or noncon-
10 current, as the case may be) terms and elected (all at large,
11 or all from 5, 7 or 9 districts) (or with a combination of 2 at
12 large, 3 by districts, or 3 at large, 4 by districts or 4 at large,
13 5 by districts, as the case may be)?"

1 17. Petition for special charter. If the charter study commission
2 shall have proposed a special charter, it shall be the duty of the
3 board of freeholders to petition the Legislature forthwith for a
4 special law or laws, pursuant to the State Constitution and in the
5 manner provided by general enabling legislation thereunder, to
6 carry out the recommendations of the charter study commission.

1 18. Discharge of commission. If the commission shall recom-
2 mend that no change in the form of the county's government be

3 made, the commission shall be discharged as of the date of the
4 filing of its report.

5 If the commission shall recommend that one of the optional plans
6 set forth in articles 3 through 6 of this act be adopted, it shall be
7 discharged when the plan is approved or rejected by the electorate.

8 If the commission shall recommend that a petition be presented
9 to the Legislature for a special charter, the commission shall be
10 discharged when the board of freeholders shall have taken all
11 necessary steps to present the bill to the Legislature.

B. BY DIRECT PETITION AND REFERENDUM

1 19. The registered voters of any county may, without a charter
2 study commission, adopt any of the optional plans provided in
3 articles 3 through 6 inclusive, of this act upon petition and
4 referendum, as hereinafter provided.

1 20. Upon the filing with the county clerk of such petition of the
2 registered voters of any county, an election shall be held in the
3 county upon the question of adopting any of the optional plans of
4 government provided in articles 3 through 6 inclusive, of this act.
5 The petition calling for such election shall be signed by a number
6 of registered voters not less than 15% of the number of persons
7 registered to vote in the county as of 40 days before the primary
8 or general election next preceding the date of filing of such petition.

9 The petition shall designate the plan to be voted upon and the
10 question to be placed upon the ballot shall be in the same form as
11 is required by section 16 of this act.

1 21. The county clerk shall cause the question to be submitted at
2 the general election occurring not less than 60 days next following
3 the filing of the petition, or, if there be no general election within
4 120 days next following the filing of the petition, then at a special
5 election occurring not less than 60 days and not more than 120 days
6 next following the filing of such petition. At such election, the
7 referendum question shall appear on the ballot in the same manner
8 as other public questions are printed on the ballot.

1 22. When a petition for a referendum pursuant to section 19
2 shall have been duly filed with the county clerk, no other such
3 petition, and no resolution or other proceedings for the adoption
4 of any other charter or form of government available to the county
5 may be filed unless and until the voters shall decide said referendum
6 question in the negative.

C. PROVISIONS APPLICABLE TO ALL REFERENDA ON CHARTER CHANGES

1 23. After adoption, no vote on change for 5 years. Whenever
2 the voters of any county shall have adopted an optional form of
3 government pursuant to articles 3, 4, 5 or 6 of this act, no subse-
4 quent referendum question for another form of government shall be
5 submitted to the voters until not less than 5 years shall have elapsed
6 after the effective date of the optional form so approved by the
7 voters.

ARTICLE 2. INCORPORATION AND POWERS

1 24. Incorporation. The inhabitants of any county shall within
2 the boundaries of that county be and remain a body corporate and
3 politic, with perpetual succession.

1 25. Upon adoption by the registered voters of any county of any
2 of the optional forms of government set forth in this act, the county
3 shall thereafter be governed by the plan adopted, by the provisions
4 of this law applicable to all optional plans, and by all general laws,
5 subject to the transitional provisions in article 7 of this act.

1 26. General law. For the purposes of this act, a "general law"
2 shall be deemed to be such law or part thereof, heretofore or here-
3 after enacted, that:

- 4 a. Is not inconsistent with this act;
- 5 b. Is by its terms applicable to or available to all counties, or;
- 6 c. Additional laws or provisions of law whether applicable to all
7 counties or to any category or class of counties, deals with one or
8 more of the following subjects: the administration of the judicial
9 system, education, elections, health, county public authorities, taxa-
10 tion, and finance, and welfare.

11 Nothing in this act shall be construed to prevent counties from
12 abolishing or consolidating agencies the existence of which has
13 heretofore been mandated by State statute providing that such
14 abolition or consolidation shall not alter the obligation of the
15 county to continue providing the services previously provided by
16 such abolished or consolidated agency.

17 The intent of this act is to enable a county that has adopted a
18 charter pursuant to this act to cause any duty that has been
19 mandated to it by the Legislature to be performed in the most
20 efficient and expeditious manner, and, absent a clear legislative
21 declaration to the contrary, without regard to organizational, struc-
22 tural or personnel provisions contained in the legislation mandating
23 such duty.

1 27. County powers generally. Any county that has adopted a
2 charter pursuant to this act may, subject to the provisions of such
3 charter, general law and the State Constitution:

4 a. Organize and regulate its internal affairs; create, alter and
5 abolish offices, positions and employments and define the functions,
6 powers and duties thereof; establish qualifications for persons
7 holding offices, positions and employments; and provide for the
8 manner of their appointment and removal and for their term, tenure
9 and compensation.

10 b. Adopt, amend, enforce, and repeal ordinances and resolutions
11 as defined in section 100, notwithstanding the effect of any refer-
12 endum conducted prior to the county's adoption of its charter
13 pursuant to this act.

14 c. Construct, acquire, operate or maintain public improvements,
15 projects or enterprises for any public purposes, subject to such
16 referendum as may otherwise be imposed by law;

17 d. Exercise powers of eminent domain, borrowing and taxation
18 only as provided by general State law;

19 e. Exercise all powers of county government in such manner as
20 its board of freeholders may determine;

21 f. Sue and be sued; have a corporate seal; contract and be con-
22 tracted with; buy, sell, lease, hold and dispose of real and personal
23 property; appropriate and expend moneys for county purposes;

24 g. Enter into contractual agreements with any other govern-
25 mental body or group of bodies within or without the borders of
26 the county; without regard to whether such other governmental
27 body or group of bodies be a unit of State, county, or municipal
28 government or a school district, authority or special district, to
29 perform on behalf of that unit, any service or function which that
30 unit would be authorized to provide for itself or for any other unit
31 of government, provided, however, that no county shall contract
32 to provide a service or function to any unit in any other county
33 unless the board of freeholders of such other county shall first
34 approve the proposed contract. All contracts under this section
35 shall be specific as to the terms for rendering of services, the level,
36 quality, and scope of the services to be performed, the cost of
37 providing these services, and the duration of the contract. Such
38 contract may provide for binding arbitration or for binding fact-
39 finding procedures to settle disputes or questions arising as to the
40 terms of service and quality and quantity levels thereof to be pro-
41 vided under the contract. All services shall be performed on a cost
42 basis, and no contract shall be for a duration of more than 7 years.
43 Nothing in this section shall be construed to prevent two or more

44 counties from jointly undertaking a contract to provide a service
45 or function to any other unit or group of units. For the purposes
46 of this section, the county shall be deemed to be the general agent
47 of the other party or parties to the contract with respect to the
48 performance of the service or services as specified in the contract,
49 with full powers of performance and maintenance of the service
50 contracted for and full powers to undertake any operation ancillary
51 thereto, and all other powers of enforcement and administrative
52 regulation which are or might be exercised by the contracting
53 principal. Except that no contracting party shall be liable for any
54 part or share of the cost of constructing or maintaining any capital
55 facility built by the county to provide such service unless such part
56 or share of the cost of such capital facility's construction or
57 maintenance is provided for in the contract between the two parties
58 and the governing bodies of such contracting parties shall have
59 ratified the contract. Nothing in this section shall be construed
60 to prevent the contracting for provision of more than one service
61 or group of services by the county, and the county may become
62 the agent of any other unit of government in the performance of
63 any and all functions which the contracting unit sees fit to employ
64 the county as agent to perform.

1 28. Municipal powers. Nothing in this act shall be construed to
2 impair or diminish or infringe on the powers and duties of munici-
3 palities and other units of government under the general law of this
4 State. It is the intent of this act only to permit municipalities and
5 other units of government to employ services and facilities of the
6 county for more effective, efficient, and adequate provision of
7 services if and when such units may deem it desirable to do so.
8 Municipalities are and shall remain the broad repository of local
9 police power in terms of the right and power to legislate for the
10 general health, safety and welfare of their residents.

1 29. Municipal advisory councils. Regional advisory councils.
2 The board of freeholders may by resolution establish a municipal
3 advisory council consisting of the mayors of all municipalities in
4 the county and in addition to, or instead of, a municipal advisory
5 council, the board may establish regional advisory councils con-
6 sisting of the mayors of neighboring municipalities or munici-
7 palities that have common interests or problems.

8 The board of freeholders shall meet periodically with the
9 advisory councils to discuss county and municipal problems, county-
10 municipal relations, cooperation in service problems, coordination
11 of operations and capital facilities development, and other subjects

12 of mutual interest in order to provide closer county-municipal
13 liaison and cooperation.

1 30. General powers. The grant of powers under this act is
2 intended to be as broad as is consistent with the Constitution of
3 New Jersey and with general law relating to local government. The
4 grant of powers shall be construed as liberally as possible in regard
5 to the county's right to reorganize its own form of government,
6 to reorganize its structure and to alter or abolish its agencies,
7 subject to the general mandate of performing services, whether
8 they be performed by the agency previously established or by a
9 new agency or another department of county government.

10 Based on the need to develop effective services to meet problems
11 which cross municipal boundaries and which cannot be met effec-
12 tively on an individual basis by the municipalities, the State, or
13 other units of government, this act shall be construed as intending
14 to give the county power to establish innovative programs and to
15 perform such regional services as any unit that has the legal right
16 to perform such service for itself may determine, in its own best
17 interest, to have the county perform on a contractual basis.

ARTICLE 3. COUNTY EXECUTIVE PLAN

A. FORM OF GOVERNMENT

1 31. Form; designation. The form of government provided in
2 this article shall be known as the "county executive plan," and
3 shall, together with articles 2 and 7 of this act, govern any county
4 whose voters have adopted it pursuant to this act.

1 32. Elected officers. Each county operating under this article
2 shall be governed by an elected board of freeholders and an elected
3 county executive and by such other officers and employees as may
4 be duly appointed pursuant to this act, general law, or ordinance.

B. COUNTY EXECUTIVE

1 33. Qualifications, election, term. The county executive shall be
2 a qualified voter of the county residing in the county. He shall be
3 elected from the county at large for a term of 4 years commencing
4 on January 1 next following his election.

1 34. Salary. The salary of the county executive shall be fixed by
2 ordinance of the board of freeholders; such salary shall be reason-
3 able and commensurate with the duties of the office and with the

4 fact that the position of county executive is and shall be a full-time
5 position. The salary of the county executive may not be lowered
6 during his tenure in office.

1 35. Vacancies. The office of county executive shall be deemed
2 vacant if the incumbent moves his residence from the county or he
3 is by death, physical or mental illness or other casualty unable to
4 continue to serve as county executive. Any vacancy in the office of
5 county executive shall be filled in the manner prescribed by law for
6 the election of county officers at the next general election occurring
7 not less than 60 days after the occurrence of the vacancy. The
8 board of freeholders may appoint one of their number or the chief
9 administrator to serve as acting county executive until a successor
10 has been elected. During the temporary absence or temporary
11 disability of the county executive the chief administrator shall serve
12 as acting county executive.

1 36. Duties. The executive power of the county shall be exercised
2 by the county executive. He shall:

3 a. Report annually to the board of freeholders and to the people
4 on the state of the county, and the work of the previous year; he
5 shall also recommend to the board whatever action or programs he
6 deems necessary for the improvement of the county and the wel-
7 fare of its residents. He may from time to time at his discretion
8 recommend any course of action or programs he deems necessary
9 or desirable for the county to undertake;

10 b. Prepare and submit to the board for its consideration and
11 adoption an annual operating budget, a capital budget and a capital
12 program, establish the schedules and procedures to be followed by
13 all county departments, offices and agencies in connection there-
14 with, and supervise and administer all phases of the budgetary
15 process as set forth in sections 132 to 141 of this act;

16 c. Enforce the county charter, the county's laws and all general
17 laws applicable thereto;

18 d. Supervise the care and custody of all county property, in-
19 stitutions and agencies;

20 e. Supervise the collection of revenues, and he shall audit and
21 control all disbursements and expenditures and shall prepare a
22 complete account of all expenditures. He shall also designate the
23 repositories of county funds;

24 f. Sign all contracts, bonds or other instruments requiring the
25 consent of the county;

26 g. Review, analyze and forecast trends of county services and
27 finances and programs of all boards, commissions, agencies and
28 other county bodies, and report and recommend thereon to the
29 board;

30 h. Develop, install and maintain centralized budgeting, personnel
31 and purchasing procedures as may be authorized by the administra-
32 tive code;

33 i. Negotiate contracts for the county subject to board approval;
34 make recommendations concerning the nature and location of county
35 improvements and execute improvements determined by the
36 board;

37 j. Assure that all terms and conditions, imposed in favor of the
38 county or its inhabitants in any statute, franchise or other contract,
39 are faithfully kept and performed;

40 k. Serve as an ex officio nonvoting member of all appointive
41 bodies in county government.

1 37. Powers. The county executive:

2 a. Shall supervise, direct and control all county administrative
3 departments;

4 b. With the advice and consent of the board, he shall appoint the
5 chief administrator and the heads of all county boards and com-
6 missions;

7 c. May at his discretion, remove or suspend any official in the
8 unclassified service of the county over whose office the county execu-
9 tive has power of appointment in accordance with the provisions of
10 section 87b;

11 d. May, at his discretion, delegate to department heads powers of
12 appointment and removal, subject to civil service provisions of their
13 departmental employees. If the county executive does not so dele-
14 gate his power he may appoint and remove, subject to civil service
15 requirements, all department heads, members of all boards and
16 commissions and all employees whose positions have been author-
17 ized by resolution of the board, by civil service, or as provided in
18 the adopted county budget, and the manner of whose appointment
19 is not specified elsewhere in this article;

20 e. May require reports and examine the accounts, records and
21 operations of any agency of county government;

22 f. May at his discretion order any agency under his jurisdiction
23 as specified in the administrative code to undertake any task for any
24 other agency on a temporary basis if he deems it necessary for the
25 proper and efficient administration of the county government to do
26 so;

27 g. Shall approve each ordinance of the board by signing it, or
28 may veto any ordinance by returning it to the clerk of the board
29 within 10 days of passage with a written statement of his objections
30 to the ordinance. If $\frac{2}{3}$ of the members of the board, upon recon-
31 sideration of the measure, shall vote for it, the executive's veto

32 shall be overridden and the ordinance shall become law in 10 days
33 without the executive's signature.

C. FREEHOLDER BOARD

- 1 38. The legislative power of the county shall be vested in the
2 board of chosen freeholders.
- 1 39. At its organizational meeting each January the board shall
2 select one of its members to serve as chairman and one as vice-
3 chairman for the year.
- 1 40. The county executive may be present and participate in dis-
2 cussions at all board meetings.
- 1 41. Board powers. The board of freeholders:
- 2 a. Shall advise and consent to all appointments by the executive
3 for which board confirmation is specified under this article;
- 4 b. Shall pass in accordance with this act whatever ordinances
5 and resolutions it deems necessary and proper for the good gov-
6 ernance of the county;
- 7 c. May appoint a clerk to the board who shall serve at its plea-
8 sure and keep the records and minutes of the board;
- 9 d. May appoint the county counsel, to serve at the pleasure of
10 the board. The counsel shall head the county's legal department;
- 11 e. May pass a resolution of disapproval or dismissal, subject to
12 the provisions of section 87b of this act;
- 13 f. May override a veto of the county executive by a $\frac{2}{3}$ vote;
- 14 g. Shall approve the annual operating and capital budgets. The
15 board may, by a majority vote reduce any item in the budget
16 presented by the executive but may increase an item over the
17 amount proposed by the executive only by a $\frac{2}{3}$ vote.

D. CHIEF ADMINISTRATOR

- 1 42. Appointment. The county executive shall appoint a chief
2 administrator who shall serve at his pleasure. The board shall
3 advise and consent to his nomination but shall not prevent his
4 suspension or dismissal by passage of a resolution of disapproval.
- 1 43. Qualifications. The chief administrator shall by education,
2 experience and ability be qualified to perform the duties established
3 for him.
- 4 He need not be a resident of the county at the time of his
5 appointment, but during his tenure he may live outside the county
6 only with the permission of the county executive.
- 1 44. Duties. The chief administrator shall be responsible only to
2 the executive. He shall, under the direction and supervision of the

- 3 executive, undertake to assist in the orderly and efficient admin-
4 istration of the county, performing whatever supervisory or
5 administrative duties the executive deems necessary and proper.
- 6 Nothing in this section shall be deemed to prohibit the chief
7 administrator's being appointed to head one or more departments
8 on a temporary or permanent basis.

ARTICLE 4. COUNTY MANAGER PLAN

A. FORM OF GOVERNMENT

- 1 45. Form; designation. The form of government provided in this
2 article shall be known as the "county manager plan," and shall,
3 together with articles 2 and 7 of this act, govern any county whose
4 voters have adopted it pursuant to this act.
- 1 46. Officers. Each county operating under this article shall be
2 governed by an elected board of freeholders and an appointed
3 county manager and by such other officers and employees as may
4 be duly appointed pursuant to this article, general law, or
5 ordinance.

B. COUNTY MANAGER

- 1 47. Qualifications, appointment, term. The county manager shall
2 be qualified by administrative and executive experience and ability
3 to serve as the chief executive of the county. He shall be appointed
4 by a majority vote of the whole number of the board of freeholders
5 and shall serve for an indefinite term. He may be removed by a
6 majority vote of the board subject to due notice and a public hear-
7 ing. Such notice shall be in writing and shall be accompanied by a
8 written bill of particular charges and complaints and public hear-
9 ing on these charges shall be no less than 15 nor more than 30
10 days after personal service of notice and charges.
- 11 At the time of his appointment the manager need not be a resi-
12 dent of the county but after his appointment he may reside outside
13 the county only with permission of the board.
- 1 48. Salary. The salary of the county manager shall be fixed by
2 the board of freeholders; such salary shall be reasonable and com-
3 mensurate with the fact that the position of county manager is and
4 shall be a full-time position. The salary of the county manager may
5 not be lowered during his tenure in office.
- 1 49. Vacancies. The office of county manager shall be deemed
2 vacant if: the incumbent moves his residence from the county
3 without board permission; or he is by death, physical or mental

4 illness or other casualty unable to continue to serve as county
5 manager. Any vacancy in the office of county manager shall be
6 filled in the manner prescribed in section 47 of this article. The
7 board of freeholders may appoint the deputy manager or any de-
8 partment head to serve as acting county manager until a successor
9 has been appointed. During the temporary absence or temporary
10 disability of the county manager the deputy manager or a depart-
11 ment head designated by the manager if there be no deputy man-
12 ager, shall serve as acting county manager.

1 50. Duties. The executive power of county shall be exercised by
2 the county manager. The county manager shall:

3 a. Report annually to the board of freeholders and to the people
4 on the state of the county, the work of the previous year and he
5 shall also recommend to the board whatever action or programs
6 he deems necessary for the improvement of the county and the
7 welfare of its residents. He may from time to time at his discre-
8 tion recommend any course of action or programs he deems ne-
9 cessary or desirable for the county to undertake;

10 b. Prepare and submit to the board for its consideration and
11 adoption an annual operating budget, a capital budget and a capi-
12 tal program; establish the schedules and procedures to be followed
13 by all county departments, offices and agencies in connection there-
14 with, and supervise and administer all phases of the budgetary
15 process as set forth in sections 132 to 141 of this act;

16 c. Enforce the county charter, the county's laws and all general
17 laws applicable thereto;

18 d. Supervise the care and custody of all county property, institu-
19 tions and agencies;

20 e. Supervise the collection of revenues, and he shall audit and
21 control all disbursements and expenditures and shall prepare a
22 complete account of all expenditures. He shall also designate the
23 repositories of county funds;

24 f. Sign all contracts, bonds or other instruments requiring the
25 consent of the county;

26 g. Organize the work of county departments subject to the
27 administrative code adopted by the board. He shall further review
28 their administration and operation and make recommendations
29 pertaining thereto to the board;

30 h. Review, analyze and forecast trends of county services and
31 finances and programs of all boards, commissions, agencies and
32 other county bodies, and report and recommend thereon to the
32A board;

33 i. Develop, install and maintain centralized budgeting, personnel
34 and purchasing procedures as may be authorized by the admin-
35 istrative code;

36 j. Negotiate contracts for the county subject to board approval
37 and make recommendations concerning the nature and location of
38 county improvements and execute improvements determined by
39 the board;

40 k. Assure that all terms and conditions imposed in favor of
41 the county or its inhabitants in any statute, franchise or other
42 contract, are faithfully kept and performed;

43 l. Serve as ex officio nonvoting member of all appointive bodies
44 in county government.

1 51. Powers. The county manager:

2 a. Shall supervise, direct and control all county administrative
3 departments;

4 b. Shall appoint the deputy manager, the heads of all county de-
5 partments, and all other administrative officers and county per-
6 sonnel the manner of whose appointment is not prescribed else-
7 where in this article;

8 c. May at his discretion, remove or suspend any official in the
9 unclassified service of the county over whose office the county man-
10 ager has power of appointment in accordance with the provisions
11 of section 87b;

12 d. May, at his discretion, delegate to any administrative officer
13 powers of appointment and removal of their departmental em-
14 ployees subject to civil service provisions. If the county manager
15 does not so delegate his power he may appoint and remove, subject
16 to civil service requirements, all department heads, members of all
17 boards and commissions and employees whose positions have been
18 authorized by resolution of the board, by civil service, or as pro-
19 vided in the adopted county budget; and the manner of whose
20 appointment is not specified elsewhere in the article;

21 e. May require reports and examine the accounts, records and
22 operations of any agency of county government;

23 f. May, at his discretion, order any agency under his jurisdiction
24 as specified in the administrative code to undertake any task for
25 any other agency on a temporary basis if he deems it necessary for
26 the proper and efficient administration to do so.

C. FREEHOLDER BOARD

1 52. The legislative power of the county shall be vested in the
2 board of chosen freeholders.

1 53. At its organizational meeting each January the board shall
2 select one of its members to serve as chairman and one to serve
3 as vice-chairman for the year. The chairman shall preside over
4 board meetings during his tenure, and in his absence the vice-
5 chairman shall preside.

1 54. The county manager may be present at all board meetings
2 and participate in all deliberations, without the right to vote.

1 55. Board powers. The board of freeholders:
2 a. Shall appoint a county manager under the provisions of sec-
3 tion 47 of this article and may create the office of deputy manager;
4 b. May appoint a clerk to the board who shall serve at its
5 pleasure and keep the records and minutes of the board;
6 c. May appoint a county counsel, to serve at the pleasure of the
7 board, who shall head the county's legal department;
8 d. Shall appoint members of all boards and commissions and
9 other bodies whose manner of appointment is not otherwise
10 specified in this article;
11 e. May pass a resolution of disapproval of a suspension or dis-
12 missal, subject to the provisions of section 87b of this act;
13 f. Shall approve the annual operating and capital budgets;
14 g. Shall pass in accordance with this act whatever ordinances
15 and resolutions it deems necessary and proper for the good
16 governance of the county.

D. DEPUTY MANAGER

1 56. Appointment. Subject to creation of such position the county
2 manager may appoint a deputy manager who shall serve at his
3 pleasure; the board may not prevent his suspension or dismissal
4 by passage of a resolution of disapproval.

1 57. Qualifications. The deputy manager shall by education, ex-
2 perience and ability be qualified to perform the duties established
3 for him.

4 He need not be a resident of the county at the time of his appoint-
5 ment, but during his tenure may live outside the county only with
6 the permission of the manager.

1 58. Duties. The deputy manager shall be responsible only to the
2 manager. He shall, under the direction and supervision of the man-
3 ager, undertake to assist in the orderly and efficient administration
4 of the county, performing whatever supervisory or administrative
5 duties the executive deems necessary and proper.

6 Nothing in this section shall be deemed to prohibit the deputy
7 manager's being appointed to head one or more departments on
8 a temporary or permanent basis.

ARTICLE 5. COUNTY SUPERVISOR PLAN

A. FORM OF GOVERNMENT

1 59. Form; designation. The form of government provided in this
2 article shall be known as the "county supervisor plan," and shall,
3 together with articles 2 and 7 of this act, govern any county whose
4 voters have adopted it pursuant to this act.

1 60. Elected officers. Each county operating under this article
2 shall be governed by an elected board of freeholders and an elected
3 county supervisor and by such other officers and employees as may
4 be duly appointed pursuant to this article, general law, or
5 ordinance.

B. COUNTY SUPERVISOR

1 61. Qualifications, election, term. The county supervisor shall
2 be a qualified voter of the county residing in the county. He shall
3 be elected from the county at large for a term of 3 years commenc-
4 ing on January 1 next following his election.

1 62. Salary. The salary of the county supervisor shall be fixed
2 by ordinance of the board of freeholders; such salary shall be
3 reasonable and commensurate with the duties of the office and may
4 not be lowered during his tenure in office.

1 63. Vacancies. The office of county supervisor shall be deemed
2 vacant if the incumbent moves his residence from the county or
3 he is by death, physical or mental illness or other casualty unable
4 to continue to serve as county supervisor. Any vacancy in the
5 office of county supervisor shall be filled in the manner prescribed
6 by law for the election of county officers at the next general election
7 occurring not less than 60 days after the occurrence of the vacancy.
8 The board of freeholders shall appoint one of their number to serve
9 as acting county supervisor until a successor has been elected.
10 During the temporary absence or temporary disability of the
11 county supervisor the chief administrator shall serve as acting
12 county supervisor, except that he shall not preside over freeholder
13 board meetings.

1 64. Duties. The executive power of the county shall be exercised
2 by the county supervisor. The county supervisor shall:
3 a. Report annually to the board of freeholders and to the people
4 on the state of the county and the work of the previous year. He
5 shall also recommend to the board whatever action or programs he
6 deems necessary for the improvement of the county and the welfare
7 of its residents. He may from time to time at his discretion recom-

8 mend any course of action or programs he deems necessary or
9 desirable for the county to undertake;

10 b. Preside over board meetings, with the right to vote in cases
11 of ties; during his absence the board shall designate one of their
12 members to serve as chairman pro tempore of the board;

13 c. Serve as spokesman for the board on matters concerning
14 policies and programs;

15 d. Serve as representative of the board at ceremonial and civic
16 occasions;

17 e. Through the county administrator: enforce the county
18 charter, the county's laws and all general laws applicable thereto;

19 f. Serve as ex officio nonvoting member of all appointive bodies
20 in county government.

21 g. Represent the board in all dealings with the county admin-
22 istrator, except as otherwise specified herein;

23 h. Sign all contracts, bonds or other instruments requiring the
24 consent of the county.

1 65. Powers. The county supervisor shall:

2 a. Insure adequate supervision, direction and control of all
3 county administrative departments, and care and maintenance of
4 all county properties, institutions and agencies by the county
5 administrator;

6 b. With the advice and consent of the board, appoint all officials
7 whose manner of appointment is not prescribed elsewhere in this
8 article;

9 c. At his discretion, remove or suspend anyone occupying one
10 of the offices over which the county supervisor has power of
11 appointment in accordance with the provisions of section 87b;

12 d. At his discretion, require from the county administrator re-
13 ports and examine the accounts, records and operations of any
14 agency of county government;

15 e. At his discretion order any agency under his jurisdiction as
16 specified in the administrative code to undertake any task for any
17 other agency on a temporary basis if he deems it necessary for
18 the proper and efficient administration to do so;

19 f. Approve each ordinance of the board by signing it, or may
20 veto any ordinance by returning it to the clerk of the board within
21 10 days of passage with a written statement of his objections to
22 the ordinance. If $\frac{2}{3}$ of the members of the board, upon reconsidera-
23 tion of the measure, shall vote for it, the supervisor's veto shall be
24 overridden and the ordinance shall become law in 10 days without
25 the supervisor's signature.

C. FREEHOLDER BOARD

1 66. The legislative power of the county shall be vested in the
2 board of chosen freeholders.

1 67. Board powers. The board of freeholders:

2 a. Shall pass in accordance with this act whatever ordinances
3 and resolutions it deems necessary and proper for the good govern-
4 ance of the county;

5 b. Shall appoint and remove the county administrator by a
6 majority vote and may create the office of, appoint and remove, a
7 deputy administrator or by a majority vote;

8 c. Shall advise and consent to all appointments by the supervisor
9 and administrator for which board confirmation is specified under
10 this article;

11 d. May appoint a clerk to the board who shall serve at its
12 pleasure and keep the records and minutes of the board;

13 e. May appoint the county counsel, to serve at the pleasure of
14 the board. The counsel shall head the county's legal department;

15 f. May pass a resolution of disapproval of a suspension or dis-
16 missal, subject to the provisions of section 87b of this act;

17 g. May override a veto of the county supervisor by $\frac{2}{3}$ vote;

18 h. Shall approve the annual operating and capital budgets.

D. CHIEF ADMINISTRATOR

1 68. Appointment. The chief administrator shall serve at the
2 pleasure of the board.

1 69. Qualifications. The chief administrator shall by education,
2 experience and ability, be qualified to perform the duties estab-
3 lished for him.

4 He need not be a resident of the county at the time of his
5 appointment, but during his tenure he may live outside the county
6 only with the permission of the board.

