

LEGISLATIVE HISTORY CHECKLIST

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Laws of 1975 Chapter 84

Bill No. A1287

Sponsor(s) Perskie & Worthington

Date Introduced March 18, 1974

Committee: Assembly County Gov't.

Senate County & Municipal Gov't.

Amended during passage Yes

Amendments during passage denoted by asterisks

Date of passage: Assembly May 9, 1974

Senate Feb. 10, 1975

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Following statements are attached if available:

Sponsor statement Yes

Committee Statement: Assembly  No

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MAY 1977

ASSEMBLY, No. 1287

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1974

By Assemblymen PERSKIE and WORTHINGTON

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

3 1. Submission of charter study question. Whenever authorized  
4 by resolution of the board of freeholders or on petition of the  
5 registered voters of any county, an election shall be held in the  
6 county upon the question, "Shall a charter study commission be  
7 **[elected]** *created* to study the present governmental structure of  
8 . . . . . county, to consider and make findings concerning the form  
9 of county government and to make recommendations thereon?"

10 A petition calling for such an election shall bear the signatures of  
11 a number of persons registered to vote in the county equal to or  
12 exceeding in number **\*\*\*[5,000 or [10%] 5%, whichever is the**  
13 **lesser number,]**\*\*\* **\*\*\*10%\*\*\*** of the persons registered to vote in  
14 the county on the fortieth day preceding the most recent previous  
15 primary or general election. Whenever such resolution or petition  
16 shall be filed with him, the county clerk shall provide for sub-  
17 mission of the question at the next general election occurring not  
18 less than 60 days after the date of such filing. At the election, the  
19 question shall be submitted in the same manner as other public  
19A questions.

20 When a resolution or petition for the **[election]** *creation* of a  
21 charter study commission has been duly filed with the county clerk,

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

22 no other such resolution or petition and no other proceedings for  
 23 the adoption of any other charter or form of government available  
 24 to the county may be filed unless the voters shall decide the  
 25 aforesaid question in the negative or until the charter study com-  
 26 mission **[elected]** *created* by the voters shall have been discharged.

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

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

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

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

20 *Prior to the convening of the first meeting of the charter study*  
 21 *commission, four additional members shall be appointed to the*  
 22 *commission from among the citizens and residents of the county.*  
 23 *Of the four appointed members, two shall be appointed by the*  
 24 *chairman of the county committee of each of the two political*

25 *parties whose candidates for Governor received the largest number*  
26 *of votes at the most recent gubernatorial election.*

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

3 6. Vacancies. Any vacancy occurring in *any of the offices held*  
4 *by the seven elected members to the charter commission* shall be  
5 filled by the unsuccessful candidate who shall have received the  
6 greatest number of votes in the charter study commission election  
7 if he shall be available to fill such vacancy. In the event that the  
8 vacancy cannot be filled in this manner, the remaining members  
9 of the charter study commission shall appoint some other properly  
10 qualified citizen. *Any vacancy in the office of any of the appointed*  
11 *members to the charter study commission shall be filled in the same*  
12 *manner as the original appointment.*

1 5. Section 8 of P. L. 1972, c. 154 (C. 40:41-8) 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  
18 of 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 Jer-  
23 sey Department of Labor and Industry, one Senator and one mem-  
24 ber of the General Assembly, both of whom shall be [members of the  
25 county's delegation in the Legislature and both of whom shall be]  
26 residents of the county at the time of their election to the advisory  
27 body. The Senator and member of the General Assembly shall be  
28 elected to the advisory body by a majority vote of the whole number



29 of the county's board of chosen freeholders within 1 week of the  
30 approval of the charter study referendum by the county's voters.

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

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

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

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

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

10 shall be submitted to the voters of the petitioning county for  
 11 adoption in a manner provided in sections 15 and 16 of this act,  
 12 or as may otherwise be appropriate. No special charter shall  
 13 become operative until approved by a majority of all of the votes  
 14 cast for and against said adoption.

1 7. 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 8. 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 9. Section 27 of P. L. 1972, c. 154 (C. 40:41A-27) is amended  
 2 to 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 compensatoin.

12 b. Adopt, amend, enforce, and repeal ordinances and resolutions  
 13 as defined in \***[section]**\* \*sections\* 100 \*and 101\*, notwithstand-  
 14 ing the effect of any referendum conducted prior to the county's  
 15 adoption of its charter pursuant 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 *\*\*\*but within the borders of the State\*\*\**; without  
 29 regard to whether such other governmental body or group of  
 30 bodies be a unit of State, county, or municipal government or  
 31 a school district, authority or special district, to perform on  
 32 behalf of that unit, any service or function which that unit  
 32A 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 10. 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 11. 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 12. 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,]  
8 *departments and the members of all county boards* and commis-  
9 sions;

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

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

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

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

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

1 13. Section 41 of P. L. 1972, c. 154 (C. 40:41A-41) is amended  
2 to 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  
10 its 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 87 b. of this act;

16 f. May override a veto of the county executive by a two-thirds  
17 vote *of its 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 two-thirds vote**]** *pursuant to*  
22 *the Local Budget Law.*

1 14. 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 15. 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 ap-  
7 pointment, but during his tenure he may live outside the county  
8 only with the permission of the county executive.

