

40:87-9

August 12, 1970

LEGISLATIVE NOTES ON R.S. 40:87-9
(Mayor and councilmen; terms)
(1969 Amendment)

Copy 3

L. 1969-C.195-3308

Introduced January 23 by Schiaffo (& 4 others)

No statement

February - Passed Senate.

May 8 - Passed Assembly.

November 17 - Vetoed by Governor (copy enclosed).

November 24 - Passed Senate over veto.

December 1 - Passed Assembly over veto.

This bill listed as "Approved" in:

974.905 New Jersey League of Municipalities.

151 Legislative bulletin. No 4, February 24, 1969, p.2

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RSL/AS

CHAPTER 195 LAWS OF N.J. 1969

Filed with Sec. of State 12-1-69

Passed 12-1-69

SENATE, No. 308

STATE OF NEW JERSEY

INTRODUCED JANUARY 23, 1969

By Senators SCHIAFFO, DICKINSON, HAGEDORN, KNOWLTON
and WOODCOCK

Referred to Committee on County and Municipal Government

AN ACT concerning the terms of office of mayors in boroughs,
amending section 40:87-9 of the Revised Statutes, and repealing
chapter 148 of the laws of 1952.

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

1 1. Section 40:87-9 of the Revised Statutes is amended to read as
2 follows:

3 40:87-9. The mayor shall hold office for **[2]** 4 years and until his
4 successor shall have qualified. The councilmen shall hold office for
5 3 years and until their successors shall have qualified. Their terms
6 shall be arranged, by lot if necessary, so that the terms of 2 council-
7 men shall expire at the end of each year.

1 2. Chapter 148 of the laws of 1952 (C. 40:87-9.1 to 40:87-9.3) is
2 repealed.

1 3. The increase in the terms of office of mayors as provided by
2 this act shall be applicable only to mayors hereafter elected.

1 4. This act shall take effect immediately.

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

Vetoed 11-17-69

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STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

November 17, 1969

SENATE BILL NO. 308

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 308, without my approval.

Senate Bill No. 308 would mandatorily increase the term of a mayor elected in a borough from two to four years. It would also repeal the provisions presently in the law allowing a borough to adopt this option on its own initiative by referendum. The increase in the term of office would take effect immediately and would have included mayors elected this November.

The borough form of government, however, is not based on a strong executive, but rather reflects the decision of the community to govern its affairs through a council in which the mayor is little more than first among equals. 226 municipalities in New Jersey have chosen this form of government. While no data is available from the Division of Local Finance, the League of Municipalities or the New Jersey Taxpayers Association on how many of these municipalities have elected to provide a four-year term for their mayor under the terms of P.L. 1952, c. 148, it is consistent with New Jersey's philosophy of local government that the option should be exercised by the voters of each municipality wherever possible. In effect, this bill would deny the residents of New Jersey's 226 boroughs that option and impose upon them the decision of this Legislature that a four-year term for a mayor is preferable.

The New Jersey Commission on Municipal Government, which wrote the Faulkner Act itself, had strong opinions about the defects of "weak-mayor" forms of government, to which the borough's governmental structure may be most closely analogized. It stated:

The Commission has . . . dropped the weak-mayor council plan from its optional charter forms. The characteristics of this plan -- the 'long ballot' of recommended administrative officers, and the futile position that the mayor must occupy as the responsible head of the municipality -- has long been outmoded in municipal thinking and is

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

Senate Bill No. 308

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highly inadequate to modern municipal requirements. N.J. Commission on Municipal Government, Local Self-Government in New Jersey: A Proposed Optional Charter Plan, 21 (February, 1949).

Nonetheless, in its Second Report, after further consideration, it recognized the need for providing even those options which it had recommended not be adopted. They are now included among the small municipality plans provided by the Faulkner Act. In doing so, it accepted these changes as part of its original intent of permitting "complete freedom of choice for all municipalities". This is the pattern which this bill seeks to change.

I cannot join in such an action. If, in fact, what is needed is a strong mayor in these municipalities, then they may select one of the other options available under the Faulkner Act. If that provides more than they need, then they can elect, under the provisions of P.L. 1952, c. 148, which would be repealed by this act, to lengthen the term their mayor serves. Perhaps we should also create another option extending the term of the mayor to three years so that it would be equal to the term served by councilmen. In any case, while I am Governor, whenever possible such options shall be left in the hands of the people. Accordingly, I return this measure to the Senate without my approval.

Respectfully,

/s/ Richard J. Hughes

GOVERNOR

Attest:

/s/ Alan J. Karcher

Acting Secretary to the Governor