1 70. Duties. The chief administrator shall be responsible to the
2 board through the supervisor except as specified below. He shall
3 be responsible for the efficient administration of the county's
4 government. He shall:

5 a. Prepare and submit directly to the board for its consideration
6 and adoption an annual operating budget, a capital budget and a
7 capital program, establish the schedules and procedures to be
8 followed by all county departments, offices and agencies in connec-
9 tion therewith, and supervise and administer all phases of the
10 budgetary process as set forth in sections 132 to 141 of this act;

11 b. Supervise the collection of revenues, and he shall audit and
12 control all disbursements and expenditures and shall prepare a
13 complete account of all expenditures. He shall also designate the
14 repository funds;

15 c. Supervise the care and custody of all county property, institu-
16 tions and agencies;

17 d. Organize the work of county departments, subject to the
18 administrative code adopted by the board. He shall further review
19 administration and make recommendations pertaining thereto to
20 the board through the supervisor;

21 e. Review, analyze and forecast trends of county services and
22 finances and programs of all boards, commissions, agencies and
23 other county bodies, and report and recommend thereon to the
24 board;

25 f. Develop, install and maintain centralized budgeting, personnel
26 and purchasing procedures as may be authorized by the administra-
27 tive code;

28 g. Negotiate contracts for the county subject to board approval
29 and make recommendations concerning the nature and location of
30 county improvements to be determined by the board;

31 h. Assure that all terms and conditions, imposed in favor of the
32 county or its inhabitants in any statute, franchise or other contract,
33 are faithfully kept and performed.

1 71. Powers. The county administrator shall:

2 a. Supervise, direct and control all county administrative de-
3 partments;

4 b. Appoint the heads of all county departments and all other
5 administrative officers and county personnel the manner of whose
6 appointment is prescribed elsewhere in this article;

7 c. At his discretion, remove or suspend any official in the un-
8 classified service of the county over whose office the county admin-
9 istrator has power of appointment in accordance with the pro-
10 visions of section 87b;

11 d. At his discretion, delegate to any administrative officer powers
12 of appointment and removal of their departmental employees sub-
13 ject to civil service provisions. If the county administrator does
14 not so delegate his power he may appoint and remove, subject to
15 civil service requirements, all employees whose positions have been
16 authorized by resolution of the board, by civil service, or as pro-
17 vided in the adopted county budget;

18 e. At his discretion, require reports and examine the accounts,
19 records and operation of any agency of county government;

20 f. May, at his discretion, order any agency under his jurisdiction

21 as specified in the administrative code to undertake any task for
22 any other agency on a temporary basis if he deems it necessary for
23 the proper and efficient administration to do so.

ARTICLE 6. BOARD PRESIDENT PLAN

A. FORM OF GOVERNMENT

1 72. Form; designation. The form of government provided in this
2 article shall be known as the "board president plan," and shall,
3 together with articles 2 and 7 of this act, govern any county whose
4 voters have adopted it pursuant to this act.

1 73. Elected officers. Each county operating under this article
2 shall be governed by an elected board of freeholders and a free-
3 holder board president and by such other officers and employees as
4 may be duly appointed pursuant to this article, general law, or
5 ordinance.

B. BOARD PRESIDENT

1 74. Qualifications, election, term. The board president shall be a
2 duly elected member of the board of freeholders. He shall be elected
3 by the board of freeholders at their organizational meeting for a
4 term of 2 years, such term to begin immediately after his election
5 on January 1.

1 75. Salary. The salary of the board president shall be fixed by
2 ordinance of the board of freeholders; such salary shall be reason-
3 able and commensurate with the duties of the office.

1 76. Vacancies. The office of board president shall be deemed
2 vacant if: the incumbent moves his residence from the county; or
3 he is by death, physical or mental illness or other casualty unable
4 to continue to serve as board president. Any vacancy in the office
5 of board president shall be filled in the manner prescribed by law
6 for the election of county officers at the next general election occur-
7 ring not less than 60 days after the occurrence of the vacancy. The
8 board of freeholders shall appoint one of their number to serve as
9 acting board president for the remainder of the unexpired term.
10 During the temporary absence or temporary disability of the board
11 president the vice-president shall serve as acting president.

1 77. Duties. The executive power of the county shall be exercised
2 by the board president. He shall:

3 a. Report annually to the board of freeholders and to the people
4 on the state of the county, the work of the previous year and he
5 shall also recommend to the board whatever action or programs he

- 6 deems necessary for the improvement of the county and the welfare
7 of its residents. He may from time to time at his discretion recom-
8 mend any course of action or programs he deems necessary or
9 desirable for the county to undertake;
- 10 b. Preside over board meetings with the right to vote on all
11 questions;
- 12 c. Serve as spokesman for the board on matters concerning
13 policies and programs;
- 14 d. Serve as representative of the board at ceremonial and civic
15 occasions;
- 16 e. Through the county administrator: enforce the county charter,
17 the county's laws and all general laws applicable thereto;
- 18 f. Represent the board in all dealings with the county admin-
19 istrator, except as otherwise specified herein;
- 20 g. Execute all contracts, bonds or other instruments requiring
21 the consent of the county.

1 78. Powers. The board president shall:

- 2 a. Insure adequate supervision, direction and control of all county
3 administrative departments, and care and maintenance of all county
4 properties, institutions and agencies by the county administrator;
- 5 b. With the advice and consent of the board, appoint all members
6 of independent or advisory boards and commissions and all other
7 officials not serving in the administrative service of the county the
8 manner of whose appointment is not prescribed elsewhere in this
9 article;
- 10 c. Serve as an ex-officio nonvoting member of all appointive
11 bodies in county government.
- 12 d. At his discretion, require from the county administrator re-
13 ports and examine the accounts, records and operations of any
14 agency of county government;
- 15 e. At his discretion, remove or suspend anyone occupying one of
16 the offices specified in subsection b of this section subject to the
17 procedures set forth in section 87b of this act.

C. FREEHOLDER BOARD

- 1 79. The legislative power of the county shall be vested in the
2 board of chosen freeholders.
- 1 80. The board shall elect a president as specified in this article.
2 At its organizational meeting each January the board shall select
3 one of its members to serve as vice-president for the year.

- 1 81. Board powers. The board of freeholders:
- 2 a. Shall pass in accordance with this act whatever ordinances or
3 resolutions it deems necessary and proper for the good governance
4 of the county;
- 5 b. Shall appoint and remove the county administrator by a
6 majority vote and may create the office of, appoint and remove, a
7 deputy administrator by a majority vote;
- 8 c. Shall advise and consent to all appointments by the president
9 and administrator for which board confirmation is specified under
10 this article;
- 11 d. May appoint a clerk to the board who shall serve at its pleasure
12 and keep the records and minutes of the board;
- 13 e. May appoint the county counsel, to serve at the pleasure of the
14 board. The counsel shall head the county's legal department;
- 15 f. May pass a resolution of disapproval of a suspension or dis-
16 missal, subject to the provisions of section 87b of this act;
- 17 g. Shall approve the annual operating and capital budgets.

D. CHIEF ADMINISTRATOR

- 1 82. Appointment. The county administrator shall serve at the
2 pleasure of the board.
- 1 83. Qualification. The chief administrator shall by education, ex-
2 perience and ability, be qualified to perform the duties established
3 for him. He need not be a resident of the county at the time of his
4 appointment, but during his tenure he may live outside the county
5 only with the permission of the board.
- 1 84. Duties. The chief administrator shall be responsible to the
2 board through the president except as specified below. He shall be
3 responsible for the efficient administration of the county's govern-
4 ment. He shall:
- 5 a. Prepare and submit directly to the board for its consideration
6 and adoption an annual operating budget, a capital budget and a
7 capital program, establish the schedules and procedures to be
8 followed by all county departments, offices and agencies in connec-
9 tion therewith, and supervise and administer all phases of the
10 budgetary process as set forth in sections 132 to 141, inclusive;
- 11 b. Supervise the collection of revenues, and he shall audit and
12 control disbursements and expenditures and shall prepare a com-
13 plete account of all expenditures. He shall also designate the
14 repositories of county funds;
- 15 c. Supervise the care and custody of all county property, institu-
16 tions and agencies;

17 d. Organize the work of county departments, subject to the
18 administrative code adopted by the board. He shall further review
19 their administration and make recommendations pertaining thereto
20 to the board;

21 e. Review, analyze and forecast trends of county services and
22 finances and programs of all boards, commissions, agencies and
23 other county bodies, and report and recommend thereon to the
24 board;

25 f. Develop, install and maintain centralized budgeting, personnel
26 and purchasing procedures as may be authorized by the admin-
27 istrative code;

28 g. Negotiate contracts for the county subject to board approval
29 and make recommendations concerning the nature and location of
30 county improvements and execute improvements determined by the
31 board;

32 h. Assure that all terms and conditions, imposed in favor of the
33 county or its inhabitants in any statute, franchise or other contract,
34 are faithfully kept and performed.

1 85. Powers. The county administrator shall:

2 a. Supervise, direct and control all county administrative de-
3 partments;

4 b. Appoint the heads of all county departments and all other
5 administrative officers and county personnel the manner of whose
6 appointment is not prescribed elsewhere in this article;

7 c. May at his discretion, remove or suspend any official in the
8 unclassified service of the county over whose office the county
9 administrator has power of appointment, in accordance with the
10 provisions of section 87b;

11 d. May, at his discretion, delegate to any administrative officer
12 powers of appointment and removal of their departmental em-
13 ployees subject to civil service provisions. If the county adminis-
14 trator does not so delegate his power he may appoint and remove,
15 subject to civil service requirements, all department heads, mem-
16 bers of all boards and commissions, employees whose positions have
17 been authorized by resolution of the board, by civil service, or as
18 provided in the adopted county budget, and the manner of whose
19 appointment is not specified elsewhere in this article;

20 e. May require reports and examine the accounts, records and
21 operations of any agency of county government;

22 f. May, at his discretion, order any agency under his jurisdiction
23 as specified in the administrative code to undertake any task for
24 any other agency on a temporary basis if he deems it necessary for
25 proper and efficient administration to do so.

ARTICLE 7. PROVISIONS APPLICABLE TO ALL PLANS

A. RELATIONS BETWEEN THE LEGISLATIVE AND EXECUTIVE BRANCHES

1 86. Separation of powers. In any county that shall have adopted
2 a charter under this act, the board of chosen freeholders shall deal
3 with county employees only through the officials responsible for
4 the over-all executive management of the county's affairs as
5 designated in articles 3 through 6 of this act—i.e., through the
6 county executive, the county manager, the county supervisor, and
7 the board president, respectively. All contact with county em-
8 ployees, all actions and communications concerning the administra-
9 tion of the county's government and provision of services, shall be
10 through the aforementioned officials, except as otherwise provided
11 in this act.

12 Nothing in this act shall be construed to prohibit the board's
13 inquiry into any act or problem of the county's administration.
14 Any freeholder may require a report on any aspect of the govern-
15 ment of the county at any time by making a written request to the
16 head of the executive branch of county government. The board
17 may, by majority vote of the whole number of its members, require
18 the head of the executive branch to appear before the board sitting
19 as a committee of the whole, and to bring before the board such
20 records and reports, and such officials and employees of the county
21 as the board shall deem necessary to insure clarification of the
22 matter under study.

23 The board further may, by majority vote of the whole number of
24 its members, delegate any number of its members as an ad hoc
25 committee to consult with the head of the executive branch to study
26 any matter and to report to the board thereon.

27 It is the intent of this act to confer on the board general legisla-
28 tive and such investigative powers as are germane to the exercise
29 of its legislative powers, but to retain in the head of the executive
30 branch full control over the county administration and over the
31 administration of county services provided for in this act.

1 87. a. Appointments and dismissal. No member of any board of
2 chosen freeholders in a county operating under a charter adopted
3 pursuant to this act shall individually or collectively seek to in-
4 fluence the head of the executive branch to dismiss any person
5 from, or to appoint or to promote any person to, any position in
6 the executive branch of county government, except that the board
7 may, by a resolution of disapproval, adopted by a $\frac{2}{3}$ vote of the
8 whole number of the board, prevent the dismissal of certain em-
9 ployees under conditions as set forth in subsection b of this section.

10 b. Suspension procedure. Suspensions will take effect imme-
11 diately upon personal service of notice setting forth the order of
12 suspension or dismissal. Dismissal or suspension for a definite
13 term shall occur automatically in 30 calendar days from receipt of
14 notice. But, if the officer or employee requests a public hearing on
15 his dismissal or suspension for a definite term, no action beyond
16 temporary suspension may be taken until the individual to be sus-
17 pended or dismissed is given a public hearing not less than 15 nor
18 more than 30 days after personal service of written notice of con-
19 templated action. A copy of such notice shall be filed with the clerk
20 to the board of freeholders immediately upon service of notice to
21 the individual to be suspended or dismissed. In the event that
22 within 35 days of receiving such notice, the board shall pass by a
23 $\frac{2}{3}$ vote of the whole number of the board, a resolution of dis-
24 approval, all proceedings and any suspension or dismissal of the
25 individual shall be voided. In terms of recompense to the individ-
26 ual, a vote of disapproval shall be deemed to negative the suspen-
27 sion or dismissal order and for purposes of pay and civil service
28 standing the action shall be deemed never to have transpired.

29 If, however, the suspension or dismissal order shall allege that
30 the individual against whom action is contemplated or pending has
31 committed a criminal act in the conduct of his public trust, no
32 resolution of the board shall stay proceedings and the matter shall
33 be brought to a public hearing in the manner prescribed above. If
34 at that hearing probable cause for prosecution is found, all evidence
35 shall immediately be forwarded to the county prosecutor for further
36 action.

37 If, however, evidence does not warrant referral of the case to the
38 county prosecutor, or if a grand jury does not return an indictment
39 against the individual in question, or if he is found not guilty in a
40 plenary trial on the merits, and if the board shall have passed a
41 resolution of disapproval in the manner described above, said in-
42 dividual shall be restored to his original position without record of
43 the action, or prejudice therefrom, and shall receive full compensa-
44 tion retroactive to the date of his suspension.

B. RECALL

1 88. Elective officers; removal by recall petition and vote. Any
2 elective officer shall be subject to removal from office for cause
3 connected with his office, after he has served at least 1 year, upon
4 the filing of a recall petition and the affirmative vote of a majority

5 of those voting on the question of removal at any general, regular
6 county or special election.

1 89. Recall petition. A recall petition shall demand the removal of
2 a designated incumbent, shall be signed by registered voters equal
3 in number to not less than 20% of the registered voters as of 40
4 days before last most recent primary or general election.

1 90. Signatures to recall petition. Each signer of a recall petition
2 shall add to his signature his place of residence giving the street
3 and number or other sufficient designation if there shall be no street
4 and number. One of the signers to each such paper shall take an
5 oath that the statement therein made is true as he believes and that
6 each signature appended to the paper is the genuine signature of
7 the person whose name it purports to be. Within 10 days from
8 date of filing the petition the county clerk shall complete his exam-
9 ination and ascertain whether or not such petition is signed by the
10 requisite number of qualified voters, shall attach to the petition his
11 certificate showing the result of his examination and shall by
12 certified or registered mail send a copy of the certificate to the per-
13 son filing the petition. If by that certificate the petition is shown to
14 be insufficient it may be amended within 10 days from the date of
15 said certificate. The county clerk shall within 5 days after such
16 amendment make a similar examination and determination of the
17 amended petition, and if the certificate shall show the same to be
18 insufficient, it shall be returned to the person filing it without pre-
19 judice to the filing of a new petition to the same effect.

1 91. Notice to officer; recall election; notice of filing of petition.
2 If the petition shall be sufficient the county clerk shall within 2 days
3 notify the official whose recall is sought thereby. If such notice
4 cannot be served personally upon the official affected, service may
5 be made by registered mail addressed to the officer's last known
6 address. If within 5 days after the service of the notice by the
7 county clerk the official sought to be recalled by such petition does
8 not resign or, having tendered his resignation, it shall not have
9 been accepted by the board of freeholders, the county clerk shall
10 order and fix a date for holding a recall election not less than 60
11 nor more than 90 days from the filing of the petition. Notice of the
12 filing of the petition and of the date of the election shall be posted
13 for public view in the office of the county clerk and he shall also
14 publish the notice forthwith in the manner provided by section 142
15 of this act.

1 92. Ballots. The ballots at the recall election shall conform to the
2 requirements respecting the election of county officers, as provided

3 in this article or in Title 19 of the Revised Statutes (Elections),
4 whichever shall apply in the county in accordance with the pro-
5 visions of this act, except that the words "recall election" shall
6 appear on the ballot. The recall features of the ballot shall appear
7 at the top thereof and shall be separated from the portion of the
8 ballot for the election of officers by a heavy black line. The pro-
9 posal for recall shall be placed on the ballot in the following
10 manner:

11 "Shall (here insert name of incumbent)
12 be removed from office by recall?" this matter shall occupy
13 2 lines in bold-face type. Immediately below the above word-
14 ing shall appear the phrase "for recall," and immediately
15 underneath such phrase the words "against recall." Imme-
16 diately at the left of each of these two phrases shall be printed
17 a square, in which the voter may make a cross (X) or plus
18 (+) or a check (V) mark. Immediately below the foregoing
19 shall appear the following:

20 "Indicate your vote by placing a cross (X) or plus (+) or a
21 check (V) mark in one of the squares above."

1 93. Removal of more than one officer. If the removal of more
2 than one officer is sought the same provisions for submitting to the
3 electors the question and direction hereinbefore described shall be
4 repeated in the case of each officer concerned and their position on
5 the ballot for their recall shall be in the order of the filing of the
6 petition with the county clerk.

1 94. Election of successor; use of recall ballot. The same ballot
2 used for submitting the question or questions of recall shall be used
3 for the election of a successor to the incumbent sought to be re-
4 moved and immediately under the black line following the recall
5 question shall appear the phrase "Nominees for successors of
6 (here insert name of incumbent) in the
7 event he is recalled." The names of all persons nominated as
8 successors shall be placed upon the ballot in the manner provided
9 for other elections of county officers. The incumbent sought to be
10 removed may not run to succeed himself in the recall election.

1 95. Laws governing recall elections; selection of candidate for
2 successor of recalled incumbent. The provisions of this article or
3 of Title 19 of the Revised Statutes (Elections), whichever shall
4 apply in the county in accordance with the provisions of this act,
5 concerning the nomination of the county officers, preparation of the
6 ballot, election of county officers, counting and canvassing of the
7 results of the election of such officers, shall apply to the election for

8 the recall of officers and the election of their successors. The county
9 committee of each political party shall be authorized to select a
10 candidate for successor of a recalled incumbent in the manner as
11 provided by Title 19 of the Revised Statutes for nominations to
12 fill vacancy after the last day for filing petitions for nominations
13 in the primary elections.

1 96. Publication of notices of arrangements for recall elections;
2 conduct. The county clerk shall cause to be made due publication of
3 notices of arrangements for holding all recall elections and they
4 shall be conducted as are other elections for county officers.

1 97. Results of elections.

2 a. If a majority of voters in connection with the recall of any
3 officer be in favor of the recall, the term of office of such officer shall
4 terminate, upon the certification of the results of election by the
5 county clerk;

6 b. If the results of such recall election shall, by the certificate of
7 the county clerk, be shown to be against the recall of the officer he
8 shall continue in office as if no recall election had been held, and the
9 vote for the election for the successor of such officer taken at the
10 time of such attempted recall shall be void.

1 98. Successor where incumbent resigns or is recalled. If the office
2 of the incumbent shall become vacant either by his resignation or
3 by the result of the recall election, his successor shall be the nominee
4 receiving the greatest number of votes at the recall election. The
5 person so elected shall serve for the remainder of the unexpired
6 term.

C. COUNTY LEGISLATION

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

12 The Clerk to the board shall keep a journal of the board's pro-
13 ceedings and record, sign and present to the board for approval,

14 the minutes of every meeting. All official action or votes of the
15 board shall be taken at meetings open to the public.

1 100. Rules of procedure; quorum; resolutions; compensation.

2 a. The board shall promptly after its organization determine
3 and adopt, by resolution, a set of bylaws prescribing its own rules
4 of procedure. Said bylaws shall not be inconsistent with any law-
5 ful ordinance or statute;

6 b. A majority of the whole number of the members of the board
7 shall constitute a quorum;

8 c. A resolution shall mean any act or regulation of the board re-
9 quired to be reduced to writing, but which may be finally passed at
10 the meeting at which it is introduced. The vote upon every resolu-
11 tion shall be taken by roll call and the yeas and nays shall be entered
12 on the minutes;

13 d. The compensation of the county executive, supervisor, man-
14 ager or board president, and of freeholders and the chief admin-
15 istrator and department heads shall be fixed by the board by ordi-
16 nance promptly after its organization.

1 101. Ordinances.

2 a. An ordinance shall mean any act or regulation of the board
3 required to be reduced to writing, published after introduction, and
4 considered for final passage after public hearing at a meeting sub-
5 sequent to the meeting at which it was introduced;

6 b. Except as otherwise provided by general law the procedure
7 for the passage of ordinances shall be as follows:

8 (1) Every ordinance after being introduced and having passed a
9 first reading, which first reading may be by title, shall be published
10 at least once in the manner provided by section 142 of this act,
11 together with a notice of the introduction thereof and the time and
12 place when and where it will be further considered for final passage.
13 If there be only one such publication the same shall be at least 2
14 weeks prior to the time fixed for further consideration for final pas-
15 sage. If there be more than one publication, the first shall be at
16 least 2 weeks prior to the time fixed for further consideration for
17 final passage. A copy of the proposed ordinance shall also be sent
18 by regular mail to the clerk of each municipality in the county not
19 less than 10 days prior to the date of hearing.

20 (2) At the time and place so stated in such publication, or at any
21 time and place to which the meeting for the further consideration
22 of the ordinance shall from time to time be adjourned, all persons
23 interested shall be given an opportunity to be heard concerning

24 the ordinance. Final passage thereof shall be at least 10 days after
25 the first reading.

26 (3) Upon the opening of the hearing, the ordinance shall be given
27 a second reading, which reading may be by title, and thereafter, it
28 may be passed by a majority of the whole number of the board, with
29 or without amendments, or rejected. Prior to the said second read-
30 ing, a copy of the ordinance shall be posted on the bulletin board
31 or other place upon which public notices are customarily posted in
32 the building in which the board regularly meets, and copies of the
33 ordinance shall be made available to members of the general public
34 who shall request such copies. If any amendment be adopted, sub-
35 stantially altering the substance of the ordinance, the ordinance as
36 so amended shall not be finally adopted until at least 2 weeks there-
37 after, and the ordinance as amended shall be read at a meeting of
38 the board, which reading may be by title, and shall be published,
39 together with a notice of the introduction, and the time and place
40 when and where the amended ordinance will be further considered
41 for final passage, at least 5 days prior to the time so fixed. At
42 the time and place so fixed, or at any other meeting to which the
43 further consideration of the amended ordinance may be adjourned,
44 the board may proceed to pass the ordinance, as amended, or again
45 amend it in the same manner.

46 (4) Upon passage, every ordinance, or the title, together with a
47 notice of the date of passage or approval, or both, shall be published
48 at least once in the manner provided by section 142 of this
49 act.

50 (5) Three copies of the full text of every ordinance so adopted
51 shall be filed with the clerk of each municipality within the county
52 not later than 10 days after the date of final passage.

53 (6) The board may enact, amend or supplement ordinances
54 establishing, amending or supplementing a code or any parts
55 thereof by reference to such code in any such ordinance and without
56 inclusion of the text thereof in such ordinance if the code to be
57 adopted and any related documents are printed in book form and a
58 copy of such printed code and related documents so marked as to
59 indicate plainly what portion thereof, if less than the whole, is in-
60 tended to be adopted, is annexed to such ordinance and if such
61 code and related documents or such portion thereof as is intended
62 to be adopted is so described in said ordinance as to identify them
63 and there is indicated in said description the common or trade
64 name, if any, of such code and related documents and it is stated in
65 the ordinance that three copies of said code and said related docu-
66 ments, similarly marked, have been placed on file in the office of the

67 clerk of said board, upon the introduction of said ordinance and
68 will remain on file there until final action is taken on said ordinance,
69 for the use and examination of the public.

70 It shall not be necessary to publish any such code or related docu-
71 ments, so to be adopted, as part of any such ordinance notwith-
72 standing that printed copies thereof are annexed thereto, either
73 before or after the final passage of such ordinance, if said printed
74 copies are filed as aforesaid. The board of freeholders however
74A may order the publication of said code or a synopsis in the manner
74B provided by section 142 of this act if it is deemed that such proce-
74C dure will be in the public interest because of the content and im-
74D portance of the provisions of the code.

75 If any such ordinance is adopted, the said copies of said code and
76 related documents shall remain on file in said office, so long as said
77 ordinance is in effect, and three copies shall be placed on file and
78 shall remain on file in the office of each clerk of each municipality
79 within the county, for the use and examination of the public so long
80 as said ordinance is in effect and printed copies of said ordinance
81 and said code and related documents shall be made available to
82 citizens on request and for which a nominal fee may be charged.

83 For the purpose of proof of any such ordinance or receipt thereof
84 in evidence in all courts and places, such copy of such code and re-
85 lated documents, so marked and annexed to such ordinance, shall
86 be construed to be part of said ordinance, as fully as though it had
87 been set forth at length therein.

88 (7) The board may prescribe penalties for the violation of ordi-
89 nances it may have authority to pass, either by imprisonment in
90 the county jail for any term not exceeding 90 days, or by a fine not
91 exceeding \$500.00, or both. The court before which any person is
92 convicted of violating any such ordinance shall have power to
93 impose any fine or term of imprisonment not exceeding the max-
94 imum fixed in such ordinance.

95 Any person convicted of the violation of any ordinance may, in
96 the discretion of the court by which he was convicted, and in de-
97 fault of the payment of any fine imposed therefor, be imprisoned
98 in the county jail for any term not exceeding 90 days.

99 c. No ordinance other than the county budget ordinance shall
100 take effect less than 20 days after its final passage by board and
101 approval by the county executive, or supervisor or board chairman
102 or president, where such approval is required, unless the board
103 shall adopt a resolution declaring an emergency and at least $\frac{2}{3}$ of
104 all the members of the board vote in favor of such resolution.

1 -102. Recording of ordinances and resolutions. The clerk to the
2 board of freeholders shall record all ordinances and resolutions
3 adopted by board and at the close of each year, with the advice and
4 assistance of the county counsel shall bind, compile or codify true
5 copies of all the ordinances and resolutions adopted during that
6 year, properly indexed. He shall cause sufficient copies thereof to
7 be printed to enable him to file three copies with the clerk of each
8 municipality within the county, without charge, and also to make
9 copies available to the general public, at cost.

1 103. Rules and regulations; filing; publication. No rule or regu-
2 lation made by any department, officer, agency or authority of the
3 county, except such as relates to the organization or internal man-
4 agement of the county government or a part thereof, shall take
5 effect until it is filed by the clerk to the board of freeholders with the
6 clerk of each municipality in the county, and in such other manner as
7 may be provided by ordinance. The clerk to the board shall provide
8 for the prompt publication of such rules and regulations.

D. INITIATIVE AND REFERENDUM

1 104. Petition; percentage of registered voters required. The
2 voters of any county shall have the power of initiative and, pur-
3 suant thereto, may propose any ordinance and may adopt or reject
4 the same at the polls. Any initiated ordinance may be submitted to
5 the board by a petition signed by a number of registered voters
6 equal to 15% of the registered voters of the county as of 40 calendar
7 days before the last most recent primary or general election.

1 105. Power of referendum; time for filing petition. The voters
2 shall have the power of referendum and, pursuant thereto, may
3 approve or reject at the polls any ordinance submitted by the board
4 to the voters or any ordinance passed by the board, against which
5 a referendum petition has been filed as herein provided. No ordi-
6 nance passed by the county board, except when otherwise required
7 by general law or permitted by the provisions of section 116 or any
8 other section of this act, shall take effect earlier than 20 days from
9 the time of its final passage and its approval by the county executive
10 or supervisor or board chairman or president where such approval
11 is required. If within 20 days after such final passage and approval
12 of such ordinance a petition protesting against the passage of such
13 ordinance shall be filed with the county clerk and if the petition shall
14 be signed by a percentage of the registered voters in numbers equal
15 to 15% of the registered voters of the county as of forty calendar
16 days before the last most recent primary or general election, the

17 ordinance shall be suspended from taking effect until proceedings
18 are had as herein provided.

1 106. Petition papers; affidavits. All petition papers circulated
2 for the purposes of an initiative or referendum shall be uniform in
3 size and style. Initiative petition papers shall contain the full text
4 of the proposed ordinance. The signatures to initiative or referen-
5 dum petitions need not all be appended to one paper, but to each
6 separate petition there shall be attached a statement of the circu-
7 lator thereof as provided by this section. Each signer of any such
8 petition paper shall sign his name in ink or indelible pencil and
9 shall indicate after his name his place of residence by street and
10 number, or other description sufficient to identify the place. There
11 shall appear on each petition paper the names and addresses of
12 three voters, designated as the committee of petitioners, who shall
13 be regarded as responsible for the circulation and filing of the
14 petition and for its possible withdrawal as hereinafter provided.
15 Attached to each separate petition paper there shall be an affidavit
16 of the circulator thereof that he, and he only, personally circulated
17 the foregoing paper, that all the signatures appended thereto were
18 made in his presence, and that he believes them to be the genuine
19 signatures of the persons whose names they purport to be.

1 107. Filing of petition papers; examination; certification of
2 result. All petition papers comprising an initiative or referendum
3 petition shall be assembled and filed with the county clerk as one
4 instrument. Within 20 days after a petition is filed, the county
5 clerk shall determine whether each paper of the petition has a
6 proper statement of the circulator and whether the petition is
7 signed by a sufficient number of qualified voters. After completing
8 his examination of the petition, the county clerk shall certify the
9 result thereof to the board at its next regular meeting. If he shall
10 certify that the petition is insufficient he shall set forth in his
11 certificate the particulars in which it is defective and shall at once
12 notify at least two members of the committee of the petitioners of
13 his findings.