1 16. 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 ad-  
6 ministration 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 17. Section 50 of P. L. 1972, c. 154 (C. 40:41A-50) is amended  
2 to 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, insti-  
21 tutions 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 ad-  
29 ministrative 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 admini-  
38 strative 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 l. Serve as ex-officio nonvoting member of all appointive bodies  
 47 in county government.

1 18. Section 51 of P. L. 1972, c. 154 (C. 40:41A-51) is amended  
 2 to 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 19. Section 55 of P. L. 1972, c. 154 (C. 40:41A-55) is amended  
 2 to 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  
 7 its 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 20. 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 21. 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 22. 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 23. Section 65 of P. L. 1972, c. 154 (C. 40:41A-65) is amended to  
2 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 *members*  
9 *of boards and commissions and all other* officials whose manner of  
10 appointment is not prescribed elsewhere in this 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 two-thirds of the [members] *full membership* of  
 25 the 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 24. 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 for which board confirmation is specified  
 13 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 two-thirds*  
 22 *vote of its full membership*;

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

1 25. 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 26. 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 27. 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  
 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  
 12 the budgetary process **【as set forth in sections 132 and 141 of this**  
 13 **act】**;

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

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

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

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

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

31 g. Negotiate contracts for the county subject to board approval  
 32 and make recommendations concerning the nature and location of  
 33 county improvements to be determined by the 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 28. 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 29. 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 30. 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 num-  
 11 ber 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 31. 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 adminis-**  
22 **trator】** *administrative officer* except as otherwise specified herein;
- 23 g. Execute all contracts, bonds or other instruments requiring  
24 the consent of the county.

1 32. 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 mem-  
9 bers of **【independent or advisory】** boards and commissions and  
10 all other officials not serving in the administrative service of the  
11 county the manner of whose appointment is not prescribed else-  
12 where in this 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 33. 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  
9 of, 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 34. 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 35. 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 36. 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 37. 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 *with the advice*  
 8 *and consent of the board of freeholders*, and *appoint* all other  
 9 [administrative officers and] county personnel the manner of whose  
 10 appointment is not prescribed elsewhere in this article;

11 c. [May, at] *At* his discretion, remove or suspend any official in  
 12 the unclassified service of the county over whose office the [county  
 13 administrator] *administrative officer* has power of appointment,  
 14 in accordance with the provisions of section 87 b.;

15 d. [May, at] *At* his discretion, delegate to any [administrative  
 16 officer] *department head* powers of appointment and removal of  
 17 [their] *his* departmental employees subject to civil service provi-  
 18 sions. If the [county administrator] *administrative officer* does

19 not so delegate his power he may appoint and remove, subject to  
20 civil service requirements, all [department heads, members of all  
21 boards and commissions,] employees whose positions have been  
22 authorized by resolution of the board, by civil service, or as pro-  
23 vided in the adopted county budget, and the manner of whose  
24 appointment is not specified elsewhere in this article;

25 e. [May] *At his discretion*, require reports and examine the  
26 accounts, records and operations of any agency of county govern-  
27 ment;

28 f. [May, at] *At his discretion*, order any agency under his juris-  
29 diction as specified in the administrative code to undertake any  
30 task for any other agency on a temporary basis if he deems it nec-  
31 essary for proper and efficient administration to do so.

1 38. Section 87 of P. L. 1972, c. 154 (C. 40:41A-87) is amended  
2 to 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  
6 influence 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 two-thirds vote  
10 of the whole number of the board, prevent the dismissal of certain  
11 employees under conditions as set forth in subsection b. of this  
12 section.

13 b. Suspension procedure. Suspensions will take effect imme-  
14 diately upon personal service of notice setting forth the order of  
15 suspension or dismissal. Dismissal or suspension for a definite  
16 term shall occur automatically in 30 calendar days from receipt of  
17 notice. But, if the officer or employee requests a public hearing on  
18 his dismissal or suspension for a definite term, no action beyond  
19 temporary suspension may be taken until the individual to be sus-  
20 pended or dismissed is given a public hearing not less than 15 nor  
21 more than 30 days after personal service of written notice of con-  
22 templated action. A copy of such notice shall be filed with the clerk  
23 to the board of freeholders immediately upon service of notice to  
24 the individual to be suspended or dismissed. In the event that  
25 within 35 days of receiving such notice, the board shall pass by a  
26 two-thirds vote of the whole number of the board, a resolution of  
27 disapproval, all proceedings and any suspension or dismissal of the  
28 individual shall be voided. In terms of recompense to the individ-  
29 ual, a vote of disapproval shall be deemed to negative the suspen-

30 sion or dismissal order and for purposes of pay and civil service  
31 standing the action shall be deemed never to have transpired.