1 108. Amendment of initiative or referendum petition. An initia-
2 tive or referendum petition may be amended at any time within 10
3 days after the notification of insufficiency has been served by the
4 county clerk, by filing a supplementary petition upon additional
5 papers signed and filed as provided in case of an original petition.
6 The county clerk shall, within 5 days after such an amendment is
7 filed, examine the amended petition and, if the petition be still in-
8 sufficient, he shall file his certificate to that effect in his office and

9 notify the committee of the petitioners of his findings and no
10 further action shall be had on such insufficient petition. The finding
11 of the insufficiency of a petition shall not prejudice the filing of a
12 new petition for the same purpose.

1 109. Suspension of ordinance. Upon the filing of a referendum
2 petition with the county clerk, the ordinance shall be suspended
3 until 10 days following a finding by the county clerk that the peti-
4 tion is insufficient or, if amended petition be filed, until 5 days
5 thereafter; or, if the petition or amended petition be found to be
6 sufficient, until it be withdrawn by the committee of the petitioners
7 or until repeal of the ordinance by vote of the board or approval or
8 disapproval of the ordinance by the voters.

1 110. Submission to board of freeholders. Upon a finding by the
2 county clerk that any petition or amended petition filed with him in
3 accordance with this act is sufficient, the clerk shall submit the same
4 to the board without delay. An initiative ordinance so submitted
5 shall be deemed to have had first reading and provision shall be
6 made for a public hearing.

1 111. Submission of ordinance to voters; withdrawal of petition.
2 If within 60 days of the submission of a certified petition by the
3 county clerk the board shall fail to pass an ordinance requested by
4 a referendum petition, the county clerk shall submit the ordinance
5 to the voters, unless within 10 days after final adverse action by the
6 board or after the expiration of the time allowed for such action, as
7 the case may be, a paper signed by at least four of the five members
8 of the committee of the petitioners shall be filed with the county
9 clerk requesting that the petition be withdrawn. Upon the filing of
10 such a request, the original petition shall cease to have any force
11 or effect.

1 112. Referendum election. Any ordinance to be voted on by the
2 voters in accordance with sections 104 through 116 of this act shall
3 be submitted at the next general or regular county election occurring
4 not less than 60 days after the date of final action by the board or
5 the expiration of the time allowed for action by board in section 111
6 of this article, as the case may be, provided that if no such election
7 is to be held within 90 days the board may in its discretion provide
8 for a special election.

1 113. Number of proposed ordinances voted upon; time between
2 special elections. Any number of proposed ordinances may be voted
3 upon at the same election in accordance with the provisions of this
4 article, but there shall not be more than one special election in any
5 period of 6 months for such purpose.

1 114. Publication of ordinance. Whenever an ordinance is to be
 2 submitted to the voters of the county at any election in accordance
 3 with this article, the clerk shall cause the ordinance to be published
 4-5 in the manner provided by section 142 of this act. The publication
 6 shall be not more than 20 nor less than 5 days before the submission
 7 of the ordinance or proposition to be voted on.

1 115. Ballots. The ballots to be used at such election shall be in
 2 substantially the following form:

3 "To vote upon the public question printed below, if in favor
 4 thereof mark a cross (X) or plus (+) or check (V) in the
 5 square at the left of the word 'Yes', and if opposed thereto
 6 mark a cross (X) or plus (+) or a check (V) in the square to
 7 the left of the word 'No'."

	Yes	"Shall the ordinance (indicate whether submitted by board or initiative or referendum petition) providing for (here state nature of proposition) be adopted?"
	No	

1 116. Results of election; conflicting measures. If a majority of
 2 the qualified electors voting on the proposed ordinance shall vote in
 3 favor thereof, such ordinance shall thereupon become a valid and
 4 binding ordinance of the county and be published as in the case of
 5 other ordinances. If the provisions of two or more measures
 6 approved or adopted at the same election conflict, then the measure
 7 receiving the greatest affirmative vote shall control.

E. ELECTION DISTRICTS

1 117. Division of county adopting a district representation system
 2 under section 1.14 c into districts. Whenever any county adopts a
 3 district representation system as set forth in section 14c of this
 4 act, said county shall be divided into districts by the district com-
 5 missioners as hereinafter provided.

1 118. District commissioners. The members of the county board
 2 of elections, together with the county clerk of the county, shall con-
 3 stitute the district commissioners.

1 119. Meeting of district commissioners; division into districts.
 2 Within 5 days following the election at which the voters of the
 3 county shall have adopted one of said optional plans, the district
 4 commissioners shall meet and, having first taken and subscribed

5 before some officer authorized to administer oaths, an oath faith-
 6 fully and impartially to perform the duties imposed upon them,
 7 shall forthwith proceed to divide the county into such number of
 8 districts as is specified in the adopted plan.

1 120. Boundaries of districts; population difference. The district
 2 commissioners shall fix and determine the district boundaries so
 3 that each district is formed of compact and contiguous territory.
 4 The districts so created shall be as equal as possible in population.

1 121. Report and certificate; map. Within 30 days after the adop-
 2 tion of one of said optional plans, the district commissioners shall
 3 make and file their report and certificate over at least three of their
 4 signatures setting forth and properly describing the district
 5 boundaries fixed and determined, to which there shall be annexed
 6 a map of the county with the district boundaries clearly marked
 7 thereon.

8 The report so certified shall be filed in the office of the clerk of
 9 the county, and a copy thereof shall also be filed with the Secretary
 10 of State.

1 122. Notice of district boundaries; publication. A notice of the
 2 district boundaries as fixed and determined by the district commis-
 3 sioners shall be published by the clerk of the county at least once
 4 in the manner provided by section 142 of this act within 2 weeks
 5 immediately next succeeding the filing of the report and certificate
 6 required by section 121 of this act.

7 Upon completion of the publication, all officers elected or
 8 appointed in the county for or representing the districts thereof
 9 shall be elected from or appointed for the districts fixed by the
 10 district commissioners hereunder.

1 123. Adjustments in district boundaries following census. Within
 2 3 months following the official promulgation of each decennial
 3 Federal census, the district commissioners shall meet, in the manner
 4 heretofore provided in this article for the purpose of making such
 5 adjustments in district boundaries as shall be necessary pursuant
 6 to section 120 of this act. Within 30 days following such meeting
 7 they shall discharge their duties and report to the county in the
 8 same manner as provided in sections 121 and 122 of this act.

F. SUCCESSION IN GOVERNMENT

1 124. Schedule of installation of optional plan adopted. The
 2 schedule of installation of an optional plan adopted pursuant to
 3 this act shall, as provided herein, take the following course:

4 a. An election to submit the question of adoption of an optional
5 plan may be held at any time in accordance with the provisions of
6 article 1 of this act;

7 b. In the event of a favorable vote of the voters at the above
8 election, the first election of officers under the adopted plan shall
9 take place at the next general election occurring no less than 75
10 days next following the adoption of one of the optional plans in
11 this act.

12 c. The offices of the entire board of freeholders and all other
13 offices established by any plan in this act which has been adopted
14 by the registered voters of the county except sheriff, clerk, sur-
15 rogate and register of wills shall be voted on at the first general
16 election following adoption of such plan. In November of the first
17 general election after the adoption of any plan provided in this
18 act, the terms of all incumbent members of the board of freeholders
19 shall be deemed terminated at noon on the first Monday following
20 the election of the new board of freeholders. On that date the
21 newly-elected freeholders shall take office and the new board shall
22 organize itself in accordance with the plan adopted thereunder.
23 All freeholders and other officers elected in the first general election
24 following the adoption of any plan provided in this act shall take
25 office at noon on the Monday next following their election, but their
26 terms shall expire in accordance with the plan selected, as if they
27 had taken office on January 1 in the year following their election.
28 But nothing in this section shall be construed to prevent an in-
29 cumbent freeholder from becoming a candidate for the new board,
30 even if his present time on the board has not yet expired. In the
31 event that the plan approved provides for concurrent terms, all
32 freeholders shall be elected for concurrent 3-year terms. In the
33 event that the approved plan provides for staggered terms, terms
34 shall be as follows:

35 (1) If there be five members to be elected, two shall be elected for
36 3 years, two shall be elected for 2 years, and one for 1 year.

37 (2) If there be seven members to be elected, three shall be elected
38 for 3 years, two for 2 years, and two for 1 year.

39 (3) If there be nine members to be elected, three shall be elected
40 for 3 years, three for 2 years and three for 1 year.

41 In all elections, after the first election under this act, all members
42 shall be elected for 3-year terms beginning on January 1 in the
43 year following their election.

1 125. Adoption of the administrative code. On or before 12:00 m.
2 on May 1 following the organization of the first board of chosen
3 freeholders elected under this act, the board of chosen freeholders

4 shall adopt an administrative code organizing the administration
5 of the county government, setting forth the duties and responsi-
6 bilities and powers of all county officials and agencies, and the
7 manner of performance needed. Nothing in the administrative
8 code shall change the duties or powers of county officers whose
9 existence is mandated by the constitution or shall diminish the
10 duties, responsibilities or powers of any elected or appointed head
11 of the executive branch or chief assistant thereto or chief or county
12 administrator.

1 126. Effective date of administrative code. At 12:00 m. on May 1
2 following the organization of the first board of chosen freeholders
3 elected under this act, the administrative code shall enter into
4 effect, and all hitherto existing agencies shall assume the form,
5 perform the duties, and exercise the power granted them under
6 the administrative code and shall do so in the manner prescribed
7 therein.

1 127. Existing resolutions remain in force where not inconsistent.
2 Upon the effective date of the charter change, all resolutions of
3 the county to the extent that they are not inconsistent with the
4 provisions of this act shall remain in full force and effect until
5 modified or repealed as provided by law.

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

3 a. No subordinate board, department, body, office, position or
4 employment shall be created and no appointments shall be made
5 to any subordinate board, department or body, or to any office,
6 employment or position, without limitation, between the date of
7 election of officers and the date of the adoption of the administrative
8 code.

9 b. All actions and proceedings of a legislative, executive or
10 judicial character which are pending upon the effective date of an
11 optional plan adopted pursuant to this act may continue, and the
12 appropriate officer or employee theretofore exercising or discharg-
13 ing the function, power or duty involved in such action or
14 proceeding.

G. CIVIL SERVICE

1 129. Employees in the classified service. At 12:00 m. on May 1
2 following the election of the first freeholder board elected under
3 any plan set forth in articles 3 through 6 of this act, all officers and
4 employees in the classified service of the county shall be transferred
5 to the department, division or agency to which the functions, powers

6 or duties in which they were engaged are allocated under the
7 administrative code. Such transfer shall be without examination
8 or diminution of existing compensation pension or retirement
9 rights, privileges or obligations of any such officer or employee.
10 It is the intent of the Legislature that the adoption of any plan
11 found in this charter shall not adversely effect the civil service
12 tenure, pension, seniority or promotional rights of any county officer
13 or employee in the classified service.

1 130. County administration of civil service. The board of free-
2 holders of any county adopting one of the plans of government set
3 forth in this act may by resolution apply to the New Jersey Civil
4 Service Commission for permission to administer the merit system
5 through a county department of civil service. Such administration
6 shall include classification, recruitment, examination, establishment
7 of eligibility lists, grievances, compensation, and other conditions
8 of employment, all to be performed under the general supervision
9 of the New Jersey Department of Civil Service, and in addition such
10 other functions as the State Department may authorize or approve.

1 131. Procedures for establishment of county department of civil
2 service. Upon passage of a resolution by the board of freeholders
3 calling for the establishment of a county department of civil service
4 the chief executive of the county shall transmit a copy of the resolu-
5 tion together with such other communication as he may deem appro-
6 priate to the President of the New Jersey Civil Service Commission.
7 The president of the commission shall then instruct his staff to
8 determine if administration of civil service by that county would
9 be consistent with the administration of an equitable system
10 governing the employment of public employees throughout the
11 State, the best interests of public employees throughout the State
12 and within the county requesting such approval, and the public
13 interest in the efficient governance of the county on behalf of its
14 citizens.

15 The commission shall, by rules adopted for the purpose, require
16 the board of freeholders requesting its approval to submit a plan
17 for the administration by such county department of a system of
18 civil service, which plan shall include information sufficient to
19 determine the capacity, competency and ability of the county
20 department to administer properly the provisions of the Civil
21 Service Law. Such plan shall not be implemented nor shall such
22 department be operative until after receipt by the requesting board
23 of freeholders of a statement of approval, in writing, of the Civil
24 Service Commission and, in any event, until after the passage of 2
25 years from the date upon which such plan is submitted by the board

26 to the commission. The revision, amendment or repeal of such plan
27 and the acts and ordinances enacted in connection therewith shall
28 be subject to the approval of the commission in the same manner
29 as hereinabove provided except that the mandatory period of delay
30 shall not apply and the Civil Service Commission shall exercise
31 its authority to approve or disapprove within a reasonable time.
32 The Civil Service Commission shall assure the compliance with
33 provisions of the Civil Service Law of the administration of a
34 system of civil service by any county department and the adminis-
35 tration of such a system shall be subject to the continuing audit,
36 review and approval of the State Civil Service Commission
37 pursuant to rules promulgated by it for that purpose.

H. THE BUDGETARY PROCESS

1 132. Fiscal year. The fiscal year of the county shall be the
2 calendar year except as may be otherwise provided by the Local
3 Budget Law.

1 133. Preparation and submission of current expense budget and
2 capital budget; hearings, distribution of budget document. On or
3 before January 15 of each year, the budget officer (i.e. the county
4 executive in the case of a charter adopted under article 3, the
5 county manager in the case of a charter adopted under article 4,
6 or the chief administrator in the case of charters adopted under
7 articles 5 and 6), shall submit to the board of chosen freeholders,
8 a budget document consisting of: (1) the current expense budget
9 for the ensuing fiscal year; (2) the county capital budget and (3) a
10 budget message. On or before September 1 of each year, the budget
11 officer shall establish the schedules and procedures to be followed
12 by all county departments, offices and agencies to prepare for these
13 and all other financial documents. Every budgetary request shall
14 be advertised according to law. No budgetary request shall be
15 approved and submitted by the budget officer until after a public
16 hearing has been held thereon and tax payers and all persons
17 having an interest thereon shall have been given an opportunity
18 to present objections. Public hearings on budget requests shall be
19 held according to law, at the time and place set by the budget officer.

1 134. Scope of budget and message. The budget document shall
2 be prepared by the budget officer in such form as will comply with
3 the Local Budget Law, together with such additional schedules and
4 analyses as he deems desirable, or as may be required or approved
5 by the board of chosen freeholders. The budget message shall
6 explain the budget both in fiscal terms and in terms of work to be

7 done. It shall outline the proposed financial policies of the county
8 for the ensuing fiscal year, describe the important features of the
9 budget plan, and indicate its major objectives. It shall indicate
10 any major changes in financial policies and in expenditures, appro-
11 priations and revenues as compared with the preceding fiscal year,
12 and shall set forth reasons for the changes.

1 135. Scope of capital budget and program; definitions. The
2 capital budget and program shall be prepared by the budget officer
3 in such form as required by law, together with such schedules and
4 analyses as he deems desirable, or as may be required or approved
5 by the board of freeholders.

6 A capital budget shall be a plan for the expenditure of public
7 funds for capital purposes for the ensuing year showing
8 as income: the revenues, special assessments, free surplus, in down
9 payment appropriations to be applied to the cost of a capital project
10 or projects, expenses of issuance of obligations, engineering super-
11 vision, contracts and other related expenditures.

12 A capital program shall include a statement of capital under-
13 takings underway or projected for a period not greater than over
14 the next ensuing 6 years as a general improvement program.

1 136. Budgets: notice and hearing. A public hearing shall be
2 held on the current expense budget and capital budget in accordance
3 with the Local Budget Law. At such hearings, the budget officer
4 shall provide for discussion of the capital program as well.

1 137. Budgets: board action. After the public hearing, the board
2 shall act upon the budget document in accordance with the Local
3 Budget Law.

1 138. Appropriation requests; allotments. During the next to last
2 month before the beginning of the fiscal year, the head of each
3 department, office and agency of the county shall submit to the
4 budget officer a work program for the year, which program shall
5 include all requests for appropriations for its operation and
6 maintenance, and shall show the proposed allotments of said appro-
7 priations for such department, office or agency by quarters for the
8 entire fiscal year. The budget officer shall review requested allot-
9 ments in light of the work program of the department, office or
10 agency concerned, and if he deems it necessary, may revise, alter,
11 or change them before the same are submitted to the board of free-
12 holders. The aggregate of such allotments shall not exceed the total
13 appropriation available to each department, office or agency for the
14 fiscal year.

15 No expenditure for a department, office or agency shall be made
16 from the appropriations except on the basis of approved allotments.

17 The approved allotments may be revised during the fiscal year,
18 within the appropriations available by the budget officer or upon
19 application by the head of any department, office or agency ap-
20 proved by the budget officer. If at any time during the fiscal year,
21 the budget officer shall ascertain that the probable current revenue,
22 plus fund balances, for the fiscal year will be less than the total
23 appropriations, he may reconsider the work programs and allot-
24 ments of the several departments, offices and agencies and revise
25 them accordingly.

1 139. Payments and obligations; certifications; penalties. No
2 payment shall be authorized or made and no obligations shall be
3 incurred against the county except in accordance with appropria-
4 tions duly made. No obligation shall be incurred against any
5 allotment or appropriation unless the budget officer or his designee
6 first certifies that there is a sufficient unencumbered balance in the
7 allotment or appropriation, and that sufficient funds therefrom will
8 be available to meet the obligation concerned when it becomes due
9 and payable. Any county officer or employee who knowingly
10 authorizes or makes any payments or incurs any obligation in
11 violation of the provisions of this charter or takes part therein
12 may in addition to any other penalty provided by law, be removed
13 from his office or employment.

1 140. Other payments and obligations. Nothing contained in this
2 section or otherwise in the charter shall be construed to prevent
3 the making or authorizing of payments or making of contracts for
4 capital improvements to be financed wholly or partly by the issuance
5 of bonds; nor shall it prevent the making, when permitted by statute
6 or ordinance, of any contract or lease providing for the payment
7 of funds at a time beyond the end of the fiscal year which the
8 contract or lease is made. Any contract, lease or other obligation
9 requiring the payment of funds from the appropriations of a
10 later fiscal year or of more than 1 fiscal year may be made or
11 approved only by ordinance.

1 141. Annual post-audit. The board of chosen freeholders shall
2 provide annually for an independent audit of the accounts and
3 other evidences of financial transactions of the county and of every
4 county department, office and agency, pursuant to law.

I. PUBLICATION OF OFFICIAL NOTICES

1 142. Whenever notice by publication is required under this act
2 the clerk to the board of freeholders or the county counsel, which-
3 ever shall be charged by the board to do so, or any other person

4 charged under any section of this act with the duty of causing such
5 publication, shall cause all such notices to be published in two
6 newspapers qualified by law and designated by majority vote of
7 the board of freeholders to publish the county's legal notices. The
8 two newspapers designated by the board of freeholders shall be:
9 a. both printed and published in the county one of which shall be
10 either a newspaper published at the county seat of such county or
11 a newspaper published in a municipality in such county having the
12 largest population according to the last population estimate pub-
13 lished by the Division of Economic Development of the New Jersey
14 Department of Labor and Industry or
15 b. one printed and published in such county and one circulating
16 in such county, if only one daily newspaper is printed and published
17 in such county; or
18 c. one published at the county seat and one circulating in the
19 county if no daily newspaper is published; or
20 d. both circulating in such county, if no newspapers are printed
21 and published in such county.

J. GENERAL PROVISIONS

1 143. Partial invalidity. If any clause, sentence, paragraph,
2 section, or part of this act shall be adjudged to be invalid by any
3 court of competent jurisdiction, such judgment shall not affect,
4 impair or invalidate the remainder thereof, but shall be confined
5 in its operation to the clause, sentence, paragraph, section or part
6 thereof directly involved in the controversy in which such judgment
7 shall have rendered.

1 144. Short title. This act shall be known as the "Optional County
2 Charter Law."

1 145. Effective date. This act shall take effect immediately.

STATE OF NEW JERSEY



**OPTIONAL COUNTY CHARTER LAW
ASSEMBLY NO. 691**

INTRODUCED FEBRUARY 14, 1972

By Assemblymen KEAN, DICKEY, KALTENBACHER, WEIDEL,
DENNIS, ORECHIO, FORAN, LITTELL, MERCK,
VREELAND, Assemblywoman MARGETTS and
Assemblyman De KORTE

Referred to Committee on County Government

AN Act concerning counties, providing plans of optional county
charters and for the manner of adoption and effect thereof.

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ASSEMBLY, No. 691

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 14, 1972

By Assemblymen KEAN, DICKEY, KALTENBACHER, WEIDEL, DENNIS, ORECHIO, FORAN, LITTELL, MERCK, VREELAND, Assemblywoman MARGETTS and Assemblyman DE KORTE

Referred to Committee on County Government

AN ACT concerning counties, providing plans of optional county charters and for the manner of adoption and effect thereof.

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

ARTICLE 1. PROCEDURES FOR ADOPTION FOR
OPTIONAL COUNTY CHARTER PLANS

A. BY ELECTION OF A CHARTER STUDY COMMISSION AND REFERENDUM

1 1. Submission of charter study question. Whenever authorized
2 by resolution of the board of freeholders or on petition of the regis-
3 tered voters of any county, an election shall be held in the county
4 upon the question, "Shall a charter study commission be elected
5 to study the present governmental structure of
6 county, to consider and make findings concerning the form of county
7 government and to make recommendations thereon?" A petition
8 calling for such an election shall bear the signatures of a number
9 of persons registered to vote in the county equal to or exceeding in
10 number 10% of the persons registered to vote in the county
11 on the fortieth day preceding the most recent previous primary or
12 general election. Whenever such resolution or petition shall be
13 filed with him, the county clerk shall provide for submission of the
14 question at the next general election occurring not less than 60 days
15 after the date of such filing. At the election, the question shall be
16 submitted in the same manner as other public questions.

17 When a resolution or petition for the election of a charter study
18 commission has been duly filed with the county clerk, no other such
19 resolution or petition and no other proceedings for the adoption of
20 any other charter or form of government available to the county
21 may be filed unless the voters shall decide the aforesaid question
22 in the negative or until the charter study commission elected by
23 the voters shall have been discharged.

1 2. Election of charter study commission. At the same election
2 as the public question is submitted, a charter study commission of
3 nine members shall be elected by the county's registered voters.
4 There shall be placed on the ballot the names of charter study com-
5 mission candidates who shall have been nominated in the same
6 manner as provided by law for candidates nominated by petition
7 for freeholder, except that they shall be listed without party or
8 other designation or slogan. The voting instructions shall state
9 that the voter may vote on the question and that, regardless of
10 how or whether he voted on the charter question, he may vote for
11 nine members of a charter study commission who shall serve if the
12 question is determined in the affirmative.

1 3. Nominating petitions. Candidates for the charter study com-
2 mission shall be persons who were registered voters of the county
3 as of the date of the most recent preceding general election. They
4 may be nominated by petition signed by at least 200 registered
5 voters. Said petition shall be filed not less than 40 days before the
6 date of the election.

7 a. Each nominating petition shall set forth the name, place of
8 residence, and post office address of the candidate thereby nomi-
9 nated, that the nomination is for the office of charter study commis-
10 sioner and that the petitioners are legally qualified to vote for such
11 candidate. Every voter signing a nominating petition shall add to
12 his signature, his place of residence, post office address and street
13 number, if any. No voter shall sign petitions for more than nine
14 candidates. No petition shall set forth the name of more than one
15 candidate.

16 b. Each nominating petition shall, before it may be filed with the
17 county clerk, contain an acceptance of such nomination in writing,
18 signed by the candidate therein nominated, upon or annexed to
19 such petition, or if the same person be named in more than one
20 petition, upon or annexed to one of such petitions. Such acceptance
21 shall certify that the nominee is a registered voter of the county,
22 that he consents to stand as a candidate at the election and that, if
23 elected, he agrees to take office and serve.

24 c. Each nominating petition shall be verified by an oath or
25 affirmation of one or more of the signers thereof, taken and sub-
26 scribed before a person qualified under the laws of New Jersey to
27 administer an oath, to the effect that the petition was signed by
28 each of the signers thereof in his proper handwriting, that the
29 signers are, to the best knowledge and belief of the affiant, regis-
30 tered voters of the county, and that the petition is prepared and
31 filed in good faith for the sole purpose of endorsing the person
32 named therein for election as stated in the petition.

33 d. All candidates shall be listed together on the same line or
34 column of or position on the ballot, with no bracketing or separation
35 into separate groups and with no slogans under any name. In no
36 way shall slates or tickets be designated or suggested on the ballot.

1 4. Canvass of returns. The result of the votes cast for and
2 against the charter study question shall be returned by election
3 officers, and a canvass of such election had, as is provided by law
4 in the case of other public questions put to the voters of a county.
5 The votes cast for members of the charter study commission shall
6 be counted, and the result thereof returned by the election officers,
7 and a canvass of such election had, as is provided by law in the
8 case of the election of members of the board of freeholders. The
9 nine candidates receiving the greatest number of votes shall be
10 elected and shall constitute the charter study commission, provided
11 that if a majority of those voting on the public question shall vote
12 against the election of a charter study commission, none of the
13 candidates shall be elected. If two or more candidates shall receive
14 the same number of votes, and such number of votes shall qualify
15 both election to the ninth and last remaining vacancy on the com-
16 mission, they shall draw lots to determine which one shall be elected.

1 5. Organization meeting of commission. The county clerk shall
2 convene the first meeting of the charter study commission as soon
3 as possible and in any event no later than 15 days after its election.
4 At that meeting the charter study commission shall organize itself
5 and elect one of its members as chairman, and another as vice-
6 chairman, fix its hours and place or places of meeting, and adopt
7 such rules for the conduct of its business as it may deem necessary
8 and advisable. A majority of the members of said commission shall
9 constitute a quorum for the transaction of business but no recom-
10 mendation of said commission shall have any legal effect pursuant
11 to sections 12 through 14 of this act unless adopted by a majority
12 of the whole number of the members of the commission. The chair-
13 man of the charter commission shall thereafter convene and preside

14 over all meetings. In his absence or if he is disabled, the vice-
15 chairman shall serve in his place.

1 6. Vacancies. Any vacancy occurring in the charter commission
2 shall be filled by the unsuccessful candidate who shall have received
3 the greatest number of votes in the charter study commission elec-
4 tion if he shall be available to fill such vacancy. In the event that
5 the vacancy cannot be filled in this manner, the remaining members
6 of the charter study commission shall appoint some other properly
7 qualified citizen.

1 7. Duties of commission. It shall be the function and duty of the
2 charter study commission to study the form of government of the
3 county, to compare it with other forms available under the laws of
4 this State, to determine whether or not in its judgment the govern-
5 ment of the county could be strengthened, made more clearly
6 responsive or accountable to the people or whether its operation
7 could be more economical or efficient, under a changed form of
8 government.

1 8. Advisors to the charter study commission. In any county in
2 which a charter study commission has been established under this
3 act, there shall also be established an advisory body to be known
4 as the advisory board whose members shall have the right to
5 participate in the deliberations of the charter study commission,
6 but without the right to vote on commission recommendations or to
7 endorse or dissent from any report of the commission by virtue of
8 their official advisory role, although this in no way shall be deemed
9 to inhibit their right to make comments as individuals after the
10 release to the public of the charter study commission's report. The
11 advisory board shall consist of the persons who, as of the second
12 Tuesday of January next following the commission's organization
13-14 board of freeholders, the county chairmen of the two political
15 parties which received the largest vote in the county in three out
16 of four of the most recent gubernatorial elections, the mayor of the
17 municipality having the largest population in the county and the
18 mayor of the municipality having the smallest population of over
19 250 in the county, according to the last population estimate pub-
20 lished by the Division of Economic Development of the New Jersey
21 Department of Labor and Industry, one Senator and one member
22 of the General Assembly, both of whom shall be members of the
23 county's delegation in the Legislature and both of whom shall be
24 residents of the county at the time of their election to the advisory

25 body. The Senator and member of the General Assembly shall be
26 elected to the advisory body by a majority vote of the whole number
27 of the county's board of chosen freeholders within one week of the
28 approval of the charter study referendum by the county's voters.

29 Nothing in this act shall be deemed to prohibit the board of chosen
30 freeholders from electing as legislative members of the advisory
31 body any persons who are not at the time of their election to the
32 advisory body incumbent legislators but who will be legislators as
33 of 3:00 p.m. on the second Tuesday of January following the election
34 of the charter study commission. If there be no legislators or legis-
35 lators-elect of the county's legislative delegation residing in the
36 county as of 7 days after the approval of the charter study referen-
37 dum by the voters, the board of freeholders shall elect two mayors
38 of municipalities within the county to membership on the advisory
39 body.

40 If the advisory body shall include among its members three
41 mayors pursuant to the above provisions, no more than two of these
42 mayors shall be of the same political party. The mayor of any
43 municipality operating under a nonpartisan form of government
44 shall be deemed to be a member of the party in whose primary
45 election he last voted. If he shall never have voted in a primary
46 election, he shall be deemed to have no party affiliation.

47 The membership of the advisory board shall be promulgated by
48 the chairman of the charter study commission not later than 3 p.m.
49 on the second Tuesday of January following the commission's
50 organization meeting. If for any reason any member of the ad-
51 visory board shall vacate the office by virtue of which he sits on
52 the board, his successor, regardless of such successor's party
53 affiliation, shall also succeed him on the board on the effective date
54 of his assuming his predecessor's office.

1 9. State participation in charter studies. The Commissioner of
2 the New Jersey Department of Community Affairs or his designee
3 shall serve ex officio as a nonvoting advisor to all charter study
4 commissions established under this act. It shall be his duty to
5 collect, evaluate and transmit to each charter study commission
6 such information, advice, plans, and policies as he may deem
7 pertinent to county government and its relationship to State and
8 municipal government. He shall meet with the charter study
9 commission as frequently as the commission shall request in order

10 to assist the commission in determining the best form to recommend
11 for the county's government.

1 10. Expenses and compensation of the commission. Members of
2 the charter study commission shall serve without compensation but
3 shall be reimbursed by the county for their necessary expenses
4 incurred in the performance of their duties.

5 Upon submission of a budget by the charter study commission
6 during the first week of January next following its election, the
7 board of freeholders shall appropriate a sum adequate to support
8 a full study of the county's government as set forth in section 7,
9 as well as the printing, and publication of its reports, findings and
10 recommendations as set forth in section 12 of this act. Within the
11 limits of such appropriations and privately contributed funds and
12 services as shall be made available to it, the charter study com-
13 mission may appoint one or more consultants and clerical and other
14 assistants to serve at the pleasure of the commission and may fix
15 a reasonable compensation to be paid such consultants and clerical
16 and other assistants.

1 11. Dissemination of information. The charter study commission
2 shall hold public hearings, may hold private hearings, sponsor
3 public forums and otherwise provide for the widest possible dis-
4 semination of information and the stimulation of public discussion
5 respecting the purposes and progress of its work.

1 12. Report and publication of findings. The charter study com-
2 mission shall report its findings and recommendations to the citizens
3 of the county on or before the end of the ninth calendar month next
4 following the date of its election in the form of a final report which
5 it shall file with the county clerk. It shall cause a sufficient number
6 of copies of its final report to be published and delivered to the
7 county clerk, who shall distribute it to all elected county and
8 municipal officials. In addition, there shall be printed and made
9 available at cost to the public at large a number of copies equal to at
10 least 1% of the county's registered voters as of forty days before
11 the most recent previous primary or general election.

12 The commission shall publish on two successive weeks in the man-
13 ner provided by section 142 of this act the full text of the proposed
14 charter, together with a summary of its findings and recommenda-
15 tions, a summary of the provisions of the plan, if any, which it
16 recommends for approval, and an analysis of and commentary upon
17 such plan.

1 13. Recommendations. The charter study commission may
2 report and recommend:

3 a. That a referendum be held to submit to the voters of the
4 county the question of adopting that one of the optional forms of
5 government set forth in articles 3 to 6, inclusive, of this act, that the
6 commission has designated; or

7 b. That the board of freeholders shall petition the Legislature
8 for the enactment of a special charter, the text of which shall be
9 appended to the charter study commission's report pursuant to
10 Article IV, Section VII, Paragraph 10, of the State Constitution
11 1947 and to the enabling legislation enacted thereunder to the extent
12 that such legislation is not inconsistent herewith; or

13 c. That the form of government of the county shall remain
14 unchanged.

15 The commission may also draft and submit to the freeholders
16 whatever recommendations it deems appropriate for the efficient
17 administration of the county. Such recommendations may include
18 a model administrative code. Such recommendations may be
19 adopted by the freeholders in whole or in part, whether or not a
20 new charter proposal is recommended by the commission or ap-
21 proved by the voters.

1 14. Additional recommendations. If the charter study commis-
2 sion shall vote to recommend adoption of one of the optional forms
3 set forth in articles 3 to 6, inclusive, of this act, it shall also con-
4 sider and make findings with respect to each of the three subjects set
5 forth in subsections a, b, and c of this section and determine which
6 plan would provide the best representation of the people of the
7 county. The final report shall set forth said findings and determina-
8 tions in detail.

9 Based upon said findings and determinations, the commission
10 shall designate, as an integral part of its recommended plan, its
11 choice of alternatives as follows:

12 a. Board size and term. The commission shall recommend that
13 the board be composed of five, seven or nine members, each of
14 whom shall hold office for a term of 3 years.

15 b. Concurrence of terms. The commission shall recommend
16 either a continuation of the present system of nonconcurrent terms
17 or the adoption of a new system of concurrent terms.

18 c. Constituencies. The commission shall recommend that all
19 board members be elected at large, or that they be elected by
20 districts, or that they be elected both at large and by districts. If
21 the last recommendation is made, the number of freeholders elected
22 by districts shall be as follows: in a county selecting a five-member
23 board three shall be by district; in a county selecting a seven-
24 member board four shall be by districts; and in a county selecting

25 a nine-member board five shall be by districts. Nothing in this
26 paragraph shall apply to those officials whose constituency, term or
27 method of election is defined in subsequent sections of this act.

1 15. Date of charter referendum. If the charter study commission
2 shall have recommended the adoption of one of the optional forms
3 of government authorized by articles 3 to 6 inclusive, of this act,
4 the county clerk shall cause a referendum question conforming with
5 the requirements of section 16 to be placed upon the ballot at such
6 time and in such form as the commission shall in its report specify.
7 The commission may specify that the question be submitted at the
8 general election occurring not less than 60 days next following the
9 filing of the commission's report with the county clerk, or, if there
10 be no general election within 120 days next following the filing of
11 its report, then at a special election occurring not less than 60 days
12 or more than 120 days next following such filing of the report. At
13 such election, the referendum question shall appear on the ballot
14 in the same manner as other public questions are printed on the
15 ballot. If the charter study commission shall have prepared an
16 interpretive statement to accompany such question, such interpre-
17 tive statement shall immediately precede the referendum question
18 on the ballot.

1 16. Form of the referendum question. If the charter study com-
2 mission shall have recommended that the voters approve one of
3 the optional forms contained in this act, the following question,
4 framed by the commission to conform with its recommendations
5 shall be submitted to the voters:

6 "Shall the (designating the caption of article 3, 4, 5 or 6)
7 of the Optional County Charter Law be adopted for
8 county, with provision for a board of freeholders of (designat-
9 ing 5, 7 or 9) members elected for (concurrent or noncon-
10 current, as the case may be) terms and elected (all at large,
11 or all from 5, 7 or 9 districts) (or with a combination of 2 at
12 large, 3 by districts, or 3 at large, 4 by districts or 4 at large,
13 5 by districts, as the case may be)?"

1 17. Petition for special charter. If the charter study commission
2 shall have proposed a special charter, it shall be the duty of the
3 board of freeholders to petition the Legislature forthwith for a
4 special law or laws, pursuant to the State Constitution and in the
5 manner provided by general enabling legislation thereunder, to
6 carry out the recommendations of the charter study commission.

1 18. Discharge of commission. If the commission shall recom-
2 mend that no change in the form of the county's government be

3 made, the commission shall be discharged as of the date of the
4 filing of its report.

5 If the commission shall recommend that one of the optional plans
6 set forth in articles 3 through 6 of this act be adopted, it shall be
7 discharged when the plan is approved or rejected by the electorate.

8 If the commission shall recommend that a petition be presented
9 to the Legislature for a special charter, the commission shall be
10 discharged when the board of freeholders shall have taken all
11 necessary steps to present the bill to the Legislature.

B. BY DIRECT PETITION AND REFERENDUM

1 19. The registered voters of any county may, without a charter
2 study commission, adopt any of the optional plans provided in
3 articles 3 through 6 inclusive, of this act upon petition and
4 referendum, as hereinafter provided.

1 20. Upon the filing with the county clerk of such petition of the
2 registered voters of any county, an election shall be held in the
3 county upon the question of adopting any of the optional plans of
4 government provided in articles 3 through 6 inclusive, of this act.
5 The petition calling for such election shall be signed by a number
6 of registered voters not less than 15% of the number of persons
7 registered to vote in the county as of 40 days before the primary
8 or general election next preceding the date of filing of such petition.

9 The petition shall designate the plan to be voted upon and the
10 question to be placed upon the ballot shall be in the same form as
11 is required by section 16 of this act.

1 21. The county clerk shall cause the question to be submitted at
2 the general election occurring not less than 60 days next following
3 the filing of the petition, or, if there be no general election within
4 120 days next following the filing of the petition, then at a special
5 election occurring not less than 60 days and not more than 120 days
6 next following the filing of such petition. At such election, the
7 referendum question shall appear on the ballot in the same manner
8 as other public questions are printed on the ballot.

1 22. When a petition for a referendum pursuant to section 19
2 shall have been duly filed with the county clerk, no other such
3 petition, and no resolution or other proceedings for the adoption
4 of any other charter or form of government available to the county
5 may be filed unless and until the voters shall decide said referendum
6 question in the negative.

C. PROVISIONS APPLICABLE TO ALL REFERENDA ON CHARTER CHANGES

1 23. After adoption, no vote on change for 5 years. Whenever
2 the voters of any county shall have adopted an optional form of
3 government pursuant to articles 3, 4, 5 or 6 of this act, no subse-
4 quent referendum question for another form of government shall be
5 submitted to the voters until not less than 5 years shall have elapsed
6 after the effective date of the optional form so approved by the
7 voters.

ARTICLE 2. INCORPORATION AND POWERS

1 24. Incorporation. The inhabitants of any county shall within
2 the boundaries of that county be and remain a body corporate and
3 politic, with perpetual succession.

1 25. Upon adoption by the registered voters of any county of any
2 of the optional forms of government set forth in this act, the county
3 shall thereafter be governed by the plan adopted, by the provisions
4 of this law applicable to all optional plans, and by all general laws,
5 subject to the transitional provisions in article 7 of this act.

1 26. General law. For the purposes of this act, a "general law"
2 shall be deemed to be such law or part thereof, heretofore or here-
3 after enacted, that:

- 4 a. Is not inconsistent with this act;
- 5 b. Is by its terms applicable to or available to all counties, or;
- 6 c. Additional laws or provisions of law whether applicable to all
7 counties or to any category or class of counties, deals with one or
8 more of the following subjects: the administration of the judicial
9 system, education, elections, health, county public authorities, taxa-
10 tion, and finance, and welfare.

11 Nothing in this act shall be construed to prevent counties from
12 abolishing or consolidating agencies the existence of which has
13 heretofore been mandated by State statute providing that such
14 abolition or consolidation shall not alter the obligation of the
15 county to continue providing the services previously provided by
16 such abolished or consolidated agency.

17 The intent of this act is to enable a county that has adopted a
18 charter pursuant to this act to cause any duty that has been
19 mandated to it by the Legislature to be performed in the most
20 efficient and expeditious manner, and, absent a clear legislative
21 declaration to the contrary, without regard to organizational, struc-
22 tural or personnel provisions contained in the legislation mandating
23 such duty.

1 27. County powers generally. Any county that has adopted a
2 charter pursuant to this act may, subject to the provisions of such
3 charter, general law and the State Constitution:

4 a. Organize and regulate its internal affairs; create, alter and
5 abolish offices, positions and employments and define the functions,
6 powers and duties thereof; establish qualifications for persons
7 holding offices, positions and employments; and provide for the
8 manner of their appointment and removal and for their term, tenure
9 and compensation.

10 b. Adopt, amend, enforce, and repeal ordinances and resolutions
11 as defined in section 100, notwithstanding the effect of any refer-
12 endum conducted prior to the county's adoption of its charter
13 pursuant to this act.

14 c. Construct, acquire, operate or maintain public improvements,
15 projects or enterprises for any public purposes, subject to such
16 referendum as may otherwise be imposed by law;

17 d. Exercise powers of eminent domain, borrowing and taxation
18 only as provided by general State law;

19 e. Exercise all powers of county government in such manner as
20 its board of freeholders may determine;

21 f. Sue and be sued; have a corporate seal; contract and be con-
22 tracted with; buy, sell, lease, hold and dispose of real and personal
23 property; appropriate and expend moneys for county purposes;

24 g. Enter into contractual agreements with any other govern-
25 mental body or group of bodies within or without the borders of
26 the county; without regard to whether such other governmental
27 body or group of bodies be a unit of State, county, or municipal
28 government or a school district, authority or special district, to
29 perform on behalf of that unit, any service or function which that
30 unit would be authorized to provide for itself or for any other unit
31 of government, provided, however, that no county shall contract
32 to provide a service or function to any unit in any other county
33 unless the board of freeholders of such other county shall first
34 approve the proposed contract. All contracts under this section
35 shall be specific as to the terms for rendering of services, the level,
36 quality, and scope of the services to be performed, the cost of
37 providing these services, and the duration of the contract. Such
38 contract may provide for binding arbitration or for binding fact-
39 finding procedures to settle disputes or questions arising as to the
40 terms of service and quality and quantity levels thereof to be pro-
41 vided under the contract. All services shall be performed on a cost
42 basis, and no contract shall be for a duration of more than 7 years.
43 Nothing in this section shall be construed to prevent two or more

44 counties from jointly undertaking a contract to provide a service
45 or function to any other unit or group of units. For the purposes
46 of this section, the county shall be deemed to be the general agent
47 of the other party or parties to the contract with respect to the
48 performance of the service or services as specified in the contract,
49 with full powers of performance and maintenance of the service
50 contracted for and full powers to undertake any operation ancillary
51 thereto, and all other powers of enforcement and administrative
52 regulation which are or might be exercised by the contracting
53 principal. Except that no contracting party shall be liable for any
54 part or share of the cost of constructing or maintaining any capital
55 facility built by the county to provide such service unless such part
56 or share of the cost of such capital facility's construction or
57 maintenance is provided for in the contract between the two parties
58 and the governing bodies of such contracting parties shall have
59 ratified the contract. Nothing in this section shall be construed
60 to prevent the contracting for provision of more than one service
61 or group of services by the county, and the county may become
62 the agent of any other unit of government in the performance of
63 any and all functions which the contracting unit sees fit to employ
64 the county as agent to perform.

1 28. Municipal powers. Nothing in this act shall be construed to
2 impair or diminish or infringe on the powers and duties of munici-
3 palities and other units of government under the general law of this
4 State. It is the intent of this act only to permit municipalities and
5 other units of government to employ services and facilities of the
6 county for more effective, efficient, and adequate provision of
7 services if and when such units may deem it desirable to do so.
8 Municipalities are and shall remain the broad repository of local
9 police power in terms of the right and power to legislate for the
10 general health, safety and welfare of their residents.

1 29. Municipal advisory councils. Regional advisory councils.
2 The board of freeholders may by resolution establish a municipal
3 advisory council consisting of the mayors of all municipalities in
4 the county and in addition to, or instead of, a municipal advisory
5 council, the board may establish regional advisory councils con-
6 sisting of the mayors of neighboring municipalities or munici-
7 palities that have common interests or problems.

8 The board of freeholders shall meet periodically with the
9 advisory councils to discuss county and municipal problems, county-
10 municipal relations, cooperation in service problems, coordination
11 of operations and capital facilities development, and other subjects

12 of mutual interest in order to provide closer county-municipal
13 liaison and cooperation.

1 30. General powers. The grant of powers under this act is
2 intended to be as broad as is consistent with the Constitution of
3 New Jersey and with general law relating to local government. The
4 grant of powers shall be construed as liberally as possible in regard
5 to the county's right to reorganize its own form of government,
6 to reorganize its structure and to alter or abolish its agencies,
7 subject to the general mandate of performing services, whether
8 they be performed by the agency previously established or by a
9 new agency or another department of county government.

10 Based on the need to develop effective services to meet problems
11 which cross municipal boundaries and which cannot be met effec-
12 tively on an individual basis by the municipalities, the State, or
13 other units of government, this act shall be construed as intending
14 to give the county power to establish innovative programs and to
15 perform such regional services as any unit that has the legal right
16 to perform such service for itself may determine, in its own best
17 interest, to have the county perform on a contractual basis.

ARTICLE 3. COUNTY EXECUTIVE PLAN

A. FORM OF GOVERNMENT

1 31. Form; designation. The form of government provided in
2 this article shall be known as the "county executive plan," and
3 shall, together with articles 2 and 7 of this act, govern any county
4 whose voters have adopted it pursuant to this act.

1 32. Elected officers. Each county operating under this article
2 shall be governed by an elected board of freeholders and an elected
3 county executive and by such other officers and employees as may
4 be duly appointed pursuant to this act, general law, or ordinance.

B. COUNTY EXECUTIVE

1 33. Qualifications, election, term. The county executive shall be
2 a qualified voter of the county residing in the county. He shall be
3 elected from the county at large for a term of 4 years commencing
4 on January 1 next following his election.

1 34. Salary. The salary of the county executive shall be fixed by
2 ordinance of the board of freeholders; such salary shall be reason-
3 able and commensurate with the duties of the office and with the

4 fact that the position of county executive is and shall be a full-time
5 position. The salary of the county executive may not be lowered
6 during his tenure in office.

1 35. Vacancies. The office of county executive shall be deemed
2 vacant if the incumbent moves his residence from the county or he
3 is by death, physical or mental illness or other casualty unable to
4 continue to serve as county executive. Any vacancy in the office of
5 county executive shall be filled in the manner prescribed by law for
6 the election of county officers at the next general election occurring
7 not less than 60 days after the occurrence of the vacancy. The
8 board of freeholders may appoint one of their number or the chief
9 administrator to serve as acting county executive until a successor
10 has been elected. During the temporary absence or temporary
11 disability of the county executive the chief administrator shall serve
12 as acting county executive.

1 36. Duties. The executive power of the county shall be exercised
2 by the county executive. He shall:

3 a. Report annually to the board of freeholders and to the people
4 on the state of the county, and the work of the previous year; he
5 shall also recommend to the board whatever action or programs he
6 deems necessary for the improvement of the county and the wel-
7 fare of its residents. He may from time to time at his discretion
8 recommend any course of action or programs he deems necessary
9 or desirable for the county to undertake;

10 b. Prepare and submit to the board for its consideration and
11 adoption an annual operating budget, a capital budget and a capital
12 program, establish the schedules and procedures to be followed by
13 all county departments, offices and agencies in connection there-
14 with, and supervise and administer all phases of the budgetary
15 process as set forth in sections 132 to 141 of this act;

16 c. Enforce the county charter, the county's laws and all general
17 laws applicable thereto;

18 d. Supervise the care and custody of all county property, in-
19 stitutions and agencies;

20 e. Supervise the collection of revenues, and he shall audit and
21 control all disbursements and expenditures and shall prepare a
22 complete account of all expenditures. He shall also designate the
23 repositories of county funds;

24 f. Sign all contracts, bonds or other instruments requiring the
25 consent of the county;

26 g. Review, analyze and forecast trends of county services and
27 finances and programs of all boards, commissions, agencies and
28 other county bodies, and report and recommend thereon to the
29 board;

30 h. Develop, install and maintain centralized budgeting, personnel
31 and purchasing procedures as may be authorized by the administra-
32 tive code;

33 i. Negotiate contracts for the county subject to board approval;
34 make recommendations concerning the nature and location of county
35 improvements and execute improvements determined by the
36 board;

37 j. Assure that all terms and conditions, imposed in favor of the
38 county or its inhabitants in any statute, franchise or other contract,
39 are faithfully kept and performed;

40 k. Serve as an ex officio nonvoting member of all appointive
41 bodies in county government.

1 37. Powers. The county executive:

2 a. Shall supervise, direct and control all county administrative
3 departments;

4 b. With the advice and consent of the board, he shall appoint the
5 chief administrator and the heads of all county boards and com-
6 missions;

7 c. May at his discretion, remove or suspend any official in the
8 unclassified service of the county over whose office the county execu-
9 tive has power of appointment in accordance with the provisions of
10 section 87b;

11 d. May, at his discretion, delegate to department heads powers of
12 appointment and removal, subject to civil service provisions of their
13 departmental employees. If the county executive does not so dele-
14 gate his power he may appoint and remove, subject to civil service
15 requirements, all department heads, members of all boards and
16 commissions and all employees whose positions have been author-
17 ized by resolution of the board, by civil service, or as provided in
18 the adopted county budget, and the manner of whose appointment
19 is not specified elsewhere in this article;

20 e. May require reports and examine the accounts, records and
21 operations of any agency of county government;

22 f. May at his discretion order any agency under his jurisdiction
23 as specified in the administrative code to undertake any task for any
24 other agency on a temporary basis if he deems it necessary for the
25 proper and efficient administration of the county government to do
26 so;

27 g. Shall approve each ordinance of the board by signing it, or
28 may veto any ordinance by returning it to the clerk of the board
29 within 10 days of passage with a written statement of his objections
30 to the ordinance. If $\frac{2}{3}$ of the members of the board, upon recon-
31 sideration of the measure, shall vote for it, the executive's veto

32 shall be overridden and the ordinance shall become law in 10 days
33 without the executive's signature.

C. FREEHOLDER BOARD

1 38. The legislative power of the county shall be vested in the
2 board of chosen freeholders.

1 39. At its organizational meeting each January the board shall
2 select one of its members to serve as chairman and one as vice-
3 chairman for the year.

1 40. The county executive may be present and participate in dis-
2 cussions at all board meetings.

1 41. Board powers. The board of freeholders:

2 a. Shall advise and consent to all appointments by the executive
3 for which board confirmation is specified under this article;

4 b. Shall pass in accordance with this act whatever ordinances
5 and resolutions it deems necessary and proper for the good gov-
6 ernance of the county;

7 c. May appoint a clerk to the board who shall serve at its plea-
8 sure and keep the records and minutes of the board;

9 d. May appoint the county counsel, to serve at the pleasure of
10 the board. The counsel shall head the county's legal department;

11 e. May pass a resolution of disapproval or dismissal, subject to
12 the provisions of section 87b of this act;

13 f. May override a veto of the county executive by a $\frac{2}{3}$ vote;

14 g. Shall approve the annual operating and capital budgets. The
15 board may, by a majority vote reduce any item in the budget
16 presented by the executive but may increase an item over the
17 amount proposed by the executive only by a $\frac{2}{3}$ vote.

D. CHIEF ADMINISTRATOR

1 42. Appointment. The county executive shall appoint a chief
2 administrator who shall serve at his pleasure. The board shall
3 advise and consent to his nomination but shall not prevent his
4 suspension or dismissal by passage of a resolution of disapproval.

1 43. Qualifications. The chief administrator shall by education,
2 experience and ability be qualified to perform the duties established
3 for him.

4 He need not be a resident of the county at the time of his
5 appointment, but during his tenure he may live outside the county
6 only with the permission of the county executive.

1 44. Duties. The chief administrator shall be responsible only to
2 the executive. He shall, under the direction and supervision of the

3 executive, undertake to assist in the orderly and efficient admin-
4 istration of the county, performing whatever supervisory or
5 administrative duties the executive deems necessary and proper.

6 Nothing in this section shall be deemed to prohibit the chief
7 administrator's being appointed to head one or more departments
8 on a temporary or permanent basis.

ARTICLE 4. COUNTY MANAGER PLAN

A. FORM OF GOVERNMENT

1 45. Form; designation. The form of government provided in this
2 article shall be known as the "county manager plan," and shall,
3 together with articles 2 and 7 of this act, govern any county whose
4 voters have adopted it pursuant to this act.

1 46. Officers. Each county operating under this article shall be
2 governed by an elected board of freeholders and an appointed
3 county manager and by such other officers and employees as may
4 be duly appointed pursuant to this article, general law, or
5 ordinance.

B. COUNTY MANAGER

1 47. Qualifications, appointment, term. The county manager shall
2 be qualified by administrative and executive experience and ability
3 to serve as the chief executive of the county. He shall be appointed
4 by a majority vote of the whole number of the board of freeholders
5 and shall serve for an indefinite term. He may be removed by a
6 majority vote of the board subject to due notice and a public hear-
7 ing. Such notice shall be in writing and shall be accompanied by a
8 written bill of particular charges and complaints and public hear-
9 ing on these charges shall be no less than 15 nor more than 30
10 days after personal service of notice and charges.

11 At the time of his appointment the manager need not be a resi-
12 dent of the county but after his appointment he may reside outside
13 the county only with permission of the board.

1 48. Salary. The salary of the county manager shall be fixed by
2 the board of freeholders; such salary shall be reasonable and com-
3 mensurate with the fact that the position of county manager is and
4 shall be a full-time position. The salary of the county manager may
5 not be lowered during his tenure in office.

1 49. Vacancies. The office of county manager shall be deemed
2 vacant if: the incumbent moves his residence from the county
3 without board permission; or he is by death, physical or mental

4 illness or other casualty unable to continue to serve as county
5 manager. Any vacancy in the office of county manager shall be
6 filled in the manner prescribed in section 47 of this article. The
7 board of freeholders may appoint the deputy manager or any de-
8 partment head to serve as acting county manager until a successor
9 has been appointed. During the temporary absence or temporary
10 disability of the county manager the deputy manager or a depart-
11 ment head designated by the manager if there be no deputy man-
12 ager, shall serve as acting county manager.

1 50. Duties. The executive power of county shall be exercised by
2 the county manager. The county manager shall:

3 a. Report annually to the board of freeholders and to the people
4 on the state of the county, the work of the previous year and he
5 shall also recommend to the board whatever action or programs
6 he deems necessary for the improvement of the county and the
7 welfare of its residents. He may from time to time at his discre-
8 tion recommend any course of action or programs he deems ne-
9 cessary or desirable for the county to undertake;

10 b. Prepare and submit to the board for its consideration and
11 adoption an annual operating budget, a capital budget and a capi-
12 tal program; establish the schedules and procedures to be followed
13 by all county departments, offices and agencies in connection there-
14 with, and supervise and administer all phases of the budgetary
15 process as set forth in sections 132 to 141 of this act;

16 c. Enforce the county charter, the county's laws and all general
17 laws applicable thereto;

18 d. Supervise the care and custody of all county property, institu-
19 tions and agencies;

20 e. Supervise the collection of revenues, and he shall audit and
21 control all disbursements and expenditures and shall prepare a
22 complete account of all expenditures. He shall also designate the
23 repositories of county funds;

24 f. Sign all contracts, bonds or other instruments requiring the
25 consent of the county;

26 g. Organize the work of county departments subject to the
27 administrative code adopted by the board. He shall further review
28 their administration and operation and make recommendations
29 pertaining thereto to the board;

30 h. Review, analyze and forecast trends of county services and
31 finances and programs of all boards, commissions, agencies and
32 other county bodies, and report and recommend thereon to the
32A board;

33 i. Develop, install and maintain centralized budgeting, personnel
34 and purchasing procedures as may be authorized by the admin-
35 istrative code;

36 j. Negotiate contracts for the county subject to board approval
37 and make recommendations concerning the nature and location of
38 county improvements and execute improvements determined by
39 the board;

40 k. Assure that all terms and conditions imposed in favor of
41 the county or its inhabitants in any statute, franchise or other
42 contract, are faithfully kept and performed;

43 l. Serve as ex officio nonvoting member of all appointive bodies
44 in county government.

1 51. Powers. The county manager:

2 a. Shall supervise, direct and control all county administrative
3 departments;

4 b. Shall appoint the deputy manager, the heads of all county de-
5 partments, and all other administrative officers and county per-
6 sonnel the manner of whose appointment is not prescribed else-
7 where in this article;

8 c. May at his discretion, remove or suspend any official in the
9 unclassified service of the county over whose office the county man-
10 ager has power of appointment in accordance with the provisions
11 of section 87b;

12 d. May, at his discretion, delegate to any administrative officer
13 powers of appointment and removal of their departmental em-
14 ployees subject to civil service provisions. If the county manager
15 does not so delegate his power he may appoint and remove, subject
16 to civil service requirements, all department heads, members of all
17 boards and commissions and employees whose positions have been
18 authorized by resolution of the board, by civil service, or as pro-
19 vided in the adopted county budget; and the manner of whose
20 appointment is not specified elsewhere in the article;

21 e. May require reports and examine the accounts, records and
22 operations of any agency of county government;

23 f. May, at his discretion, order any agency under his jurisdiction
24 as specified in the administrative code to undertake any task for
25 any other agency on a temporary basis if he deems it necessary for
26 the proper and efficient administration to do so.

C. FREEHOLDER BOARD

1 52. The legislative power of the county shall be vested in the
2 board of chosen freeholders.

1 53. At its organizational meeting each January the board shall
 2 select one of its members to serve as chairman and one to serve
 3 as vice-chairman for the year. The chairman shall preside over
 4 board meetings during his tenure, and in his absence the vice-
 5 chairman shall preside.

1 54. The county manager may be present at all board meetings
 2 and participate in all deliberations, without the right to vote.

1 55. Board powers. The board of freeholders:
 2 a. Shall appoint a county manager under the provisions of sec-
 3 tion 47 of this article and may create the office of deputy manager;
 4 b. May appoint a clerk to the board who shall serve at its
 5 pleasure and keep the records and minutes of the board;
 6 c. May appoint a county counsel, to serve at the pleasure of the
 7 board, who shall head the county's legal department;
 8 d. Shall appoint members of all boards and commissions and
 9 other bodies whose manner of appointment is not otherwise
 10 specified in this article;
 11 e. May pass a resolution of disapproval of a suspension or dis-
 12 missal, subject to the provisions of section 87b of this act;
 13 f. Shall approve the annual operating and capital budgets;
 14 g. Shall pass in accordance with this act whatever ordinances
 15 and resolutions it deems necessary and proper for the good
 16 governance of the county.

D. DEPUTY MANAGER

1 56. Appointment. Subject to creation of such position the county
 2 manager may appoint a deputy manager who shall serve at his
 3 pleasure; the board may not prevent his suspension or dismissal
 4 by passage of a resolution of disapproval.

1 57. Qualifications. The deputy manager shall by education, ex-
 2 perience and ability be qualified to perform the duties established
 3 for him.

4 He need not be a resident of the county at the time of his appoint-
 5 ment, but during his tenure may live outside the county only with
 6 the permission of the manager.

1 58. Duties. The deputy manager shall be responsible only to the
 2 manager. He shall, under the direction and supervision of the man-
 3 ager, undertake to assist in the orderly and efficient administration
 4 of the county, performing whatever supervisory or administrative
 5 duties the executive deems necessary and proper.

6 Nothing in this section shall be deemed to prohibit the deputy
 7 manager's being appointed to head one or more departments on
 8 a temporary or permanent basis.

ARTICLE 5. COUNTY SUPERVISOR PLAN

A. FORM OF GOVERNMENT

1 59. Form; designation. The form of government provided in this
 2 article shall be known as the "county supervisor plan," and shall,
 3 together with articles 2 and 7 of this act, govern any county whose
 4 voters have adopted it pursuant to this act.

1 60. Elected officers. Each county operating under this article
 2 shall be governed by an elected board of freeholders and an elected
 3 county supervisor and by such other officers and employees as may
 4 be duly appointed pursuant to this article, general law, or
 5 ordinance.

B. COUNTY SUPERVISOR

1 61. Qualifications, election, term. The county supervisor shall
 2 be a qualified voter of the county residing in the county. He shall
 3 be elected from the county at large for a term of 3 years commenc-
 4 ing on January 1 next following his election.

1 62. Salary. The salary of the county supervisor shall be fixed
 2 by ordinance of the board of freeholders; such salary shall be
 3 reasonable and commensurate with the duties of the office and may
 4 not be lowered during his tenure in office.

1 63. Vacancies. The office of county supervisor shall be deemed
 2 vacant if the incumbent moves his residence from the county or
 3 he is by death, physical or mental illness or other casualty unable
 4 to continue to serve as county supervisor. Any vacancy in the
 5 office of county supervisor shall be filled in the manner prescribed
 6 by law for the election of county officers at the next general election
 7 occurring not less than 60 days after the occurrence of the vacancy.
 8 The board of freeholders shall appoint one of their number to serve
 9 as acting county supervisor until a successor has been elected.
 10 During the temporary absence or temporary disability of the
 11 county supervisor the chief administrator shall serve as acting
 12 county supervisor, except that he shall not preside over freeholder
 13 board meetings.

1 64. Duties. The executive power of the county shall be exercised
 2 by the county supervisor. The county supervisor shall:
 3 a. Report annually to the board of freeholders and to the people
 4 on the state of the county and the work of the previous year. He
 5 shall also recommend to the board whatever action or programs he
 6 deems necessary for the improvement of the county and the welfare
 7 of its residents. He may from time to time at his discretion recom-

8 mend any course of action or programs he deems necessary or
9 desirable for the county to undertake;
10 b. Preside over board meetings, with the right to vote in cases
11 of ties; during his absence the board shall designate one of their
12 members to serve as chairman pro tempore of the board;
13 c. Serve as spokesman for the board on matters concerning
14 policies and programs;
15 d. Serve as representative of the board at ceremonial and civic
16 occasions;
17 e. Through the county administrator: enforce the county
18 charter, the county's laws and all general laws applicable thereto;
19 f. Serve as ex officio nonvoting member of all appointive bodies
20 in county government.
21 g. Represent the board in all dealings with the county admin-
22 istrator, except as otherwise specified herein;
23 h. Sign all contracts, bonds or other instruments requiring the
24 consent of the county.

1 65. Powers. The county supervisor shall:
2 a. Insure adequate supervision, direction and control of all
3 county administrative departments, and care and maintenance of
4 all county properties, institutions and agencies by the county
5 administrator;
6 b. With the advice and consent of the board, appoint all officials
7 whose manner of appointment is not prescribed elsewhere in this
8 article;
9 c. At his discretion, remove or suspend anyone occupying one
10 of the offices over which the county supervisor has power of
11 appointment in accordance with the provisions of section 87b;
12 d. At his discretion, require from the county administrator re-
13 ports and examine the accounts, records and operations of any
14 agency of county government;
15 e. At his discretion order any agency under his jurisdiction as
16 specified in the administrative code to undertake any task for any
17 other agency on a temporary basis if he deems it necessary for
18 the proper and efficient administration to do so;
19 f. Approve each ordinance of the board by signing it, or may
20 veto any ordinance by returning it to the clerk of the board within
21 10 days of passage with a written statement of his objections to
22 the ordinance. If $\frac{2}{3}$ of the members of the board, upon reconsidera-
23 tion of the measure, shall vote for it, the supervisor's veto shall be
24 overridden and the ordinance shall become law in 10 days without
25 the supervisor's signature.

C. FREEHOLDER BOARD

1 66. The legislative power of the county shall be vested in the
2 board of chosen freeholders.
1 67. Board powers. The board of freeholders:
2 a. Shall pass in accordance with this act whatever ordinances
3 and resolutions it deems necessary and proper for the good govern-
4 ance of the county;
5 b. Shall appoint and remove the county administrator by a
6 majority vote and may create the office of, appoint and remove, a
7 deputy administrator or by a majority vote;
8 c. Shall advise and consent to all appointments by the supervisor
9 and administrator for which board confirmation is specified under
10 this article;
11 d. May appoint a clerk to the board who shall serve at its
12 pleasure and keep the records and minutes of the board;
13 e. May appoint the county counsel, to serve at the pleasure of
14 the board. The counsel shall head the county's legal department;
15 f. May pass a resolution of disapproval of a suspension or dis-
16 missal, subject to the provisions of section 87b of this act;
17 g. May override a veto of the county supervisor by $\frac{2}{3}$ vote;
18 h. Shall approve the annual operating and capital budgets.

D. CHIEF ADMINISTRATOR

1 68. Appointment. The chief administrator shall serve at the
2 pleasure of the board.
1 69. Qualifications. The chief administrator shall by education,
2 experience and ability, be qualified to perform the duties estab-
3 lished for him.
4 He need not be a resident of the county at the time of his
5 appointment, but during his tenure he may live outside the county
6 only with the permission of the board.
1 70. Duties. The chief administrator shall be responsible to the
2 board through the supervisor except as specified below. He shall
3 be responsible for the efficient administration of the county's
4 government. He shall:
5 a. Prepare and submit directly to the board for its consideration
6 and adoption an annual operating budget, a capital budget and a
7 capital program, establish the schedules and procedures to be
8 followed by all county departments, offices and agencies in connec-
9 tion therewith, and supervise and administer all phases of the
10 budgetary process as set forth in sections 132 to 141 of this act;

11 b. Supervise the collection of revenues, and he shall audit and
12 control all disbursements and expenditures and shall prepare a
13 complete account of all expenditures. He shall also designate the
14 repository funds;

15 c. Supervise the care and custody of all county property, institu-
16 tions and agencies;

17 d. Organize the work of county departments, subject to the
18 administrative code adopted by the board. He shall further review
19 administration and make recommendations pertaining thereto to
20 the board through the supervisor;

21 e. Review, analyze and forecast trends of county services and
22 finances and programs of all boards, commissions, agencies and
23 other county bodies, and report and recommend thereon to the
24 board;

25 f. Develop, install and maintain centralized budgeting, personnel
26 and purchasing procedures as may be authorized by the administra-
27 tive code;

28 g. Negotiate contracts for the county subject to board approval
29 and make recommendations concerning the nature and location of
30 county improvements to be determined by the board;

31 h. Assure that all terms and conditions, imposed in favor of the
32 county or its inhabitants in any statute, franchise or other contract,
33 are faithfully kept and performed.

1 71. Powers. The county administrator shall:

2 a. Supervise, direct and control all county administrative de-
3 partments;

4 b. Appoint the heads of all county departments and all other
5 administrative officers and county personnel the manner of whose
6 appointment is prescribed elsewhere in this article;

7 c. At his discretion, remove or suspend any official in the un-
8 classified service of the county over whose office the county admin-
9 istrator has power of appointment in accordance with the pro-
10 visions of section 87b;

11 d. At his discretion, delegate to any administrative officer powers
12 of appointment and removal of their departmental employees sub-
13 ject to civil service provisions. If the county administrator does
14 not so delegate his power he may appoint and remove, subject to
15 civil service requirements, all employees whose positions have been
16 authorized by resolution of the board, by civil service, or as pro-
17 vided in the adopted county budget;

18 e. At his discretion, require reports and examine the accounts,
19 records and operation of any agency of county government;

20 f. May, at his discretion, order any agency under his jurisdiction

21 as specified in the administrative code to undertake any task for
22 any other agency on a temporary basis if he deems it necessary for
23 the proper and efficient administration to do so.

ARTICLE 6. BOARD PRESIDENT PLAN

A. FORM OF GOVERNMENT

1 72. Form; designation. The form of government provided in this
2 article shall be known as the "board president plan," and shall,
3 together with articles 2 and 7 of this act, govern any county whose
4 voters have adopted it pursuant to this act.

1 73. Elected officers. Each county operating under this article
2 shall be governed by an elected board of freeholders and a free-
3 holder board president and by such other officers and employees as
4 may be duly appointed pursuant to this article, general law, or
5 ordinance.

B. BOARD PRESIDENT

1 74. Qualifications, election, term. The board president shall be a
2 duly elected member of the board of freeholders. He shall be elected
3 by the board of freeholders at their organizational meeting for a
4 term of 2 years, such term to begin immediately after his election
5 on January 1.

1 75. Salary. The salary of the board president shall be fixed by
2 ordinance of the board of freeholders; such salary shall be reason-
3 able and commensurate with the duties of the office.

1 76. Vacancies. The office of board president shall be deemed
2 vacant if: the incumbent moves his residence from the county; or
3 he is by death, physical or mental illness or other casualty unable
4 to continue to serve as board president. Any vacancy in the office
5 of board president shall be filled in the manner prescribed by law
6 for the election of county officers at the next general election occur-
7 ring not less than 60 days after the occurrence of the vacancy. The
8 board of freeholders shall appoint one of their number to serve as
9 acting board president for the remainder of the unexpired term.
10 During the temporary absence or temporary disability of the board
11 president the vice-president shall serve as acting president.

1 77. Duties. The executive power of the county shall be exercised
2 by the board president. He shall:

3 a. Report annually to the board of freeholders and to the people
4 on the state of the county, the work of the previous year and he
5 shall also recommend to the board whatever action or programs he

6 deems necessary for the improvement of the county and the welfare
7 of its residents. He may from time to time at his discretion recom-
8 mend any course of action or programs he deems necessary or
9 desirable for the county to undertake;
10 b. Preside over board meetings with the right to vote on all
11 questions;
12 c. Serve as spokesman for the board on matters concerning
13 policies and programs;
14 d. Serve as representative of the board at ceremonial and civic
15 occasions;
16 e. Through the county administrator: enforce the county charter,
17 the county's laws and all general laws applicable thereto;
18 f. Represent the board in all dealings with the county admin-
19 istrator, except as otherwise specified herein;
20 g. Execute all contracts, bonds or other instruments requiring
21 the consent of the county.

1 78. Powers. The board president shall:
2 a. Insure adequate supervision, direction and control of all county
3 administrative departments, and care and maintenance of all county
4 properties, institutions and agencies by the county administrator;
5 b. With the advice and consent of the board, appoint all members
6 of independent or advisory boards and commissions and all other
7 officials not serving in the administrative service of the county the
8 manner of whose appointment is not prescribed elsewhere in this
9 article;
10 c. Serve as an ex-officio nonvoting member of all appointive
11 bodies in county government.
12 d. At his discretion, require from the county administrator re-
13 ports and examine the accounts, records and operations of any
14 agency of county government;
15 e. At his discretion, remove or suspend anyone occupying one of
16 the offices specified in subsection b of this section subject to the
17 procedures set forth in section 87b of this act.

C. FREEHOLDER BOARD

1 79. The legislative power of the county shall be vested in the
2 board of chosen freeholders.
3 80. The board shall elect a president as specified in this article.
4 At its organizational meeting each January the board shall select
5 one of its members to serve as vice-president for the year.

1 81. Board powers. The board of freeholders:
2 a. Shall pass in accordance with this act whatever ordinances or
3 resolutions it deems necessary and proper for the good governance
4 of the county;
5 b. Shall appoint and remove the county administrator by a
6 majority vote and may create the office of, appoint and remove, a
7 deputy administrator by a majority vote;
8 c. Shall advise and consent to all appointments by the president
9 and administrator for which board confirmation is specified under
10 this article;
11 d. May appoint a clerk to the board who shall serve at its pleasure
12 and keep the records and minutes of the board;
13 e. May appoint the county counsel, to serve at the pleasure of the
14 board. The counsel shall head the county's legal department;
15 f. May pass a resolution of disapproval of a suspension or dis-
16 missal, subject to the provisions of section 87b of this act;
17 g. Shall approve the annual operating and capital budgets.

D. CHIEF ADMINISTRATOR

1 82. Appointment. The county administrator shall serve at the
2 pleasure of the board.
3 83. Qualification. The chief administrator shall by education, ex-
4 perience and ability, be qualified to perform the duties established
5 for him. He need not be a resident of the county at the time of his
6 appointment, but during his tenure he may live outside the county
7 only with the permission of the board.
8 84. Duties. The chief administrator shall be responsible to the
9 board through the president except as specified below. He shall be
10 responsible for the efficient administration of the county's govern-
11 ment. He shall:
12 a. Prepare and submit directly to the board for its consideration
13 and adoption an annual operating budget, a capital budget and a
14 capital program, establish the schedules and procedures to be
15 followed by all county departments, offices and agencies in connec-
16 tion therewith, and supervise and administer all phases of the
17 budgetary process as set forth in sections 132 to 141, inclusive;
18 b. Supervise the collection of revenues, and he shall audit and
19 control disbursements and expenditures and shall prepare a com-
20 plete account of all expenditures. He shall also designate the
21 repositories of county funds;
22 c. Supervise the care and custody of all county property, institu-
23 tions and agencies;

17 d. Organize the work of county departments, subject to the
18 administrative code adopted by the board. He shall further review
19 their administration and make recommendations pertaining thereto
20 to the board;

21 e. Review, analyze and forecast trends of county services and
22 finances and programs of all boards, commissions, agencies and
23 other county bodies, and report and recommend thereon to the
24 board;

25 f. Develop, install and maintain centralized budgeting, personnel
26 and purchasing procedures as may be authorized by the admin-
27 istrative code;

28 g. Negotiate contracts for the county subject to board approval
29 and make recommendations concerning the nature and location of
30 county improvements and execute improvements determined by the
31 board;

32 h. Assure that all terms and conditions, imposed in favor of the
33 county or its inhabitants in any statute, franchise or other contract,
34 are faithfully kept and performed.

1 85. Powers. The county administrator shall:

2 a. Supervise, direct and control all county administrative de-
3 partments;

4 b. Appoint the heads of all county departments and all other
5 administrative officers and county personnel the manner of whose
6 appointment is not prescribed elsewhere in this article;

7 c. May at his discretion, remove or suspend any official in the
8 unclassified service of the county over whose office the county
9 administrator has power of appointment, in accordance with the
10 provisions of section 87b;

11 d. May, at his discretion, delegate to any administrative officer
12 powers of appointment and removal of their departmental em-
13 ployees subject to civil service provisions. If the county adminis-
14 trator does not so delegate his power he may appoint and remove,
15 subject to civil service requirements, all department heads, mem-
16 bers of all boards and commissions, employees whose positions have
17 been authorized by resolution of the board, by civil service, or as
18 provided in the adopted county budget, and the manner of whose
19 appointment is not specified elsewhere in this article;

20 e. May require reports and examine the accounts, records and
21 operations of any agency of county government;

22 f. May, at his discretion, order any agency under his jurisdiction
23 as specified in the administrative code to undertake any task for
24 any other agency on a temporary basis if he deems it necessary for
25 proper and efficient administration to do so.

ARTICLE 7. PROVISIONS APPLICABLE TO ALL PLANS

A. RELATIONS BETWEEN THE LEGISLATIVE AND EXECUTIVE BRANCHES

1 86. Separation of powers. In any county that shall have adopted
2 a charter under this act, the board of chosen freeholders shall deal
3 with county employees only through the officials responsible for
4 the over-all executive management of the county's affairs as
5 designated in articles 3 through 6 of this act—i.e., through the
6 county executive, the county manager, the county supervisor, and
7 the board president, respectively. All contact with county em-
8 ployees, all actions and communications concerning the administra-
9 tion of the county's government and provision of services, shall be
10 through the aforementioned officials, except as otherwise provided
11 in this act.

12 Nothing in this act shall be construed to prohibit the board's
13 inquiry into any act or problem of the county's administration.
14 Any freeholder may require a report on any aspect of the govern-
15 ment of the county at any time by making a written request to the
16 head of the executive branch of county government. The board
17 may, by majority vote of the whole number of its members, require
18 the head of the executive branch to appear before the board sitting
19 as a committee of the whole, and to bring before the board such
20 records and reports, and such officials and employees of the county
21 as the board shall deem necessary to insure clarification of the
22 matter under study.

23 The board further may, by majority vote of the whole number of
24 its members, delegate any number of its members as an ad hoc
25 committee to consult with the head of the executive branch to study
26 any matter and to report to the board thereon.

27 It is the intent of this act to confer on the board general legisla-
28 tive and such investigative powers as are germane to the exercise
29 of its legislative powers, but to retain in the head of the executive
30 branch full control over the county administration and over the
31 administration of county services provided for in this act.

1 87. a. Appointments and dismissal. No member of any board of
2 chosen freeholders in a county operating under a charter adopted
3 pursuant to this act shall individually or collectively seek to in-
4 fluence the head of the executive branch to dismiss any person
5 from, or to appoint or to promote any person to, any position in
6 the executive branch of county government, except that the board
7 may, by a resolution of disapproval, adopted by a $\frac{2}{3}$ vote of the
8 whole number of the board, prevent the dismissal of certain em-
9 ployees under conditions as set forth in subsection b of this section.

10 b. Suspension procedure. Suspensions will take effect imme-
11 diately upon personal service of notice setting forth the order of
12 suspension or dismissal. Dismissal or suspension for a definite
13 term shall occur automatically in 30 calendar days from receipt of
14 notice. But, if the officer or employee requests a public hearing on
15 his dismissal or suspension for a definite term, no action beyond
16 temporary suspension may be taken until the individual to be sus-
17 pended or dismissed is given a public hearing not less than 15 nor
18 more than 30 days after personal service of written notice of con-
19 templated action. A copy of such notice shall be filed with the clerk
20 to the board of freeholders immediately upon service of notice to
21 the individual to be suspended or dismissed. In the event that
22 within 35 days of receiving such notice, the board shall pass by a
23 $\frac{2}{3}$ vote of the whole number of the board, a resolution of dis-
24 approval, all proceedings and any suspension or dismissal of the
25 individual shall be voided. In terms of recompense to the individ-
26 ual, a vote of disapproval shall be deemed to negative the suspen-
27 sion or dismissal order and for purposes of pay and civil service
28 standing the action shall be deemed never to have transpired.

29 If, however, the suspension or dismissal order shall allege that
30 the individual against whom action is contemplated or pending has
31 committed a criminal act in the conduct of his public trust, no
32 resolution of the board shall stay proceedings and the matter shall
33 be brought to a public hearing in the manner prescribed above. If
34 at that hearing probable cause for prosecution is found, all evidence
35 shall immediately be forwarded to the county prosecutor for further
36 action.

37 If, however, evidence does not warrant referral of the case to the
38 county prosecutor, or if a grand jury does not return an indictment
39 against the individual in question, or if he is found not guilty in a
40 plenary trial on the merits, and if the board shall have passed a
41 resolution of disapproval in the manner described above, said in-
42 dividual shall be restored to his original position without record of
43 the action, or prejudice therefrom, and shall receive full compensa-
44 tion retroactive to the date of his suspension.

B. RECALL

1 88. Elective officers; removal by recall petition and vote. Any
2 elective officer shall be subject to removal from office for cause
3 connected with his office, after he has served at least 1 year, upon
4 the filing of a recall petition and the affirmative vote of a majority

5 of those voting on the question of removal at any general, regular
6 county or special election.

1 89. Recall petition. A recall petition shall demand the removal of
2 a designated incumbent, shall be signed by registered voters equal
3 in number to not less than 20% of the registered voters as of 40
4 days before last most recent primary or general election.

1 90. Signatures to recall petition. Each signer of a recall petition
2 shall add to his signature his place of residence giving the street
3 and number or other sufficient designation if there shall be no street
4 and number. One of the signers to each such paper shall take an
5 oath that the statement therein made is true as he believes and that
6 each signature appended to the paper is the genuine signature of
7 the person whose name it purports to be. Within 10 days from
8 date of filing the petition the county clerk shall complete his exam-
9 ination and ascertain whether or not such petition is signed by the
10 requisite number of qualified voters, shall attach to the petition his
11 certificate showing the result of his examination and shall by
12 certified or registered mail send a copy of the certificate to the per-
13 son filing the petition. If by that certificate the petition is shown to
14 be insufficient it may be amended within 10 days from the date of
15 said certificate. The county clerk shall within 5 days after such
16 amendment make a similar examination and determination of the
17 amended petition, and if the certificate shall show the same to be
18 insufficient, it shall be returned to the person filing it without pre-
19 judice to the filing of a new petition to the same effect.

1 91. Notice to officer; recall election; notice of filing of petition.
2 If the petition shall be sufficient the county clerk shall within 2 days
3 notify the official whose recall is sought thereby. If such notice
4 cannot be served personally upon the official affected, service may
5 be made by registered mail addressed to the officer's last known
6 address. If within 5 days after the service of the notice by the
7 county clerk the official sought to be recalled by such petition does
8 not resign or, having tendered his resignation, it shall not have
9 been accepted by the board of freeholders, the county clerk shall
10 order and fix a date for holding a recall election not less than 60
11 nor more than 90 days from the filing of the petition. Notice of the
12 filing of the petition and of the date of the election shall be posted
13 for public view in the office of the county clerk and he shall also
14 publish the notice forthwith in the manner provided by section 142
15 of this act.

1 92. Ballots. The ballots at the recall election shall conform to the
2 requirements respecting the election of county officers, as provided

3 in this article or in Title 19 of the Revised Statutes (Elections),
4 whichever shall apply in the county in accordance with the pro-
5 visions of this act, except that the words "recall election" shall
6 appear on the ballot. The recall features of the ballot shall appear
7 at the top thereof and shall be separated from the portion of the
8 ballot for the election of officers by a heavy black line. The pro-
9 posal for recall shall be placed on the ballot in the following
10 manner:

11 "Shall (here insert name of incumbent)
12 be removed from office by recall?" this matter shall occupy
13 2 lines in bold-face type. Immediately below the above word-
14 ing shall appear the phrase "for recall," and immediately
15 underneath such phrase the words "against recall." Imme-
16 diately at the left of each of these two phrases shall be printed
17 a square, in which the voter may make a cross (X) or plus
18 (+) or a check (V) mark. Immediately below the foregoing
19 shall appear the following:

20 "Indicate your vote by placing a cross (X) or plus (+) or a
21 check (V) mark in one of the squares above."

1 93. Removal of more than one officer. If the removal of more
2 than one officer is sought the same provisions for submitting to the
3 electors the question and direction hereinbefore described shall be
4 repeated in the case of each officer concerned and their position on
5 the ballot for their recall shall be in the order of the filing of the
6 petition with the county clerk.

1 94. Election of successor; use of recall ballot. The same ballot
2 used for submitting the question or questions of recall shall be used
3 for the election of a successor to the incumbent sought to be re-
4 moved and immediately under the black line following the recall
5 question shall appear the phrase "Nominees for successors of
6 (here insert name of incumbent) in the
7 event he is recalled." The names of all persons nominated as
8 successors shall be placed upon the ballot in the manner provided
9 for other elections of county officers. The incumbent sought to be
10 removed may not run to succeed himself in the recall election.

1 95. Laws governing recall elections; selection of candidate for
2 successor of recalled incumbent. The provisions of this article or
3 of Title 19 of the Revised Statutes (Elections), whichever shall
4 apply in the county in accordance with the provisions of this act,
5 concerning the nomination of the county officers, preparation of the
6 ballot, election of county officers, counting and canvassing of the
7 results of the election of such officers, shall apply to the election for

8 the recall of officers and the election of their successors. The county
9 committee of each political party shall be authorized to select a
10 candidate for successor of a recalled incumbent in the manner as
11 provided by Title 19 of the Revised Statutes for nominations to
12 fill vacancy after the last day for filing petitions for nominations
13 in the primary elections.

1 96. Publication of notices of arrangements for recall elections;
2 conduct. The county clerk shall cause to be made due publication of
3 notices of arrangements for holding all recall elections and they
4 shall be conducted as are other elections for county officers.

1 97. Results of elections.

2 a. If a majority of voters in connection with the recall of any
3 officer be in favor of the recall, the term of office of such officer shall
4 terminate, upon the certification of the results of election by the
5 county clerk;

6 b. If the results of such recall election shall, by the certificate of
7 the county clerk, be shown to be against the recall of the officer he
8 shall continue in office as if no recall election had been held, and the
9 vote for the election for the successor of such officer taken at the
10 time of such attempted recall shall be void.

1 98. Successor where incumbent resigns or is recalled. If the office
2 of the incumbent shall become vacant either by his resignation or
3 by the result of the recall election, his successor shall be the nominee
4 receiving the greatest number of votes at the recall election. The
5 person so elected shall serve for the remainder of the unexpired
6 term.

C. COUNTY LEGISLATION

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

12 The Clerk to the board shall keep a journal of the board's pro-
13 ceedings and record, sign and present to the board for approval,

14 the minutes of every meeting. All official action or votes of the
15 board shall be taken at meetings open to the public.

1 100. Rules of procedure; quorum; resolutions; compensation.

2 a. The board shall promptly after its organization determine
3 and adopt, by resolution, a set of bylaws prescribing its own rules
4 of procedure. Said bylaws shall not be inconsistent with any law-
5 ful ordinance or statute;

6 b. A majority of the whole number of the members of the board
7 shall constitute a quorum;

8 c. A resolution shall mean any act or regulation of the board re-
9 quired to be reduced to writing, but which may be finally passed at
10 the meeting at which it is introduced. The vote upon every resolu-
11 tion shall be taken by roll call and the yeas and nays shall be entered
12 on the minutes;

13 d. The compensation of the county executive, supervisor, man-
14 ager or board president, and of freeholders and the chief admin-
15 istrator and department heads shall be fixed by the board by ordi-
16 nance promptly after its organization.

1 101. Ordinances.

2 a. An ordinance shall mean any act or regulation of the board
3 required to be reduced to writing, published after introduction, and
4 considered for final passage after public hearing at a meeting sub-
5 sequent to the meeting at which it was introduced;

6 b. Except as otherwise provided by general law the procedure
7 for the passage of ordinances shall be as follows:

8 (1) Every ordinance after being introduced and having passed a
9 first reading, which first reading may be by title, shall be published
10 at least once in the manner provided by section 142 of this act,
11 together with a notice of the introduction thereof and the time and
12 place when and where it will be further considered for final passage.
13 If there be only one such publication the same shall be at least 2
14 weeks prior to the time fixed for further consideration for final pas-
15 sage. If there be more than one publication, the first shall be at
16 least 2 weeks prior to the time fixed for further consideration for
17 final passage. A copy of the proposed ordinance shall also be sent
18 by regular mail to the clerk of each municipality in the county not
19 less than 10 days prior to the date of hearing.

20 (2) At the time and place so stated in such publication, or at any
21 time and place to which the meeting for the further consideration
22 of the ordinance shall from time to time be adjourned, all persons
23 interested shall be given an opportunity to be heard concerning

24 the ordinance. Final passage thereof shall be at least 10 days after
25 the first reading.

26 (3) Upon the opening of the hearing, the ordinance shall be given
27 a second reading, which reading may be by title, and thereafter, it
28 may be passed by a majority of the whole number of the board, with
29 or without amendments, or rejected. Prior to the said second read-
30 ing, a copy of the ordinance shall be posted on the bulletin board
31 or other place upon which public notices are customarily posted in
32 the building in which the board regularly meets, and copies of the
33 ordinance shall be made available to members of the general public
34 who shall request such copies. If any amendment be adopted, sub-
35 stantially altering the substance of the ordinance, the ordinance as
36 so amended shall not be finally adopted until at least 2 weeks there-
37 after, and the ordinance as amended shall be read at a meeting of
38 the board, which reading may be by title, and shall be published,
39 together with a notice of the introduction, and the time and place
40 when and where the amended ordinance will be further considered
41 for final passage, at least 5 days prior to the time so fixed. At
42 the time and place so fixed, or at any other meeting to which the
43 further consideration of the amended ordinance may be adjourned,
44 the board may proceed to pass the ordinance, as amended, or again
45 amend it in the same manner.

46 (4) Upon passage, every ordinance, or the title, together with a
47 notice of the date of passage or approval, or both, shall be published
48 at least once in the manner provided by section 142 of this
49 act.

50 (5) Three copies of the full text of every ordinance so adopted
51 shall be filed with the clerk of each municipality within the county
52 not later than 10 days after the date of final passage.

53 (6) The board may enact, amend or supplement ordinances
54 establishing, amending or supplementing a code or any parts
55 thereof by reference to such code in any such ordinance and without
56 inclusion of the text thereof in such ordinance if the code to be
57 adopted and any related documents are printed in book form and a
58 copy of such printed code and related documents so marked as to
59 indicate plainly what portion thereof, if less than the whole, is in-
60 tended to be adopted, is annexed to such ordinance and if such
61 code and related documents or such portion thereof as is intended
62 to be adopted is so described in said ordinance as to identify them
63 and there is indicated in said description the common or trade
64 name, if any, of such code and related documents and it is stated in
65 the ordinance that three copies of said code and said related docu-
66 ments, similarly marked, have been placed on file in the office of the

67 clerk of said board, upon the introduction of said ordinance and
68 will remain on file there until final action is taken on said ordinance,
69 for the use and examination of the public.

70 It shall not be necessary to publish any such code or related docu-
71 ments, so to be adopted, as part of any such ordinance notwith-
72 standing that printed copies thereof are annexed thereto, either
73 before or after the final passage of such ordinance, if said printed
74 copies are filed as aforesaid. The board of freeholders however
74A may order the publication of said code or a synopsis in the manner
74B provided by section 142 of this act if it is deemed that such proce-
74C dure will be in the public interest because of the content and im-
74D portance of the provisions of the code.

75 If any such ordinance is adopted, the said copies of said code and
76 related documents shall remain on file in said office, so long as said
77 ordinance is in effect, and three copies shall be placed on file and
78 shall remain on file in the office of each clerk of each municipality
79 within the county, for the use and examination of the public so long
80 as said ordinance is in effect and printed copies of said ordinance
81 and said code and related documents shall be made available to
82 citizens on request and for which a nominal fee may be charged.

83 For the purpose of proof of any such ordinance or receipt thereof
84 in evidence in all courts and places, such copy of such code and re-
85 lated documents, so marked and annexed to such ordinance, shall
86 be construed to be part of said ordinance, as fully as though it had
87 been set forth at length therein.

88 (7) The board may prescribe penalties for the violation of ordi-
89 nances it may have authority to pass, either by imprisonment in
90 the county jail for any term not exceeding 90 days, or by a fine not
91 exceeding \$500.00, or both. The court before which any person is
92 convicted of violating any such ordinance shall have power to
93 impose any fine or term of imprisonment not exceeding the max-
94 imum fixed in such ordinance.

95 Any person convicted of the violation of any ordinance may, in
96 the discretion of the court by which he was convicted, and in de-
97 fault of the payment of any fine imposed therefor, be imprisoned
98 in the county jail for any term not exceeding 90 days.

99 c. No ordinance other than the county budget ordinance shall
100 take effect less than 20 days after its final passage by board and
101 approval by the county executive, or supervisor or board chairman
102 or president, where such approval is required, unless the board
103 shall adopt a resolution declaring an emergency and at least $\frac{2}{3}$ of
104 all the members of the board vote in favor of such resolution.

1 102. Recording of ordinances and resolutions. The clerk to the
2 board of freeholders shall record all ordinances and resolutions
3 adopted by board and at the close of each year, with the advice and
4 assistance of the county counsel shall bind, compile or codify true
5 copies of all the ordinances and resolutions adopted during that
6 year, properly indexed. He shall cause sufficient copies thereof to
7 be printed to enable him to file three copies with the clerk of each
8 municipality within the county, without charge, and also to make
9 copies available to the general public, at cost.

1 103. Rules and regulations; filing; publication. No rule or regu-
2 lation made by any department, officer, agency or authority of the
3 county, except such as relates to the organization or internal man-
4 agement of the county government or a part thereof, shall take
5 effect until it is filed by the clerk to the board of freeholders with the
6 clerk of each municipality in the county, and in such other manner as
7 may be provided by ordinance. The clerk to the board shall provide
8 for the prompt publication of such rules and regulations.

D. INITIATIVE AND REFERENDUM

1 104. Petition; percentage of registered voters required. The
2 voters of any county shall have the power of initiative and, pur-
3 suant thereto, may propose any ordinance and may adopt or reject
4 the same at the polls. Any initiated ordinance may be submitted to
5 the board by a petition signed by a number of registered voters
6 equal to 15% of the registered voters of the county as of 40 calendar
7 days before the last most recent primary or general election.

1 105. Power of referendum; time for filing petition. The voters
2 shall have the power of referendum and, pursuant thereto, may
3 approve or reject at the polls any ordinance submitted by the board
4 to the voters or any ordinance passed by the board, against which
5 a referendum petition has been filed as herein provided. No ordi-
6 nance passed by the county board, except when otherwise required
7 by general law or permitted by the provisions of section 116 or any
8 other section of this act, shall take effect earlier than 20 days from
9 the time of its final passage and its approval by the county executive
10 or supervisor or board chairman or president where such approval
11 is required. If within 20 days after such final passage and approval
12 of such ordinance a petition protesting against the passage of such
13 ordinance shall be filed with the county clerk and if the petition shall
14 be signed by a percentage of the registered voters in numbers equal
15 to 15% of the registered voters of the county as of forty calendar
16 days before the last most recent primary or general election, the

17 ordinance shall be suspended from taking effect until proceedings
18 are had as herein provided.

1 106. Petition papers; affidavits. All petition papers circulated
2 for the purposes of an initiative or referendum shall be uniform in
3 size and style. Initiative petition papers shall contain the full text
4 of the proposed ordinance. The signatures to initiative or referen-
5 dum petitions need not all be appended to one paper, but to each
6 separate petition there shall be attached a statement of the circu-
7 lator thereof as provided by this section. Each signer of any such
8 petition paper shall sign his name in ink or indelible pencil and
9 shall indicate after his name his place of residence by street and
10 number, or other description sufficient to identify the place. There
11 shall appear on each petition paper the names and addresses of
12 three voters, designated as the committee of petitioners, who shall
13 be regarded as responsible for the circulation and filing of the
14 petition and for its possible withdrawal as hereinafter provided.
15 Attached to each separate petition paper there shall be an affidavit
16 of the circulator thereof that he, and he only, personally circulated
17 the foregoing paper, that all the signatures appended thereto were
18 made in his presence, and that he believes them to be the genuine
19 signatures of the persons whose names they purport to be.

1 107. Filing of petition papers; examination; certification of
2 result. All petition papers comprising an initiative or referendum
3 petition shall be assembled and filed with the county clerk as one
4 instrument. Within 20 days after a petition is filed, the county
5 clerk shall determine whether each paper of the petition has a
6 proper statement of the circulator and whether the petition is
7 signed by a sufficient number of qualified voters. After completing
8 his examination of the petition, the county clerk shall certify the
9 result thereof to the board at its next regular meeting. If he shall
10 certify that the petition is insufficient he shall set forth in his
11 certificate the particulars in which it is defective and shall at once
12 notify at least two members of the committee of the petitioners of
13 his findings.

1 108. Amendment of initiative or referendum petition. An initia-
2 tive or referendum petition may be amended at any time within 10
3 days after the notification of insufficiency has been served by the
4 county clerk, by filing a supplementary petition upon additional
5 papers signed and filed as provided in case of an original petition.
6 The county clerk shall, within 5 days after such an amendment is
7 filed, examine the amended petition and, if the petition be still in-
8 sufficient, he shall file his certificate to that effect in his office and

9 notify the committee of the petitioners of his findings and no
10 further action shall be had on such insufficient petition. The finding
11 of the insufficiency of a petition shall not prejudice the filing of a
12 new petition for the same purpose.

1 109. Suspension of ordinance. Upon the filing of a referendum
2 petition with the county clerk, the ordinance shall be suspended
3 until 10 days following a finding by the county clerk that the peti-
4 tion is insufficient or, if amended petition be filed, until 5 days
5 thereafter; or, if the petition or amended petition be found to be
6 sufficient, until it be withdrawn by the committee of the petitioners
7 or until repeal of the ordinance by vote of the board or approval or
8 disapproval of the ordinance by the voters.

1 110. Submission to board of freeholders. Upon a finding by the
2 county clerk that any petition or amended petition filed with him in
3 accordance with this act is sufficient, the clerk shall submit the same
4 to the board without delay. An initiative ordinance so submitted
5 shall be deemed to have had first reading and provision shall be
6 made for a public hearing.

1 111. Submission of ordinance to voters; withdrawal of petition.
2 If within 60 days of the submission of a certified petition by the
3 county clerk the board shall fail to pass an ordinance requested by
4 a referendum petition, the county clerk shall submit the ordinance
5 to the voters, unless within 10 days after final adverse action by the
6 board or after the expiration of the time allowed for such action, as
7 the case may be, a paper signed by at least four of the five members
8 of the committee of the petitioners shall be filed with the county
9 clerk requesting that the petition be withdrawn. Upon the filing of
10 such a request, the original petition shall cease to have any force
11 or effect.

1 112. Referendum election. Any ordinance to be voted on by the
2 voters in accordance with sections 104 through 116 of this act shall
3 be submitted at the next general or regular county election occurring
4 not less than 60 days after the date of final action by the board or
5 the expiration of the time allowed for action by board in section 111
6 of this article, as the case may be, provided that if no such election
7 is to be held within 90 days the board may in its discretion provide
8 for a special election.

1 113. Number of proposed ordinances voted upon; time between
2 special elections. Any number of proposed ordinances may be voted
3 upon at the same election in accordance with the provisions of this
4 article, but there shall not be more than one special election in any
5 period of 6 months for such purpose.

1 114. Publication of ordinance. Whenever an ordinance is to be
2 submitted to the voters of the county at any election in accordance
3 with this article, the clerk shall cause the ordinance to be published
4-5 in the manner provided by section 142 of this act. The publication
6 shall be not more than 20 nor less than 5 days before the submis-
7 sion of the ordinance or proposition to be voted on.

1 115. Ballots. The ballots to be used at such election shall be in
2 substantially the following form:

3 "To vote upon the public question printed below, if in favor
4 thereof mark a cross (X) or plus (+) or check (V) in the
5 square at the left of the word 'Yes', and if opposed thereto
6 mark a cross (X) or plus (+) or a check (V) in the square to
7 the left of the word 'No'."

	Yes	"Shall the ordinance (indicate whether submitted by board or initiative or referendum petition) providing for (here state nature of proposition) be adopted?"
	No	

1 116. Results of election; conflicting measures. If a majority of
2 the qualified electors voting on the proposed ordinance shall vote in
3 favor thereof, such ordinance shall thereupon become a valid and
4 binding ordinance of the county and be published as in the case of
5 other ordinances. If the provisions of two or more measures
6 approved or adopted at the same election conflict, then the measure
7 receiving the greatest affirmative vote shall control.

E. ELECTION DISTRICTS

1 117. Division of county adopting a district representation system
2 under section 1.14 c into districts. Whenever any county adopts a
3 district representation system as set forth in section 14c of this
4 act, said county shall be divided into districts by the district com-
5 missioners as hereinafter provided.

1 118. District commissioners. The members of the county board
2 of elections, together with the county clerk of the county, shall con-
3 stitute the district commissioners.

1 119. Meeting of district commissioners; division into districts.
2 Within 5 days following the election at which the voters of the
3 county shall have adopted one of said optional plans, the district
4 commissioners shall meet and, having first taken and subscribed

5 before some officer authorized to administer oaths, an oath faith-
6 fully and impartially to perform the duties imposed upon them,
7 shall forthwith proceed to divide the county into such number of
8 districts as is specified in the adopted plan.

1 120. Boundaries of districts; population difference. The district
2 commissioners shall fix and determine the district boundaries so
3 that each district is formed of compact and contiguous territory.
4 The districts so created shall be as equal as possible in population.

1 121. Report and certificate; map. Within 30 days after the adop-
2 tion of one of said optional plans, the district commissioners shall
3 make and file their report and certificate over at least three of their
4 signatures setting forth and properly describing the district
5 boundaries fixed and determined, to which there shall be annexed
6 a map of the county with the district boundaries clearly marked
7 thereon.

8 The report so certified shall be filed in the office of the clerk of
9 the county, and a copy thereof shall also be filed with the Secretary
10 of State.

1 122. Notice of district boundaries; publication. A notice of the
2 district boundaries as fixed and determined by the district commis-
3 sioners shall be published by the clerk of the county at least once
4 in the manner provided by section 142 of this act within 2 weeks
5 immediately next succeeding the filing of the report and certificate
6 required by section 121 of this act.

7 Upon completion of the publication, all officers elected or
8 appointed in the county for or representing the districts thereof
9 shall be elected from or appointed for the districts fixed by the
10 district commissioners hereunder.

1 123. Adjustments in district boundaries following census. Within
2 3 months following the official promulgation of each decennial
3 Federal census, the district commissioners shall meet, in the manner
4 heretofore provided in this article for the purpose of making such
5 adjustments in district boundaries as shall be necessary pursuant
6 to section 120 of this act. Within 30 days following such meeting
7 they shall discharge their duties and report to the county in the
8 same manner as provided in sections 121 and 122 of this act.

F. SUCCESSION IN GOVERNMENT

1 124. Schedule of installation of optional plan adopted. The
2 schedule of installation of an optional plan adopted pursuant to
3 this act shall, as provided herein, take the following course:

4 a. An election to submit the question of adoption of an optional
5 plan may be held at any time in accordance with the provisions of
6 article 1 of this act;

7 b. In the event of a favorable vote of the voters at the above
8 election, the first election of officers under the adopted plan shall
9 take place at the next general election occurring no less than 75
10 days next following the adoption of one of the optional plans in
11 this act.

12 c. The offices of the entire board of freeholders and all other
13 offices established by any plan in this act which has been adopted
14 by the registered voters of the county except sheriff, clerk, sur-
15 rogate and register of wills shall be voted on at the first general
16 election following adoption of such plan. In November of the first
17 general election after the adoption of any plan provided in this
18 act, the terms of all incumbent members of the board of freeholders
19 shall be deemed terminated at noon on the first Monday following
20 the election of the new board of freeholders. On that date the
21 newly-elected freeholders shall take office and the new board shall
22 organize itself in accordance with the plan adopted thereunder.
23 All freeholders and other officers elected in the first general election
24 following the adoption of any plan provided in this act shall take
25 office at noon on the Monday next following their election, but their
26 terms shall expire in accordance with the plan selected, as if they
27 had taken office on January 1 in the year following their election.
28 But nothing in this section shall be construed to prevent an in-
29 cumbent freeholder from becoming a candidate for the new board,
30 even if his present time on the board has not yet expired. In the
31 event that the plan approved provides for concurrent terms, all
32 freeholders shall be elected for concurrent 3-year terms. In the
33 event that the approved plan provides for staggered terms, terms
34 shall be as follows:

35 (1) If there be five members to be elected, two shall be elected for
36 3 years, two shall be elected for 2 years, and one for 1 year.

37 (2) If there be seven members to be elected, three shall be elected
38 for 3 years, two for 2 years, and two for 1 year.

39 (3) If there be nine members to be elected, three shall be elected
40 for 3 years, three for 2 years and three for 1 year.

41 In all elections, after the first election under this act, all members
42 shall be elected for 3-year terms beginning on January 1 in the
43 year following their election.

1 125. Adoption of the administrative code. On or before 12:00 m.
2 on May 1 following the organization of the first board of chosen
3 freeholders elected under this act, the board of chosen freeholders

4 shall adopt an administrative code organizing the administration
5 of the county government, setting forth the duties and responsi-
6 bilities and powers of all county officials and agencies, and the
7 manner of performance needed. Nothing in the administrative
8 code shall change the duties or powers of county officers whose
9 existence is mandated by the constitution or shall diminish the
10 duties, responsibilities or powers of any elected or appointed head
11 of the executive branch or chief assistant thereto or chief or county
12 administrator.

1 126. Effective date of administrative code. At 12:00 m. on May 1
2 following the organization of the first board of chosen freeholders
3 elected under this act, the administrative code shall enter into
4 effect, and all hithertofore existing agencies shall assume the form,
5 perform the duties, and exercise the power granted them under
6 the administrative code and shall do so in the manner prescribed
7 therein.

1 127. Existing resolutions remain in force where not inconsistent.
2 Upon the effective date of the charter change, all resolutions of
3 the county to the extent that they are not inconsistent with the
4 provisions of this act shall remain in full force and effect until
5 modified or repealed as provided by law.

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

3 a. No subordinate board, department, body, office, position or
4 employment shall be created and no appointments shall be made
5 to any subordinate board, department or body, or to any office,
6 employment or position, without limitation, between the date of
7 election of officers and the date of the adoption of the administrative
8 code.

9 b. All actions and proceedings of a legislative, executive or
10 judicial character which are pending upon the effective date of an
11 optional plan adopted pursuant to this act may continue, and the
12 appropriate officer or employee theretofore exercising or discharg-
13 ing the function, power or duty involved in such action or
14 proceeding.

G. CIVIL SERVICE

1 129. Employees in the classified service. At 12:00 m. on May 1
2 following the election of the first freeholder board elected under
3 any plan set forth in articles 3 through 6 of this act, all officers and
4 employees in the classified service of the county shall be transferred
5 to the department, division or agency to which the functions, powers

6 or duties in which they were engaged are allocated under the
7 administrative code. Such transfer shall be without examination
8 or diminution of existing compensation pension or retirement
9 rights, privileges or obligations of any such officer or employee.
10 It is the intent of the Legislature that the adoption of any plan
11 found in this charter shall not adversely effect the civil service
12 tenure, pension, seniority or promotional rights of any county officer
13 or employee in the classified service.

1 130. County administration of civil service. The board of free-
2 holders of any county adopting one of the plans of government set
3 forth in this act may by resolution apply to the New Jersey Civil
4 Service Commission for permission to administer the merit system
5 through a county department of civil service. Such administration
6 shall include classification, recruitment, examination, establishment
7 of eligibility lists, grievances, compensation, and other conditions
8 of employment, all to be performed under the general supervision
9 of the New Jersey Department of Civil Service, and in addition such
10 other functions as the State Department may authorize or approve.

1 131. Procedures for establishment of county department of civil
2 service. Upon passage of a resolution by the board of freeholders
3 calling for the establishment of a county department of civil service
4 the chief executive of the county shall transmit a copy of the resolu-
5 tion together with such other communication as he may deem appro-
6 priate to the President of the New Jersey Civil Service Commission.
7 The president of the commission shall then instruct his staff to
8 determine if administration of civil service by that county would
9 be consistent with the administration of an equitable system
10 governing the employment of public employees throughout the
11 State, the best interests of public employees throughout the State
12 and within the county requesting such approval, and the public
13 interest in the efficient governance of the county on behalf of its
14 citizens.

15 The commission shall, by rules adopted for the purpose, require
16 the board of freeholders requesting its approval to submit a plan
17 for the administration by such county department of a system of
18 civil service, which plan shall include information sufficient to
19 determine the capacity, competency and ability of the county
20 department to administer properly the provisions of the Civil
21 Service Law. Such plan shall not be implemented nor shall such
22 department be operative until after receipt by the requesting board
23 of freeholders of a statement of approval, in writing, of the Civil
24 Service Commission and, in any event, until after the passage of 2
25 years from the date upon which such plan is submitted by the board

26 to the commission. The revision, amendment or repeal of such plan
27 and the acts and ordinances enacted in connection therewith shall
28 be subject to the approval of the commission in the same manner
29 as hereinabove provided except that the mandatory period of delay
30 shall not apply and the Civil Service Commission shall exercise
31 its authority to approve or disapprove within a reasonable time.
32 The Civil Service Commission shall assure the compliance with
33 provisions of the Civil Service Law of the administration of a
34 system of civil service by any county department and the adminis-
35 tration of such a system shall be subject to the continuing audit,
36 review and approval of the State Civil Service Commission
37 pursuant to rules promulgated by it for that purpose.

H. THE BUDGETARY PROCESS

1 132. Fiscal year. The fiscal year of the county shall be the
2 calendar year except as may be otherwise provided by the Local
3 Budget Law.

1 133. Preparation and submission of current expense budget and
2 capital budget; hearings, distribution of budget document. On or
3 before January 15 of each year, the budget officer (i.e. the county
4 executive in the case of a charter adopted under article 3, the
5 county manager in the case of a charter adopted under article 4,
6 or the chief administrator in the case of charters adopted under
7 articles 5 and 6), shall submit to the board of chosen freeholders,
8 a budget document consisting of: (1) the current expense budget
9 for the ensuing fiscal year; (2) the county capital budget and (3) a
10 budget message. On or before September 1 of each year, the budget
11 officer shall establish the schedules and procedures to be followed
12 by all county departments, offices and agencies to prepare for these
13 and all other financial documents. Every budgetary request shall
14 be advertised according to law. No budgetary request shall be
15 approved and submitted by the budget officer until after a public
16 hearing has been held thereon and tax payers and all persons
17 having an interest thereon shall have been given an opportunity
18 to present objections. Public hearings on budget requests shall be
19 held according to law, at the time and place set by the budget officer.

1 134. Scope of budget and message. The budget document shall
2 be prepared by the budget officer in such form as will comply with
3 the Local Budget Law, together with such additional schedules and
4 analyses as he deems desirable, or as may be required or approved
5 by the board of chosen freeholders. The budget message shall
6 explain the budget both in fiscal terms and in terms of work to be

7 done. It shall outline the proposed financial policies of the county
8 for the ensuing fiscal year, describe the important features of the
9 budget plan, and indicate its major objectives. It shall indicate
10 any major changes in financial policies and in expenditures, appro-
11 priations and revenues as compared with the preceding fiscal year,
12 and shall set forth reasons for the changes.

1 135. Scope of capital budget and program; definitions. The
2 capital budget and program shall be prepared by the budget officer
3 in such form as required by law, together with such schedules and
4 analyses as he deems desirable, or as may be required or approved
5 by the board of freeholders.

6 A capital budget shall be a plan for the expenditure of public
7 funds for capital purposes for the ensuing year showing
8 as income: the revenues, special assessments, free surplus, in down
9 payment appropriations to be applied to the cost of a capital project
10 or projects, expenses of issuance of obligations, engineering super-
11 vision, contracts and other related expenditures.

12 A capital program shall include a statement of capital under-
13 takings underway or projected for a period not greater than over
14 the next ensuing 6 years as a general improvement program.

1 136. Budgets: notice and hearing. A public hearing shall be
2 held on the current expense budget and capital budget in accordance
3 with the Local Budget Law. At such hearings, the budget officer
4 shall provide for discussion of the capital program as well.

1 137. Budgets: board action. After the public hearing, the board
2 shall act upon the budget document in accordance with the Local
3 Budget Law.

1 138. Appropriation requests; allotments. During the next to last
2 month before the beginning of the fiscal year, the head of each
3 department, office and agency of the county shall submit to the
4 budget officer a work program for the year, which program shall
5 include all requests for appropriations for its operation and
6 maintenance, and shall show the proposed allotments of said appro-
7 priations for such department, office or agency by quarters for the
8 entire fiscal year. The budget officer shall review requested allot-
9 ments in light of the work program of the department, office or
10 agency concerned, and if he deems it necessary, may revise, alter,
11 or change them before the same are submitted to the board of free-
12 holders. The aggregate of such allotments shall not exceed the total
13 appropriation available to each department, office or agency for the
14 fiscal year.

15 No expenditure for a department, office or agency shall be made
16 from the appropriations except on the basis of approved allotments.

17 The approved allotments may be revised during the fiscal year,
18 within the appropriations available by the budget officer or upon
19 application by the head of any department, office or agency ap-
20 proved by the budget officer. If at any time during the fiscal year,
21 the budget officer shall ascertain that the probable current revenue,
22 plus fund balances, for the fiscal year will be less than the total
23 appropriations, he may reconsider the work programs and allot-
24 ments of the several departments, offices and agencies and revise
25 them accordingly.

1 139. Payments and obligations; certifications; penalties. No
2 payment shall be authorized or made and no obligations shall be
3 incurred against the county except in accordance with appropri-
4 ations duly made. No obligation shall be incurred against any
5 allotment or appropriation unless the budget officer or his designee
6 first certifies that there is a sufficient unencumbered balance in the
7 allotment or appropriation, and that sufficient funds therefrom will
8 be available to meet the obligation concerned when it becomes due
9 and payable. Any county officer or employee who knowingly
10 authorizes or makes any payments or incurs any obligation in
11 violation of the provisions of this charter or takes part therein
12 may in addition to any other penalty provided by law, be removed
13 from his office or employment.

1 140. Other payments and obligations. Nothing contained in this
2 section or otherwise in the charter shall be construed to prevent
3 the making or authorizing of payments or making of contracts for
4 capital improvements to be financed wholly or partly by the issuance
5 of bonds; nor shall it prevent the making, when permitted by statute
6 or ordinance, of any contract or lease providing for the payment
7 of funds at a time beyond the end of the fiscal year which the
8 contract or lease is made. Any contract, lease or other obligation
9 requiring the payment of funds from the appropriations of a
10 later fiscal year or of more than 1 fiscal year may be made or
11 approved only by ordinance.

1 141. Annual post-audit. The board of chosen freeholders shall
2 provide annually for an independent audit of the accounts and
3 other evidences of financial transactions of the county and of every
4 county department, office and agency, pursuant to law.

I. PUBLICATION OF OFFICIAL NOTICES

1 142. Whenever notice by publication is required under this act
2 the clerk to the board of freeholders or the county counsel, which-
3 ever shall be charged by the board to do so, or any other person

4 charged under any section of this act with the duty of causing such
5 publication, shall cause all such notices to be published in two
6 newspapers qualified by law and designated by majority vote of
7 the board of freeholders to publish the county's legal notices. The
8 two newspapers designated by the board of freeholders shall be:
9 a. both printed and published in the county one of which shall be
10 either a newspaper published at the county seat of such county or
11 a newspaper published in a municipality in such county having the
12 largest population according to the last population estimate pub-
13 lished by the Division of Economic Development of the New Jersey
14 Department of Labor and Industry or
15 b. one printed and published in such county and one circulating
16 in such county, if only one daily newspaper is printed and published
17 in such county; or
18 c. one published at the county seat and one circulating in the
19 county if no daily newspaper is published; or
20 d. both circulating in such county, if no newspapers are printed
21 and published in such county.

J. GENERAL PROVISIONS

1 143. Partial invalidity. If any clause, sentence, paragraph,
2 section, or part of this act shall be adjudged to be invalid by any
3 court of competent jurisdiction, such judgment shall not affect,
4 impair or invalidate the remainder thereof, but shall be confined
5 in its operation to the clause, sentence, paragraph, section or part
6 thereof directly involved in the controversy in which such judgment
7 shall have rendered.

1 144. Short title. This act shall be known as the "Optional County
2 Charter Law."

1 145. Effective date. This act shall take effect immediately.

SENATE COUNTY AND MUNICIPAL GOVERNMENT
COMMITTEE

STATEMENT TO

SENATE, No. 283

STATE OF NEW JERSEY

DATED: MARCH 23, 1972

Senate Bill No. 283 sets forth the organizational forms and manner of adoption of four basic alternative models of county government charters. Article 2, section 26 asserts the primary objective of the optional county charter to be one of essentially widening the range of choices of governmental structures so as to permit county governments to exercise in a more expeditious and efficient manner those powers and duties mandated to them by the State Legislature.

SENATE, No. 786

STATE OF NEW JERSEY

INTRODUCED MARCH 16, 1972

By Senators SCHILUTER, MUSTO, MARESSA, EPSTEIN
and SCHIAFFO

Referred to Committee on County and Municipal Government

AN ACT concerning contracts by counties adopting the provisions
of the "Optional County Charter Law."

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

1 1. The power to enter into contractual agreements by counties
2 granted by section 27g of the "Optional County Charter Law,"
3 P. L., c., shall be limited to agreements with
4 any other governmental body or group of bodies within and with-
5 out the borders of the county but within the borders of the State.

1 2. This act shall take effect immediately but shall be inoperative
2 until enactment of the "Optional County Charter Law."

STATEMENT

The purpose of this bill is to clarify the intention of the authority granted to counties to enter into contracts with other governmental bodies provided under the proposed "Optional County Charter Law" without the necessity and cost of reprinting that bill as originally proposed.

SENATE, No. 1149

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 13, 1972

By Senator SCHLUTER

Referred to Committee on County and Municipal Government

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

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

1 1. Section 8 of P. L. 1972, c. 154 (C. 40:41A-8) is amended to
2 read as follows:

3 8. Advisors to the charter study commission. In any county in
4 which a charter study commission has been established under this
5 act, there shall also be established an advisory body to be known
6 as the advisory board whose members shall have the right to
7 participate in the deliberations of the charter study commission,
8 but without the right to vote on commission recommendations or to
9 endorse or dissent from any report of the commission by virtue of
10 their official advisory role, although this in no way shall be deemed
11 to inhibit their right to make comments as individuals after the
12 release to the public of the charter study commission's report. The
13 advisory board shall consist of the persons who, as of the second
14 Tuesday of January next following the commission's organization
15 *meeting, shall hold the following offices: the director of the county*
16 *board of freeholders, the county chairmen of the two political*
17 *parties which received the largest vote in the county in three out of*
18 *four of the most recent gubernatorial elections, the mayor of the*
19 *municipality having the largest population in the county and the*
20 *mayor of the municipality having the smallest population of over*
21 *250 in the county, according to the last population estimate pub-*
22 *lished by the [Division of Economic Development of the] New*
23 *Jersey Department of Labor and Industry, one Senator and one*
24 *member of the General Assembly, both of whom shall be [members*

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

25 of the county's delegation in the Legislature and both of whom
 26 shall be] residents of the county at the time of their election to the
 27 advisory body. The Senator and member of the General Assembly
 28 shall be elected to the advisory body by a majority vote of the whole
 29 number of the county's board of chosen freeholders within 1 week
 30 of the approval of the charter study referendum by the county's
 31 voters.

32 Nothing in this act shall be deemed to prohibit the board of chosen
 33 freeholders from electing as legislative members of the advisory
 34 body any persons who are not at the time of their election to the
 35 advisory body incumbent legislators but who will be legislators as
 36 of 3 p.m. on the second Tuesday of January following the election
 37 of the charter study commission. If there [be no legislators or
 38 legislators-elect of the county's legislative delegation] *is not at*
 39 *least one Senator and one member of the General Assembly* residing
 40 in the county as of 7 days after the approval of the charter study
 41 referendum by the voters, the board of freeholders shall [elect]
 42 *fill the seat or seats in question by electing one or two mayors of*
 43 *municipalities within the county to membership on the advisory*
 44 *[body] board.*

45 If the advisory [body] board shall include among its members
 46 three or four mayors pursuant to the above provisions, no more
 47 than two of these mayors shall be of the same political party, [.]
 48 *unless there are no mayors of another party or without party*
 49 *affiliation in the county who will accept election to the advisory*
 50 *board.* The mayor of any municipality operating under a non-
 51 partisan form of government shall be deemed to be a member of
 52 the party in whose primary election he last voted. If he shall never
 53 have voted in a primary election, he shall be deemed to have no
 54 party affiliation.

55 The membership of the advisory board shall be promulgated by
 56 the chairman of the charter study commission not later than 3 p.m.
 57 on the second Tuesday of January following the commission's
 58 organization meeting. If for any reason any member of the
 59 advisory board shall vacate the office by virtue of which he sits
 60 on the board, his successor, regardless of such successor's party
 61 affiliation, shall also succeed him on the board on the effective date
 62 of his assuming his predecessor's office.

1 2. Section 21 of P. L. 1972, c. 154 (C. 40:41A-21) is amended to
 2 read as follows:

3 21. The county clerk shall cause the question to be submitted at
 4 the general election occurring not less than 60 days next following

5 the filing of the petition, or, if there be no general election within
 6 120 days next following the filing of the petition, then at a special
 7 election occurring not less than 60 days and not more than 120 days
 8 next following the filing of such petition. At such election, the
 9 referendum question shall appear on the ballot in the same manner
 10 as other public questions are printed on the ballot.

1 3. Section 23 of P. L. 1972, c. 154 (C. 40:41A-23) is amended to
 2 read as follows:

3 23. After adoption or rejection, no vote on change for [5] 3
 4 years. Whenever the [voters of any county shall have adopted an
 5 optional form of government pursuant to articles 3, 4, 5 or 6 of
 6 this act] *question of whether to adopt one of the optional forms of*
 7 *government provided in articles 3, 4, 5 or 6 of this act shall have*
 8 *been placed before the voters of a county in a referendum at a*
 9 *general or special election, no subsequent referendum question*
 10 *[for another] to change the form of government shall be sub-*
 11 *mitted to the voters until not less than [5] 3 years shall have*
 12 *elapsed after the effective date of the optional form [so] approved*
 13 *by the voters, or, in the case of a proposed change which was de-*
 14 *feated at a referendum election, until 3 years shall have elapsed*
 15 *after the date of the election.*

1 4. Section 26 of P. L. 1972, c. 154 (C. 40:41A-26) is amended to
 2 read as follows:

3 26. General law. For the purposes of this act, a "general law"
 4 shall be deemed to be such law or part thereof, heretofore or here-
 5 after enacted, that:

- 6 a. Is not inconsistent with this act; and
- 7 b. Is by its terms applicable to or available to all counties, or;
- 8 c. [Additional laws or provisions of law whether] *Is applicable*
 9 *to all counties or to any category or class of counties, and deals*
 10 *with one or more of the following subjects: the administration of*
 11 *the judicial system, education, elections, health, county public au-*
 12 *thorities, taxation, and finance, and welfare.*

13 Nothing in this act shall be construed to prevent counties from
 14 abolishing or consolidating agencies the existence of which has
 15 heretofore been mandated by State statute providing that such
 16 abolition or consolidation shall not alter the obligation of the county
 17 to continue providing the services previously provided by such
 18 abolished or consolidated agency.

19 The intent of this act is to enable a county that has adopted a
 20 charter pursuant to this act to cause any duty that has been man-
 21 dated to it by the Legislature to be performed in the most efficient

22 and expeditious manner, and, absent a clear legislative declara-
23 tion to the contrary, without regard to organizational, structural or
24 personnel provisions contained in the legislation mandating such
25 duty.

1 5. Section 27 of P. L. 1972, c. 154 (C. 40:41A-27) is amended to
2 read as follows:

3 27. County powers generally. Any county that has adopted a
4 charter pursuant to this act may, subject to the provisions of such
5 charter, general law and the State Constitution:

6 a. Organize and regulate its internal affairs; create, alter and
7 abolish offices, positions and employments and define the functions,
8 powers and duties thereof; establish qualifications for persons
9 holding offices, positions and employments; and provide for the
10 manner of their appointment and removal and for their term,
11 tenure and compensation.

12 b. Adopt, amend, enforce, and repeal ordinances and resolutions
13 as defined in section 100, notwithstanding the effect of any refer-
14 endum conducted prior to the county's adoption of its charter pur-
15 suant to this act.

16 c. Construct, acquire, operate or maintain public improvements,
17 projects or enterprises for any public purposes, subject to such
18 referendum as may otherwise be imposed by law;

19 d. Exercise powers of eminent domain, borrowing and taxation
20 only as provided by general State law;

21 e. Exercise all powers of county government in such manner as
22 its board of freeholders may determine;

23 f. Sue and be sued; have a corporate seal; contract and be con-
24 tracted with; buy, sell, lease, hold and dispose of real and personal
25 property; appropriate and expend moneys for county purposes;

26 g. Enter into contractual agreements with any other govern-
27 mental body or group of bodies within or without the borders of
28 the county; without regard to whether such other governmental
29 body or group of bodies be a unit of State, county, or municipal
30 government or a school district, authority or special district, to
31 perform on behalf of that unit, any service or function which that
32 unit would be authorized to provide for itself or for any other unit
33 of government; provided, however, that no county shall contract
34 to provide a service or function to any unit in any other county
35 unless the board of freeholders of such other county shall first
36 approve the proposed contract. All contracts under this section
37 shall be specific as to the terms for rendering of services, the level,
38 quality, and scope of the services to be performed, the cost of
39 providing these services, and the duration of the contract. Such

40 contract may provide for binding arbitration or for binding fact-
 41 finding procedures to settle disputes or questions arising as to the
 42 terms of service and quality and quantity levels thereof to be pro-
 43 vided under the contract. All services shall be performed on a cost
 44 basis, and no contract shall be for a duration of more than 7 years.
 45 Nothing in this section shall be construed to prevent two or more
 46 counties from jointly undertaking a contract to provide a service
 47 or function to any other unit or group of units. For the purposes
 48 of this section, the county shall be deemed to be the general agent
 49 of the other party or parties to the contract with respect to the
 50 performance of the service or services as specified in the contract,
 51 with full powers of performance and maintenance of the service
 52 contracted for and full powers to undertake any operation ancillary
 53 thereto, and all other powers of enforcement and administrative
 54 regulation which are or might be exercised by the contracting
 55 principal. Except that no contracting party shall be liable for any
 56 part or share of the cost of constructing or maintaining any capital
 57 facility built by the county to provide such service unless such part
 58 or share of the cost of such capital facility's construction or
 59 maintenance is provided for in the contract between the two parties
 60 and the governing bodies of such contracting parties shall have
 61 ratified the contract. Nothing in this section shall be construed
 62 to prevent the contracting for provision of more than one service
 63 or group of services by the county, and the county may become
 64 the agent of any other unit of government in the performance of
 65 any and all functions which the contracting unit sees fit to employ
 66 the county as agent to perform.

67 *However, the administration of municipal civil service may not*
 68 *be contracted to any county under this section.*

1 6. Section 29 of P. L. 1972, c. 154 (C. 40:41A-29) is amended to
 2 read as follows:

3 29. Municipal advisory councils. Regional advisory councils.
 4 The board of freeholders~~may~~ shall by resolution establish a
 5 municipal advisory council consisting of the mayors of all mu-
 6 nicipalities in the county and in addition ~~to, or instead of, a~~
 7 ~~municipal advisory council~~, the board may establish regional
 8 advisory councils consisting of the mayors of neighboring mu-
 9 nicipalities or municipalities that have common interests or
 10 problems.

11 The board of freeholders shall meet periodically with the
 12 advisory councils to discuss county and municipal problems, county-
 13 municipal relations, cooperation in service problems, coordination
 14 of operations and capital facilities development, and other subjects

15 of mutual interest in order to provide closer county-municipal
16 liaison and cooperation.

1 7. Section 36 of P. L. 1972, c. 154 (C. 40:41A-36) is amended to
2 read as follows:

3 36. Duties. The executive power of the county shall be exercised
4 by the county executive. He shall:

5 a. Report annually to the board of freeholders and to the people
6 on the state of the county, and the work of the previous year; he
7 shall also recommend to the board whatever action or programs he
8 deems necessary for the improvement of the county and the wel-
9 fare of its residents. He may from time to time at his discretion
10 recommend any course of action or programs he deems necessary
11 or desirable for the county to undertake;

12 b. Prepare and submit to the board for its consideration and
13 adoption an annual operating budget~~[,] and~~ a capital budget ~~[and~~
14 a capital program], establish the schedules and procedures to be
15 followed by all county departments, offices and agencies in connec-
16 tion therewith, and supervise and administer all phases of the
17 budgetary process [as set forth in sections 132 to 141 of this act];

18 c. Enforce the county charter, the county's laws and all general
19 laws applicable thereto;

20 d. Supervise the care and custody of all county property, in-
21 stitutions and agencies;

22 e. Supervise the collection of revenues, [and he shall] audit and
23 control all disbursements and expenditures and [shall] prepare a
24 complete account of all expenditures[. He shall also designate the
25 repositories of county funds];

26 f. Sign all contracts, bonds or other instruments requiring the
27 consent of the county;

28 g. Review, analyze and forecast trends of county services and
29 finances and programs of all boards, commissions, agencies and
30 other county bodies, and report and recommend thereon to the
31 board;

32 h. Develop, install and maintain centralized budgeting, personnel
33 and purchasing procedures as may be authorized by the administra-
34 tive code;

35 i. Negotiate contracts for the county subject to board approval;
36 make recommendations concerning the nature and location of
37 county improvements and execute improvements determined by the
38 board;

39 j. Assure that all terms and conditions, imposed in favor of the
40 county or its inhabitants in any statute, franchise or other contract,
41 are faithfully kept and performed;

42 k. Serve as an ex-officio nonvoting member of all appointive
43 bodies in county government.

1 8. Section 37 of P. L. 1972, c. 154 (C. 40:41A-37) is amended to
2 read as follows:

3 37. Powers. The county executive:

4 a. Shall supervise, direct and control all county administrative
5 departments;

6 b. With the advice and consent of the board, [he] shall appoint
7 the [chief] administrator and the heads of all county boards, *de-*
8 *partments* and commissions;

9 c. May, at his discretion, remove or suspend any official in the
10 unclassified service of the county over whose office the county execu-
11 tive has power of appointment in accordance with the provisions of
12 section 87 b.;

13 d. May, at his discretion, delegate to department heads powers
14 of appointment and removal, subject to civil service provisions, of
15 their departmental employees. If the county executive does not so
16 delegate his power he may appoint and remove, subject to civil
17 service requirements, all [department heads,] members of all
18 boards and commissions and all employees whose positions have
19 been authorized by resolution of the board, by civil service, or as
20 provided in the adopted county budget, and the manner of whose
21 appointment is not specified elsewhere in this article;

22 e. May require reports and examine the accounts, records and
23 operations of any agency of county government;

24 f. May at his discretion order any agency under his jurisdiction
25 as specified in the administrative code to undertake any task for any
26 other agency on a temporary basis if he deems it necessary for the
27 proper and efficient administration of the county government to do
28 so;

29 g. Shall approve each ordinance of the board by signing it, or
30 may veto any ordinance by returning it to the clerk of the board
31 within 10 days of passage with a written statement of his objections
32 to the ordinance. If $\frac{2}{3}$ of the [members] *full membership* of the
33 board, upon reconsideration of the measure, shall vote for it, the
34 executive's veto shall be overridden and the ordinance shall become
35 law [in 10 days] without the executive's signature[.], *in accord-*
36 *ance with the provisions of law.*

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

3 41. Board powers. The board of freeholders:

4 a. Shall advise and consent to all appointments by the executive
5 for which board confirmation is specified under this article;

6 b. Shall pass in accordance with this act whatever ordinances
7 and resolutions it deems necessary and proper for the good gov-
8 ernance of the county;

9 c. **【May】** *Shall* appoint a clerk to the board who shall serve at its
10 pleasure and keep the records and minutes of the board;

11 d. **【May】** *Shall* appoint the county counsel, to serve at the
12 pleasure of the board**【**. The counsel shall**】** *and* head the county's
13 legal department;

14 e. May pass a resolution of disapproval or dismissal, subject to
15 the provisions of section 87b of this act;

16 f. May override a veto of the county executive by a $\frac{2}{3}$ vote of its
17 *full membership*;

18 g. Shall approve the annual operating and capital budgets**【**. The
19 board may, by a majority vote reduce any item in the budget pre-
20 sented by the executive but may increase an item over the amount
21 proposed by the executive only by a $\frac{2}{3}$ vote**】** *pursuant to the Local*
22 *Budget Law*.

1 10. Section 42 of P. L. 1972, c. 154 (C. 40:41A-42) is amended
2 to read as follows:

3 42. Appointment. The county executive shall appoint **【a chief】**
4 *an* administrator who shall serve at his pleasure. The board shall
5 advise and consent to his nomination but shall not prevent his
6 suspension or dismissal by passage of a resolution of disapproval.

1 11. Section 43 of P. L. 1972, c. 154 (C. 40:41A-43) is amended
2 to read as follows:

3 43. Qualifications. The **【chief】** administrator shall by education,
4 experience and ability be qualified to perform the duties established
5 for him.

6 He need not be a resident of the county at the time of his appoint-
7 ment, but during his tenure he may live outside the county only
8 with the permission of the county executive.

1 12. Section 44 of P. L. 1972, c. 154 (C. 40:41A-44) is amended
2 to read as follows:

3 44. Duties. The **【chief】** administrator shall be responsible only
4 to the executive. He shall, under the direction and supervision of
5 the executive, undertake to assist in the orderly and efficient admin-
6 istration of the county, performing whatever supervisory or
7 administrative duties the executive deems necessary and proper.

8 Nothing in this section shall be deemed to prohibit the **【chief】**
9 administrator's being appointed to head one or more departments
10 on a temporary or permanent basis.

1 13. Section 50 of P. L. 1972, c. 154 (C. 40:41A-50) is amended to
2 read as follows:

- 3 50. Duties. The executive power of county shall be exercised by
4 the county manager. The county manager shall:
- 5 a. Report annually to the board of freeholders and to the people
6 on the state of the county, the work of the previous year and he
7 shall also recommend to the board whatever action or programs
8 he deems necessary for the improvement of the county and the
9 welfare of its residents. He may from time to time at his discre-
10 tion recommend any course of action or programs he deems nec-
11 essary or desirable for the county to undertake;
- 12 b. Prepare and submit to the board for its consideration and
13 adoption an annual operating budget~~[,] and~~ a capital budget ~~[and~~
14 a capital program~~]~~; establish the schedules and procedures to be
15 followed by all county departments, offices and agencies in connec-
16 tion therewith, and supervise and administer all phases of the
17 budgetary process ~~[as set forth in sections 132 to 141 of this act]~~;
- 18 c. Enforce the county charter, the county's laws and all general
19 laws applicable thereto;
- 20 d. Supervise the care and custody of all county property, institu-
21 tions and agencies;
- 22 e. Supervise the collection of revenues, ~~[and he shall]~~ audit and
23 control all disbursements and expenditures and ~~[shall]~~ prepare a
24 complete account of all expenditures~~].~~ He shall also designate the
25 repositories of county funds~~]~~;
- 26 f. Sign all contracts, bonds or other instruments requiring the
27 consent of the county;
- 28 g. Organize the work of county departments subject to the
29 administrative code adopted by the board. He shall further review
30 their administration and operation and make recommendations
31 pertaining thereto to the board;
- 32 h. Review, analyze and forecast trends of county services and
33 finances and programs of all boards, commissions, agencies and
34 other county bodies, and report and recommend thereon to the
35 board;
- 36 i. Develop, install and maintain centralized budgeting, personnel
37 and purchasing procedures as may be authorized by the administra-
38 tive code;
- 39 j. Negotiate contracts for the county subject to board approval
40 and make recommendations concerning the nature and location of
41 county improvements and execute improvements determined by the
42 board;
- 43 k. Assure that all terms and conditions imposed in favor of the
44 county or its inhabitants in any statute, franchise or other contract,
45 are faithfully kept and performed;

46 1. Serve as ex-officio nonvoting member of all appointive bodies
47 in county government.

1 14. Section 51 of P. L. 1972, c. 154 (C. 40:41A-51) is amended to
2 read as follows:

3 51. Powers. The county manager:

4 a. Shall supervise, direct and control all county administrative
5 departments;

6 b. Shall appoint the deputy manager, *if that position is created*
7 *by the board*, the heads of all county departments, and all other
8 administrative officers and county personnel the manner of whose
9 appointment is not prescribed elsewhere in this article;

10 c. May, at his discretion, remove or suspend any official in the
11 unclassified service of the county over whose office the county man-
12 ager has power of appointment in accordance with the provisions
13 of section 87 b.;

14 d. May, at his discretion, delegate to any **[administrative officer]**
15 *department head* powers of appointment and removal of their de-
16 partmental employees subject to civil service provisions. If the
17 county manager does not so delegate his power he may appoint and
18 remove, subject to civil service requirements, all **[department**
19 **heads,]** members of all boards and commissions and employees
20 whose positions have been authorized by resolution of the board,
21 by civil service, or as provided in the adopted county budget; and
22 the manner of whose appointment is not specified elsewhere in the
23 article;

24 e. May require reports and examine the accounts, records and
25 operations of any agency of county government;

26 f. May, at his discretion, order any agency under his jurisdiction
27 as specified in the administrative code to undertake any task for
28 any other agency on a temporary basis if he deems it necessary for
29 the proper and efficient administration to do so.

1 15. Section 55 of P. L. 1972, c. 154 (C. 40:41A-55) is amended to
2 read as follows:

3 55. Board powers. The board of freeholders:

4 a. Shall appoint a county manager under the provisions of sec-
5 tion 47 of this article and may create the office of deputy manager;

6 b. **[May]** *Shall* appoint a clerk to the board who shall serve at its
7 pleasure and keep the records and minutes of the board;

8 c. **[May]** *Shall* appoint a county counsel, to serve at the pleasure
9 of the board, who shall head the county's legal department;

10 d. Shall appoint members of all boards and commissions and
11 other bodies whose manner of appointment is not otherwise
12 specified in this article;

13 e. May pass a resolution of disapproval of a suspension or dis-
14 missal, subject to the provisions of section 87 b. of this act;

15 f. Shall approve the annual operating and capital budgets;

16 g. Shall pass in accordance with this act whatever ordinances
17 and resolutions it deems necessary and proper for the good
18 governance of the county.

1 16. Section 58 of P. L. 1972, c. 154 (C. 40:41A-58) is amended
2 to read as follows:

3 58. Duties. The deputy manager shall be responsible only to the
4 manager. He shall, under the direction and supervision of the man-
5 ager, undertake to assist in the orderly and efficient administration
6 of the county, performing whatever supervisory or administrative
7 duties the **["executive"]** *manager* deems necessary and proper.

8 Nothing in this section shall be deemed to prohibit the deputy
9 manager's being appointed to head one or more departments on
10 a temporary or permanent basis.

1 17. Section 63 of P. L. 1972, c. 154 (C. 40:41A-63) is amended
2 to read as follows:

3 63. Vacancies. The office of county supervisor shall be deemed
4 vacant if the incumbent moves his residence from the county or
5 he is by death, physical or mental illness or other casualty unable
6 to continue to serve as county supervisor. Any vacancy in the
7 office of county supervisor shall be filled in the manner prescribed
8 by law for the election of county officers at the next general election
9 occurring not less than 60 days after the occurrence of the vacancy.
10 The board of freeholders shall appoint one of their number to serve
11 as acting county supervisor until a successor has been elected.
12 During the temporary absence or temporary disability of the
13 county supervisor the **["chief administrator"]** *administrative officer*
14 shall serve as acting county supervisor, except that he shall not
15 preside over freeholder board meetings.

1 18. Section 64 of P. L. 1972, c. 154 (C. 40:41A-64) is amended
2 to read as follows:

3 64. Duties. The executive power of the county shall be exercised
4 by the county supervisor. The county supervisor shall:

5 a. Report annually to the board of freeholders and to the people
6 on the state of the county and the work of the previous year. He
7 shall also recommend to the board whatever action or programs he
8 deems necessary for the improvement of the county and the welfare
9 of its residents. He may from time to time at his discretion recom-
10 mend any course of action or programs he deems necessary or
11 desirable for the county to undertake.

12 b. Preside over board meetings, with the right to vote in cases

13 of ties; during his absence the board shall designate one of their
14 members to serve as chairman pro tempore of the board;

15 c. Serve as spokesman for the board on matters concerning
16 policies and programs;

17 d. Serve as representative of the board at ceremonial and civic
18 occasions;

19 e. Through the county **[administrator]** *administrative officer*:
20 enforce the county charter, the county's laws and all general laws
21 applicable thereto;

22 f. Serve as ex-officio nonvoting member of all appointive bodies
23 in county government.

24 g. Represent the board in all dealings with the county **[admin-**
25 **istrator]** *administrative officer*, except as otherwise specified
26 herein;

27 h. Sign all contracts, bonds or other instruments requiring the
28 consent of the county.

1 19. Section 65 of P. L. 1972, c. 154 (C. 40:41A-65) is amended
2 to read as follows:

3 65. Powers. The county supervisor shall:

4 a. Insure adequate supervision, direction and control of all
5 county administrative departments, and care and maintenance of
6 all county properties, institutions and agencies by the county
7 administrator;

8 b. With the advice and consent of the board, appoint all officials
9 whose manner of appointment is not prescribed elsewhere in this
10 article;

11 c. At his discretion, remove or suspend anyone occupying one
12 of the offices over which the county supervisor has power of
13 appointment in accordance with the provisions of section 87 b.;

14 d. At his discretion, require from the county **[administrator]**
15 *administrative officer* reports, and examine the accounts, records
16 and operations of any agency of county government;

17 e. At his discretion, order any agency under his jurisdiction as
18 specified in the administrative code to undertake any task for any
19 other agency on a temporary basis if he deems it necessary for
20 the proper and efficient administration to do so;

21 f. Approve each ordinance of the board by signing it, or may
22 veto any ordinance by returning it to the clerk of the board within
23 10 days of passage with a written statement of his objections to
24 the ordinance. If $\frac{2}{3}$ of the **[members]** *full membership* of the
25 board, upon reconsideration of the measure, shall vote for it, the
26 supervisor's veto shall be overridden and the ordinance shall be

27 come law [in 10 days] without the supervisor's signature[.], in
28 accordance with the provisions of law.

1 20. Section 67 of P. L. 1972, c. 154 (C. 40:41A-67) is amended
2 to read as follows:

3 67. Board powers. The board of freeholders:

4 a. Shall pass in accordance with this act whatever ordinances
5 and resolutions it deems necessary and proper for the good govern-
6 ance of the county;

7 b. Shall appoint and remove the county [administrator] ad-
8 ministrative officer by a majority vote and may create the office
9 of, appoint and remove, a deputy [administrator or] administrative
10 officer by a majority vote;

11 c. Shall advise and consent to all appointments by the supervisor
12 and [administrator] administrative officer for which board con-
13 firmation is specified under this article;

14 d. [May] Shall appoint a clerk to the board who shall serve at its
15 pleasure and keep the records and minutes of the board;

16 e. [May] Shall appoint the county counsel, to serve at the
17 pleasure of the board[. The counsel shall] and head the county's
18 legal department;

19 f. May pass a resolution of disapproval of a suspension or dis-
20 missal, subject to the provisions of section 87 b. of this act;

21 g. May override a veto of the county supervisor by a $\frac{2}{3}$ vote
22 of its full membership;

23 h. Shall approve the annual operating and capital budgets.

1 21. Section 68 of P. L. 1972, c. 154 (C. 40:41A-68) is amended
2 to read as follows:

3 68. Appointment. The [chief administrator] administrative
4 officer shall serve at the pleasure of the board.

1 22. Section 69 of P. L. 1972, c. 154 (C. 40:41A-69) is amended
2 to read as follows:

3 69. Qualifications. The [chief administrator] administrative
4 officer shall by education, experience and ability, be qualified to
5 perform the duties established for him.

6 He need not be a resident of the county at the time of his
7 appointment, but during his tenure he may live outside the county
8 only with the permission of the board.

1 23. Section 70 of P. L. 1972, c. 154 (C. 40:41A-70) is amended
2 to read as follows:

3 70. Duties. The [chief administrator] administrative officer shall
4 be responsible to the board through the supervisor except as speci-
5 fied below. He shall be responsible for the efficient administration
6 of the county's government. He shall:

7 a. Prepare and submit directly to the board for its consideration
8 and adoption an annual operating budget~~[,]~~ and a capital budget
8A ~~and a capital program~~, establish the schedules and procedures
9 to be followed by all county departments, offices and agencies in
10 connection therewith, and supervise and administer all phases of
11 the budgetary process ~~as set forth in sections 132 to 141 of this~~
12 ~~act~~;

13 b. Supervise the collection of revenues, ~~and he shall~~ audit and
14 control all disbursements and expenditures and ~~shall~~ prepare a
15 complete account of all expenditures~~.~~ He shall also designate the
16 repository funds~~;~~;

17 c. Supervise the care and custody of all county property, institu-
18 tions and agencies;

19 d. Organize the work of county departments, subject to the
20 administrative code adopted by the board. He shall further review
21 administration and make recommendations pertaining thereto to
22 the board through the supervisor;

23 e. Review, analyze and forecast trends of county services and
24 finances and programs of all boards, commissions, agencies and
25 other county bodies, and report and recommend thereon to the
26 board;

27 f. Develop, install and maintain centralized budgeting, personnel
28 and purchasing procedures as may be authorized by the administra-
29 tive code;

30 g. Negotiate contracts for the county subject to board approval
31 and make recommendations concerning the nature and location of
32 county improvements to be determined by the board;

33 h. Assure that all terms and conditions, imposed in favor of the
34 county or its inhabitants in any statute, franchise or other contract,
35 are faithfully kept and performed.

1 24. Section 71 of P. L. 1972, c. 154 (C. 40:41A-71) is amended
2 to read as follows:

3 71. Powers. The ~~county administrator~~ *administrative officer*
4 shall:

5 a. Supervise, direct and control all county administrative de-
6 partments;

7 b. Appoint the heads of all county departments and all other
8 ~~administrative officers and~~ county personnel the manner of whose
9 appointment is *not* prescribed elsewhere in this article;

10 c. At his discretion, remove or suspend any official in the un-
11 classified service of the county over whose office the ~~county admin-
12 istrator~~ *administrative officer* has power of appointment in ac-
13 cordance with the provisions of section 87 b.;

14 d. At his discretion, delegate to any **[administrative officer]**
 15 *department head* powers of appointment and removal of their de-
 16 partmental employees subject to civil service provisions. If the
 17 **[county administrator]** *administrative officer* does not so delegate
 18 his power he may appoint and remove, subject to civil service
 19 requirements, all employees whose positions have been authorized
 20 by resolution of the board, by civil service, or as provided in the
 21 adopted county budget;

22 e. At his discretion, require reports and examine the accounts,
 23 records and operation of any agency of county government;

24 f. May, at his discretion, order any agency under his jurisdiction
 25 as specified in the administrative code to undertake any task for
 26 any other agency on a temporary basis if he deems it necessary for
 27 the proper and efficient administration to do so.

1 25. Section 74 of P. L. 1972, c. 154 (C. 40:41A-74) is amended
 2 to read as follows:

3 74. Qualifications, election, term. The board president shall be a
 4 duly elected member of the board of freeholders. He shall be elected
 5 by the board of freeholders at their organizational meeting for a
 6 term of **[2 years]** *1 year*, such term to begin immediately after his
 7 election **[on January 1]**.

1 26. Section 76 of P. L. 1972, c. 154 (C. 40:41A-76) is amended
 2 to read as follows:

3 76. Vacancies. The office of board president shall be deemed
 4 vacant if: the incumbent moves his residence from the county; or
 5 he is by death, physical or mental illness or other casualty unable
 6 to continue to serve as board president. Any vacancy in the office
 7 of board president shall be filled **[in the manner prescribed by law]**
 8 for the election of county officers at the next general election occur-
 9 ring not less than 60 days after the occurrence of the vacancy. **The]**
 10 *by the* board of freeholders, *which* shall appoint one of their number
 11 to serve as **[acting]** board president for the remainder of the
 12 unexpired term. During the temporary absence or temporary dis-
 13 ability of the board president the vice president shall serve as
 14 acting president.

1 27. Section 77 of P. L. 1972, c. 154 (C. 40:41A-77) is amended
 2 to read as follows:

3 77. Duties. The executive power of the county shall be exercised
 4 by the board president. He shall:

5 a. Report annually to the board of freeholders and to the people
 6 on the state of the county, the work of the previous year and he
 7 shall also recommend to the board whatever action or programs he
 8 deems necessary for the improvement of the county and the welfare

9 of its residents. He may from time to time at his discretion recom-
10 mend any course of action or programs he deems necessary or
11 desirable for the county to undertake;

12 b. Preside over board meetings with the right to vote on all
13 questions;

14 c. Serve as spokesman for the board on matters concerning
15 policies and programs;

16 d. Serve as representative of the board at ceremonial and civic
17 occasions;

18 e. Through the **【county administrator】** *administrative officer*:
19 enforce the county charter, the county's laws and all general laws
20 applicable thereto;

21 f. Represent the board in all dealings with the **【county admin-
22 istrator】** *administrative officer* except as otherwise specified herein;

23 g. Execute all contracts, bonds or other instruments requiring
24 the consent of the county.

1 28. Section 78 of P. L. 1972, c. 154 (C. 40:41A-78) is amended
2 to read as follows:

3 78. Powers. The board president shall:

4 a. Insure adequate supervision, direction and control of all
5 county administrative departments, and care and maintenance of
6 all county properties, institutions and agencies by the **【county ad-
7 ministrator】** *administrative officer*;

8 b. With the advice and consent of the board, appoint all members
9 of independent or advisory boards and commissions and all other
10 officials not serving in the administrative service of the county the
11 manner of whose appointment is not prescribed elsewhere in this
12 article;

13 c. Serve as an ex-officio nonvoting member of all appointive
14 bodies in county government;

15 d. At his discretion, require from the **【county administrator】**
16 *administrative officer* reports and examine the accounts, records
17 and operations of any agency of county government;

18 e. At his discretion, remove or suspend anyone occupying one
19 of the offices specified in subsection b. of this section subject to the
20 procedures set forth in section 87 b. of this act.

1 29. Section 81 of P. L. 1972, c. 154 (C. 40:41A-81) is amended
2 to read as follows:

3 81. Board powers. The board of freeholders:

4 a. Shall pass in accordance with this act whatever ordinances or
5 resolutions it deems necessary and proper for the good governance
6 of the county;

7 b. Shall appoint and remove the **【county administrator】** ad-
8 *ministrative officer* by a majority vote and may create the office of,
9 appoint and remove, a deputy **【administrator】** *administrative*
10 *officer* by a majority vote;

11 c. Shall advise and consent to all appointments by the president
12 and **【administrator】** *administrative officer* for which board con-
13 firmation is specified under this article;

14 d. **【May】** *Shall* appoint a clerk to the board who shall serve at
15 its pleasure and keep the records and minutes of the board;

16 e. **【May】** *Shall* appoint the county counsel, to serve at the
17 pleasure of the board**【.** The counsel shall**】** *and* head the county's
18 legal department;

19 f. May pass a resolution of disapproval of a suspension or dis-
20 missal, subject to the provisions of section 87 b. of this act;

21 g. Shall approve the annual operating and capital budgets.

1 30. Section 82 of P. L. 1972, c. 154 (C. 40:41A-82) is amended
2 to read as follows:

3 82. Appointment. The **【county administrator】** *administrative*
4 *officer* shall serve at the pleasure of the board.

1 31. Section 83 of P. L. 1972, c. 154 (C. 40:41A-83) is amended
2 to read as follows:

3 83. Qualifications. The **【chief administrator】** *administrative*
4 *officer* shall by education, experience and ability, be qualified to
5 perform the duties established for him. He need not be a resident
6 of the county at the time of his appointment, but during his tenure
7 he may live outside the county only with the permission of the
8 board.

1 32. Section 84 of P. L. 1972, c. 154 (C. 40:41A-84) is amended
2 to read as follows:

3 84. Duties. The **【chief administrator】** *administrative officer*
4 shall be responsible to the board through the president except as
5 specified below. He shall be responsible for the efficient adminis-
6 tration of the county's government. He shall:

7 a. Prepare and submit directly to the board for its consideration
8 and adoption an annual operating budget**【,** *and* a capital budget
9 **【and a capital program】**, establish the schedules and procedures
10 to be followed by all county departments, offices and agencies in
11 connection therewith, and supervise and administer all phases of the
12 budgetary process **【as set forth in sections 132 to 141, inclusive】**;

13 b. Supervise the collection of revenues, and he shall audit and
14 control disbursements and expenditures and shall prepare a com-
15 plete account of all expenditures**【.** He shall also designate the
16 repositories of county funds**】**;

17 c. Supervise the care and custody of all county property, insti-
18 tutions and agencies;

19 d. Organize the work of county departments, subject to the
20 administrative code adopted by the board. He shall further review
21 their administration and make recommendations pertaining thereto
22 to the board;

23 e. Review, analyze and forecast trends of county services and
24 finances and programs of all boards, commissions, agencies and
25 other county bodies, and report and recommend thereon to the
26 board;

27 f. Develop, install and maintain centralized budgeting, personnel
28 and purchasing procedures as may be authorized by the admin-
29 istrative code;

30 g. Negotiate contracts for the county subject to board approval
31 and make recommendations concerning the nature and location of
32 county improvements and execute improvements determined by the
33 board;

34 h. Assure that all terms and conditions, imposed in favor of the
35 county or its inhabitants in any statute, franchise or other contract,
36 are faithfully kept and performed.

1 33. Section 85 of P. L. 1972, c. 154 (C. 40:41A-85) is amended
2 to read as follows:

3 85. Powers. The **county administrator** *administrative officer*
4 shall:

5 a. Supervise, direct and control all county administrative de-
6 partments;

7 b. Appoint the heads of all county departments and all other
8 **administrative officers and** county personnel the manner of whose
9 appointment is not prescribed elsewhere in this article;

10 c. **May, at** *At* his discretion, remove or suspend any official
11 in the unclassified service of the county over whose office the
12 **county administrator** *administrative officer* has power of ap-
13 pointment, in accordance with the provisions of section 87 b.;

14 d. **May, at** *At* his discretion, delegate to any **administrative**
15 **officer** *department head* powers of appointment and removal of
16 **their** *his* departmental employees subject to civil service provi-
17 sions. If the **county administrator** *administrative officer* does
18 not so delegate his power he may appoint and remove, subject to
19 civil service requirements, all **department heads,** members of all
20 boards and commissions, employees whose positions have been
21 authorized by resolution of the board, by civil service, or as pro-
22 vided in the adopted county budget, and the manner of whose
23 appointment is not specified elsewhere in this article;

24 e. **[May]** *At his discretion*, require reports and examine the
25 accounts, records and operations of any agency of county govern-
26 ment;

27 f. **[May, at]** *At his discretion*, order any agency under his juris-
28 diction as specified in the administrative code to undertake any
29 task for any other agency on a temporary basis if he deems it nec-
30 essary for proper and efficient administration to do so.

1 34. Section 87 of P. L. 1972, c. 154 (C. 40:41A-87) is amended to
2 read as follows:

3 87. a. Appointments and dismissal. No member of any board of
4 chosen freeholders in a county operating under a charter adopted
5 pursuant to this act shall individually or collectively seek to in-
6 fluence the head of the executive branch to dismiss any person
7 from, or to appoint or to promote any person to, any position in
8 the executive branch of county government, except that the board
9 may, by a resolution of disapproval, adopted by a $\frac{2}{3}$ vote of the
10 whole number of the board, prevent the dismissal of certain em-
11 ployees under conditions as set forth in subsection b. of this section.

12 b. Suspension procedure. Suspensions will take effect imme-
13 diately upon personal service of notice setting forth the order of
14 suspension or dismissal. Dismissal or suspension for a definite
15 term shall occur automatically in 30 calendar days from receipt of
16 notice. But, if the officer or employee requests a public hearing on
17 his dismissal or suspension for a definite term, no action beyond
18 temporary suspension may be taken until the individual to be sus-
19 pended or dismissed is given a public hearing not less than 15 nor
20 more than 30 days after personal service of written notice of con-
21 templated action. A copy of such notice shall be filed with the clerk
22 to the board of freeholders immediately upon service of notice to
23 the individual to be suspended or dismissed. In the event that
24 within 35 days of receiving such notice, the board shall pass by a
25 $\frac{2}{3}$ vote of the whole number of the board, a resolution of dis-
26 approval, all proceedings and any suspension or dismissal of the
27 individual shall be voided. In terms of recompense to the individ-
28 ual, a vote of disapproval shall be deemed to negative the suspen-
29 sion or dismissal order and for purposes of pay and civil service
30 standing the action shall be deemed never to have transpired.

31 If, however, the suspension or dismissal order shall allege that
32 the individual against whom action is contemplated or pending has
33 committed a criminal act in the conduct of his public trust, no
34 resolution of the board shall stay proceedings and the matter shall
35 be brought to a public hearing in the manner prescribed above. If
36 at that hearing probable cause for prosecution is found, all evidence

37 shall immediately be forwarded to the county prosecutor for
38 further action.

39 If [, however, evidence does not warrant referral of the case to
40 the county prosecutor, or if a grand jury does not return an indict-
41 ment against the individual in question, or if he is found not guilty
42 in a plenary trial on the merits, and if the board shall have passed
43 a resolution of disapproval in the manner described above, said
44 individual] *any suspension or dismissal order is resolved upon*
45 *hearing in favor of the officer or employee, he shall be restored to*
46 *his original position without record of the action, or prejudice*
47 *therefrom, and shall receive full compensation retroactive to the*
48 *date of his suspension.*

1 35. Section 100 of P. L. 1972, c. 154 (C. 40:41A-100) is amended
2 to read as follows:

3 100. Rules of procedure; quorum; resolutions; compensation.

4 a. The board shall promptly after its organization determine and
5 adopt, by resolution, a set of bylaws prescribing its own rules of
6 procedure. Said bylaws shall not be inconsistent with any lawful
7 ordinance or statute;

8 b. A majority of the whole number of the members of the board
9 shall constitute a quorum;

10 c. A resolution shall mean any act or regulation of the board
11 required to be reduced to writing, but which may be finally passed
12 at the meeting at which it is introduced. The vote upon every
13 resolution shall be taken by roll call and the yeas and nays shall
14 be entered on the minutes;

15 d. The compensation of the county executive, supervisor, man-
16 ager or board president, and of freeholders and the [chief admin-
17 istrator] *administrative officer* and department heads shall be fixed
18 by the board by ordinance promptly after its organization.

1 36. Section 101 of P. L. 1972, c. 154 (C. 40:41A-101) is amended
2 to read as follows:

3 101. Ordinances.

4 a. An ordinance shall mean any act or regulation of the board
5 required to be reduced to writing, published after introduction, and
6 considered for final passage after public hearing at a meeting sub-
7 sequent to the meeting at which it was introduced;

8 b. Except as otherwise provided by general law the procedure
9 for the passage of ordinances shall be as follows:

10 (1) Every ordinance after being introduced and having passed a
11 first reading, which first reading may be by title, shall be published
12 at least once in the manner provided by section 142 of this act,

13 together with a notice of the introduction thereof and the time and
14 place when and where it will be further considered for final passage.
15 If there be only one such publication the same shall be at least **[2]**
16 *1 week[s]* prior to the time fixed for further consideration for final
17 passage. If there be more than one publication, the first shall be at
18 least **[2]** *1 week[s]* prior to the time fixed for further consideration
19 for final passage. A copy of the proposed ordinance shall also be
20 sent by regular mail to the clerk of each municipality in the county
21 not less than **[10 days]** *1 week* prior to the date of hearing.

22 (2) At the time and place so stated in such publication, or at any
23 time and place to which the meeting for the further consideration
24 of the ordinance shall from time to time be adjourned, all persons
25 interested shall be given an opportunity to be heard concerning
26 the ordinance. Final passage thereof shall be at least 10 days from
27 the first reading.

28 (3) Upon the opening of the hearing, the ordinance shall be given
29 a second reading, which reading may be by title, and thereafter, it
30 may be passed by a majority of the whole number of the board, with
31 or without amendments, or rejected. Prior to the said second read-
32 ing, a copy of the ordinance shall be posted on the bulletin board
33 or other place upon which public notices are customarily posted in
34 the building in which the board regularly meets, and copies of the
35 ordinance shall be made available to members of the general public
36 who shall request such copies. If any amendment be adopted, **[sub-**
37 **stantially]** altering **[the substance of]** the ordinance, the ordinance
38 as so amended shall not be finally adopted until at least **[2]** *1*
39 *week[s]* thereafter, and the ordinance as amended shall be read
40 at a meeting of the board, which reading may be by title, and shall
41 be published, together with a notice of the introduction, and the
42 time and place when and where the amended ordinance will be
43 further considered for final passage, at least **[5]** *2 days* prior to
44 the time so fixed. At the time and place so fixed, or at any other
45 meeting to which the further consideration of the amended ordi-
46 nance may be adjourned, the board may proceed to pass the ordi-
47 nance, as amended, or again amend it in the same manner.

48 (4) Upon passage, every ordinance, or the title, together with a
49 notice of the date of passage or approval, or both, shall be published
50 at least once in the manner provided by section 142 of this act.

51 (5) Three *certified* copies of the full text of every ordinance so
52 adopted shall be filed with the clerk of each municipality within
53 the county not later than 10 days after the date of final passage.

54 (6) The board may enact, amend or supplement ordinances
55 establishing, amending or supplementing a code or any parts

56 thereof, *not inconsistent with law*, by reference to such code in any
57 such ordinance and without inclusion of the text thereof in such
58 ordinance if the code to be adopted and any related documents are
59 printed in book form and a copy of such printed code and related
60 documents so marked as to indicate plainly what portion thereof,
61 if less than the whole, is intended to be adopted, is annexed to
62 such ordinance and if such code and related documents or such
63 portion thereof as is intended to be adopted is so described in said
64 ordinance as to identify them and there is indicated in said descrip-
65 tion the common or trade name, if any, of such code and related
66 documents and it is stated in the ordinance that three copies of said
67 code and said related documents, similarly marked, have been
68 placed on file in the office of the clerk of said board, upon the
69 introduction of said ordinance and will remain on file there until
70 final action is taken on said ordinance, for the use and examination
71 of the public.

72 It shall not be necessary to publish any such code or related docu-
73 ments, so to be adopted, as part of any such ordinance notwith-
74 standing that printed copies thereof are annexed thereto, either
75 before or after the final passage of such ordinance, if said printed
76 copies are filed as aforesaid. The board of freeholders however
77 may order the publication of said code or a synopsis in the manner
78 provided by section 142 of this act if it is deemed that such proce-
79 dure will be in the public interest because of the content and im-
80 portance of the provisions of the code.

81 If any such ordinance is adopted, the said copies of said code and
82 related documents shall remain on file in said office, so long as said
83 ordinance is in effect, and three *certified* copies shall be placed on
84 file and shall remain on file in the office of each clerk of each munici-
85 pality within the county, for the use and examination of the public
86 so long as said ordinance is in effect and printed copies of said
87 ordinance and said code and related documents shall be made avail-
88 able to citizens on request and for which a [nominal] *reasonable*
89 fee may be charged.

90 For the purpose of proof of any such ordinance or receipt thereof
91 in evidence in all courts and places, such copy of such code and
92 related documents, so marked and annexed to such ordinance, shall
93 be construed to be part of said ordinance, as fully as though it had
94 been set forth at length therein.

95 (7) The board may prescribe penalties for the violation of ordi-
96 nances it may have authority to pass, either by imprisonment in
97 the county jail for any term not exceeding 90 days, or by a fine not
98 exceeding \$500.00, or both. The court before which any person is

99 convicted of violating any such ordinance shall have power to
 100 impose any fine or term of imprisonment not exceeding the max-
 101 imum fixed in such ordinance.

102 Any person convicted of the violation of any ordinance may, in
 103 the discretion of the court by which he was convicted, and in de-
 104 fault of the payment of any fine imposed therefor, be imprisoned
 105 in the county jail for any term not exceeding 90 days *for such*
 106 *default*.

107 c. No ordinance other than the county budget ordinance shall
 108 take effect less than 20 days after its final passage by *the* board
 109 and approval by the county executive, or supervisor or board
 110 chairman or president, where such approval is required, unless
 111 the board shall adopt a resolution declaring an emergency and at
 112 least $\frac{2}{3}$ of all the members of the board vote in favor of such
 113 resolution.

1 37. 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 no appointments shall be made
 7 to any subordinate board, department or body, or to any office,
 8 employment or position, without limitation, between the date of
 9 election of officers and the date of the adoption of the administra-
 10 tive code.

11 b. All actions and proceedings of a legislative, executive or
 12 judicial character which are pending upon the effective date of an
 13 optional plan adopted pursuant to this act may continue, and the
 14 appropriate officer or employee *under such optional plan shall be*
 15 *substituted for the officer or employee* theretofore exercising or
 16 discharging the function, power or duty involved in such action
 17 or proceeding.

1 38. Section 130 of P. L. 1972, c. 154 (C. 40:41A-130) is amended
 2 to read as follows:

3 130. County administration of civil service. The board of free-
 4 holders of any county adopting one of the plans of government set
 5 forth in this act may by resolution apply to the New Jersey Civil
 6 Service Commission for permission to administer the merit system
 7 through a county department of civil service. Such administration
 8 shall include classification, recruitment, examination, establishment
 9 of eligibility lists, grievances, compensation, and other conditions
 10 of employment, all to be performed under the general supervision
 11 of the New Jersey Department of Civil Service, and in addition

12 such other functions as the State Department may authorize or
 13 approve. *Any civil service system administered by a county shall*
 14 *be limited in application to county employees and positions, and*
 15 *may not extend to cover employees and positions in municipalities*
 16 *within that county.*

1 39. Section 133 of P. L. 1972, c. 154 (C. 40:41A-133) is amended
 2 to read as follows:

3 133. Preparation and submission of [current expense budget and
 4 capital] budget; [hearings, distribution of budget document.]
 5 *budgetary process. The budgetary process of the county shall be*
 6 *subject to all requirements of the Local Budget Law (N. J. S.*
 7 *40A:4-1 et seq.) and the promulgations of the Division of Local*
 8 *Government Services and the Local Finance Board. On or before*
 9 *January 15 of each year, the budget officer (i.e. the county*
 10 *executive in the case of a charter adopted under article 3, the*
 11 *county manager in the case of a charter adopted under article 4,*
 12 *or the [chief administrator] administrative officer in the case of*
 13 *charters adopted under articles 5 and 6), shall submit to the board*
 14 *of chosen freeholders, a budget document consisting of[: (1) the*
 15 *current expense budget for the ensuing fiscal year; (2)] the*
 16 *proposed county [capital] budget and [(3)] a budget message.*
 17 *On or before September 1 of each year, the budget officer shall*
 18 *establish the schedules and procedures to be followed by all county*
 19 *departments, offices and agencies to prepare [for these and all*
 20 *other financial] the required budget documents. [Every budgetary*
 21 *request shall be advertised according to law. No budgetary request*
 22 *shall be approved and submitted by the budget officer until after*
 23 *a public hearing has been held thereon and payers and all per-*
 24 *sons having an interest thereon shall have been given an oppor-*
 25 *tunity to present objections. Public hearings on budget requests*
 26 *shall be held according to law, at the time and place set by the*
 27 *budget officer.] He may conduct such analyses or hearings as he*
 28 *deems necessary.*

1 40. Section 138 of P. L. 1972, c. 154 (C. 40:41A-138) is amended
 2 to read as follows:

3 138. Appropriation requests; allotments. [During the next to
 4 last month before the beginning of the fiscal year, the head of]
 5 *As part of the budget request submitted by each department, office*
 6 *and agency of the county [shall submit] to the budget officer, there*
 7 *shall be included a work program for the year, [which program*
 8 *shall include all requests for appropriations for its operation and*
 9 *maintenance, and shall show the proposed allotments of said appro-*
 10 *priations for such department, office or agency by quarters for the*

11 entire fiscal year.】 *showing all requested appropriations broken*
 12 *down into monthly or quarterly allotments, as may be required*
 13 *by the budget officer.* The budget officer shall review requested
 14 allotments in light of the work program of the department, office or
 15 agency concerned, and if he deems it necessary, may revise, alter,
 16 or change them before the same are submitted to the board of free-
 17 holders. The aggregate of such allotments shall not exceed the
 18 total appropriation available to each department, office or agency
 19 for the fiscal year.

20 【No expenditure for a department, office or agency shall be made
 21 from the appropriations except on the basis of approved allotments.
 22 The approved allotments may be revised during the fiscal year,
 23 within the appropriations available by the budget officer or upon
 24 application by the head of any department, office or agency ap-
 25 proved by the budget officer. If at any time during the fiscal year,
 26 the budget officer shall ascertain that the probable current revenue,
 27 plus fund balances, for the fiscal year will be less than the total
 28 appropriations, he may reconsider the work programs and allot-
 29 ments of the several departments, offices and agencies and revise
 30 them accordingly.】

31 *The budget officer shall, where practicable, provide for the estab-*
 32 *lishment and operation of a system of work programs and quarterly*
 33 *allotments for operation of the budget. It shall be the duty of the*
 34 *budget officer to develop and report appropriate unit costs of*
 35 *budgeted expenditures.*

1 41. Section 142 of P. L. 1972, c. 154 (C. 40:41A-142) is amended
 2 to read as follows:

3 142. Whenever notice by publication is required under this act
 4 the clerk to the board of freeholders or the county counsel, which-
 5 ever shall be charged by the board to do so, or any other person
 6 charged under any section of this act with the duty of causing such
 7 publication, shall cause all such notices to be published in two
 8 newspapers qualified by law and designated by majority vote of
 9 the board of freeholders to publish the county's legal notices. The
 10 two newspapers designated by the board of freeholders shall be:

11 a. both printed and published in the county, one of which shall be
 12 either a newspaper published at the county seat of such county or
 13 a newspaper published in a municipality in such county having the
 14 largest population according to the last population estimate pub-
 15 lished by the 【Division of Economic Development of the】 New
 16 Jersey Department of Labor and Industry; or

17 b. one printed and published in such county and one circulating
 18 in such county, if only one daily newspaper is printed and published
 19 in such county; or

20 c. one published at the county seat and one circulating in the
21 county if no daily newspaper is published; or

22 d. both circulating in such county, if no newspapers are printed
23 and published in such county.

1 42. Sections 135, 136, 137, 139, 140 and 141 of P. L. 1972, c. 154
2 (C. 40:41A-135, 136, 137, 139, 140, and 141) are repealed.

1 43. This act shall take effect immediately.

STATEMENT

This bill amends the Optional County Charter Law and repeals certain sections thereof. Many of the changes are of a technical nature, to correct printing errors and make certain sections of the act consistent with language used elsewhere in the act.

The major substantive change accomplished by this bill is to decrease from 5 to 3 the number of years an optional form of government must be in effect before another proposal to change the form of government can be presented to the voters at a referendum. Along with this, the bill would provide that no referendum on change of the form of a county's government could be held within 3 years of the date at which a proposed change was defeated at a referendum election.

The bill would repeal or amend several provisions of the present law dealing with budgetary matters, in order to conform the law to the Local Budget Law and simplify the budgetary process. The bill would also eliminate the direct petition method of putting a charter question on the ballot. All charter questions will be the subject of a charter study.

SENATE AMENDMENTS TO
SENATE, No. 1149

—•—
STATE OF NEW JERSEY
—•—

ADOPTED NOVEMBER 13, 1972

Amend pages 2 and 3, section 2, lines 1 to 10, omit section 2. in its entirety and renumber succeeding sections accordingly.

Amend page 24, section 39, line 23, omit "payers" insert "tax-payers".

Amend page 26, section 42, line 1, after "Sections" insert "19, 20, 21, 22,".

Amend page 26, section 42, line 2, omit "40:41A-135" insert "40:41A-19, 20, 21, 22, 135".

ASSEMBLY COMMITTEE AMENDMENTS TO

SENATE, No. 1149

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED FEBRUARY 15, 1973

Amend page 1, after enacting clause insert:

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

4. Canvass of returns. The result of the votes cast for and against the charter study question shall be returned by election officers, and a canvass of such election had, as is provided by law in the case of other public questions put to the voters of a county. The votes cast for members of the charter study commission shall be counted, and the result thereof returned by the election officers, and a canvass of such election had, as is provided by law in the case of the election of members of the board of freeholders. The nine candidates receiving the greatest number of votes shall be elected and shall constitute the charter study commission, provided that *no more than six members of any political party, except as hereinafter provided, shall be eligible to serve at any one time, and further provided that* if a majority of those voting on the public question shall vote against the election of a charter study commission, none of the candidates shall be elected. If two or more candidates shall receive the same number of votes, and such number of votes shall qualify both election to the ninth and last remaining vacancy on the commission, they shall draw lots to determine which one shall be elected. *For purposes of this section a candidate shall be deemed to be a member of a political party if he or she has voted in any two of the four primary elections held for that party immediately preceding the election of the members of the charter study commission. If more than six members of any political party receive the greatest number of votes, the six receiving the greatest number of votes shall be elected. Thereafter, the three candidates receiving the greatest number of votes who are not members of said political party shall be declared elected; except that, if there are fewer than three such candidates, the remaining seats*

shall be filled in order of vote by the candidate or candidates otherwise ineligible by reason of political affiliation.

2. Section 6 of P. L. 1972, c. 154 (C. 40:41A-6) is amended to read as follows:

6. Vacancies. Any vacancy occurring in the charter commission shall be filled by the unsuccessful candidate who shall have received the greatest number of votes in the charter study commission election if he shall be available to fill such vacancy. In the event that the vacancy cannot be filled in this manner, the remaining members of the charter study commission shall appoint some other properly qualified citizen. *In the filling of any such vacancy, consideration shall be given to the political affiliations of said candidates in accordance with the provisions set forth in section 4 of P. L. 1972, c. 154 (C. 40:41A-4)*”.

Amend page 1, section 1, line 1, omit “1.”, insert “3.”, then change the numbering of remaining sections so as to correspond with foregoing change.

ASSEMBLY COMMITTEE AMENDMENTS TO

SENATE, No. 1149

[OFFICIAL COPY REPRINT]

[ASSEMBLY REPRINT]

STATE OF NEW JERSEY

ADOPTED MARCH 26, 1973

Amend page 1, after enacting clause, insert new sections as follows:

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

1. Submission of charter study question. Whenever authorized by resolution of the board of freeholders or on petition of the registered voters of any county, an election shall be held in the county upon the question, “Shall a charter study commission be **[elected]** *created* to study the present governmental structure of county, to consider and make findings concerning the form of county government and to make recommendations thereon?” A petition calling for such an election shall bear the signatures of a number of persons registered to vote in the county equal to or exceeding in number 10% of the persons registered to vote in the county on the fortieth day preceding the most recent previous primary or general election. Whenever such resolution or petition shall be filed with him, the county clerk shall provide for submission of the question at the next general election occurring not less than 60 days after the date of such filing. At the election, the question shall be submitted in the same manner as other public questions.

When a resolution or petition for the **[election]** *creation* of a charter study commission has been duly filed with the county clerk, no other such resolution or petition and no other proceedings for the adoption of any other charter or form of government available to the county may be filed unless the voters shall decide the aforesaid question in the negative or until the charter study commission **[elected]** *created* by the voters shall have been discharged.”

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

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

2. Election of charter study commission. At the same election as the public question is submitted, **[a]** *five members of a nine-member* charter study commission **[of nine members,]** shall be elected by the county's registered voters. There shall be placed on the ballot the names of charter study commission candidates who shall have been nominated in the same manner as provided by law for candidates nominated by petition for freeholder, except that they shall be listed without party or other designation or slogan. The voting instructions shall state that the voter may vote on the question and that, regardless of how or whether he voted on the charter question, he may vote for **[nine]** *five* members of a charter study commission who shall serve if the question is determined in the affirmative.”.

Amend page 1, section 1, line 1, delete “1”, insert “3”.

Amend page 1, section 1, line 11, delete “nine”, insert “five”.

Amend page 1, section 1, line 12, delete “and shall constitute”, insert “to”.

Amend page 1, section 1, lines 13-15, delete “no more than six members of any political party, except as hereinafter provided, shall be eligible to serve at any one time, and further provided that”.

Amend page 1, section 1, line 19, delete “ninth”, insert “fifth”.

Amend pages 1-2, line 1, lines 21-33, after “elected.” delete remainder of paragraph.

Amend page 2, section 1, line 33, after line 33, insert new paragraph as follows:

“Prior to the convening of the first meeting of the charter study commission, four additional members shall be appointed to the commission from among the citizens and residents of the county. Of the four appointed members, two shall be appointed by the chairman of the county committee of each of the two political parties whose candidates for Governor received the largest number of votes at the most recent gubernatorial election.”.

Amend page 2, section 2, line 1, delete “2”, insert “4”.

Amend page 2, section 2, line 2, renumber all additional lines in that paragraph so as to sequentially follow line 2.

Amend page 2, section 2, line 1, after “in”, insert “any of the offices held by the five elected members to”.

Amend page 2, section 2, lines 7-10, after “citizen.”, delete remainder of paragraph, insert “Any vacancy in the office of any of the appointed members to the charter study commission shall be filled in the same manner as the original appointment.”.

Amend page 2, section 3, line 1, delete “3”, insert “5” and renumber all ensuing sections.

SEPTEMBER 19, 1972

FOR RELEASE:
IMMEDIATE

Governor William T. Cahill signed into law today a bill giving voters the opportunity to choose their form of county government.

Senate Bill 283, sponsored by Senator William Schluter (R., Mercer), provides for four alternate methods of county government, with the choice to be either by a resolution of the board of freeholders, creation of a charter study commission or direct petition for referendum.

Governor Cahill called the legislation, "A history-making change in the development of our county governing bodies. Too little is known, and even less is understood about the operation of our county governments as they are now constituted. This bill makes New Jersey a leader among the states of the Nation in giving voters greater control of and participation in the operation of their county governments."

The four optional plans under the legislation provide:

- A county executive plan with an elected chief executive having organizational control over personnel, budget and all agencies and departments. He could veto actions of the Board of Freeholders.
- A county manager plan where the freeholders would appoint a professional administrator responsible for administration and operation of the county while the freeholders retained responsibility for policies and direction.
- A county supervisor plan where the supervisor would be elected and have the power of appointment and removal as well as executive veto powers. The freeholders would continue in their present form.

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-- A board president plan with the president selected from among the board members by the freeholders themselves to serve primarily as a spokesman for the body. A county administrator would be appointed to coordinate and supervise the operation of the county.

Under a fifth option, the voters would retain their present form of county government.

Governor Cahill said there are certain necessary technical changes in the legislation which will be filed with the Legislature when it returns on November 13th. He also said he would request that the number of years in which a plan accepted by the voters can be altered or eliminated be reduced from five years to three and that the elapsed time required before a second plan can be submitted to the voters after rejection of an initial proposal be increased from one year to three years.

The legislation was developed following a study made over a period of several years by the County and Municipal Government Study Commission headed by Senator William V. Musto (D., Hudson).

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