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

40 If, however, evidence does not warrant referral of the case to  
41 the county prosecutor, or if a grand jury does not return an indict-  
42 ment against the individual in question, or if he is found not guilty  
43 in a plenary trial on the merits, and if the board shall have passed  
44 a resolution of disapproval in the manner described above, said  
45 individual] *any suspension or dismissal order is resolved upon*  
46 *hearing in favor of the officer or employee, he shall be restored to*  
47 *his original position without record of the action, or prejudice*  
48 *therefrom, and shall receive full compensation retroactive to the*  
49 *date of his suspension.*

1 39. 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 40. 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 *except an expense budget or capital budget*, required to be reduced  
6 to writing, published after introduction, and considered for final  
7 passage after public hearing at a meeting subsequent to the meet-  
8 ing at which it was introduced;

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

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

23 (2) At the time and place so stated in such publication, or at any  
24 time and place to which the meeting for the further consideration  
25 of the ordinance shall from time to time be adjourned, all persons  
26 interested shall be given an opportunity to be heard concerning  
27 the ordinance. Final passage thereof shall be at least 10 days from  
28 the first reading.

29 (3) Upon the opening of the hearing, the ordinance shall be given  
30 a second reading, which reading may be by title, and thereafter, it  
31 may be passed by a majority of the whole number of the board, with  
32 or without amendments, or rejected. Prior to the said second read-  
33 ing, a copy of the ordinance shall be posted on the bulletin board  
34 or other place upon which public notices are customarily posted in  
35 the building in which the board regularly meets, and copies of the  
36 ordinance shall be made available to members of the general public  
37 who shall request such copies. If any amendment be adopted, **[sub-**  
38 **stantially]** altering **[the substance of]** the ordinance, the ordinance  
39 as so amended shall not be finally adopted until at least **[2]** *1*  
40 *week***[s]** thereafter, and the ordinance as amended shall be read  
41 at a meeting of the board, which reading may be by title, and shall  
42 be published, together with a notice of the introduction, and the  
43 time and place when and where the amended ordinance will be  
44 further considered for final passage, at least **[5]** *2 days* prior to  
45 the time so fixed. At the time and place so fixed, or at any other  
46 meeting to which the further consideration of the amended ordi-

47 nance may be adjourned, the board may proceed to pass the ordi-  
48 nance, as amended, or again amend it in the same manner.

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

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

55 (6) The board may enact, amend or supplement ordinances  
56 establishing, amending or supplementing a code or any parts  
57 thereof, *not inconsistent with law*, by reference to such code in any  
58 such ordinance and without inclusion of the text thereof in such  
59 ordinance if the code to be adopted and any related documents are  
60 printed in book form and a copy of such printed code and related  
61 documents so marked as to indicate plainly what portion thereof,  
62 if less than the whole, is intended to be adopted, is annexed to  
63 such ordinance and if such code and related documents or such  
64 portion thereof as is intended to be adopted is so described in said  
65 ordinance as to identify them and there is indicated in said descrip-  
66 tion the common or trade name, if any, of such code and related  
67 documents and it is stated in the ordinance that three copies of said  
68 code and said related documents, similarly marked, have been placed  
69 on file in the office of the clerk of said board, upon the introduction  
70 of said ordinance and will remain on file there until final action is  
71 taken on said ordinance, for the use and examination 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 im-  
 100 pose any fine or term of imprisonment not exceeding the maximum  
 101 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 default  
 104 of the payment of any fine imposed therefor, be imprisoned in the  
 105 county jail for any term not exceeding 90 days *for such default*.

106 c. No ordinance [other than the county budget ordinance] shall  
 107 take effect less than 20 days after its final passage by *the* board  
 108 and approval by the county executive, or supervisor or board chair-  
 109 man or president, where such approval is required, unless the board  
 110 shall adopt a resolution declaring an emergency and at least  $\frac{2}{3}$  of all  
 111 the members of the board vote in favor of such resolution.

1 \*\*\*[\*\*\*41. Section 124 of P. L. 1972, c. 154 (C. 40:41A-124) is  
 2 amended to read as follows:

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

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

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

14 c. The offices of the entire board of freeholders and all other  
 15 offices established by any plan in this act which has been adopted  
 16 by the registered voters of the county except sheriff, clerk, sur-  
 17 rogate and register of [wills] deeds and mortgages shall be voted  
 18 on at the first general election following adoption of such plan. In  
 19 November of the first general election after the adoption of any  
 20 plan provided in this act, the terms of all incumbent members of

21 *the board of freeholders shall be deemed terminated at noon on the*  
22 *first Monday following the election of the new board of freeholders.*  
23 *On that date the newly-elected freeholders shall take office and the*  
24 *new board shall organize itself in accordance with the plan adopted*  
25 *thereunder. All freeholders and other officers elected in the first*  
26 *general election following the adoption of any plan provided in this*  
27 *act shall take office at noon on the Monday next following their*  
28 *election, but their terms shall expire in accordance with the plan*  
29 *selected, as if they had taken office on January 1 in the year follow-*  
30 *ing their election. But nothing in this section shall be construed to*  
31 *prevent an incumbent freeholder from becoming a candidate for*  
32 *the new board, even if his present time on the board has not yet*  
33 *expired. In the event that the plan approved provides for con-*  
34 *current terms, all freeholders shall be elected for concurrent 3-year*  
35 *terms. In the event that the approved plan provides for staggered*  
36 *terms, terms shall be as follows:*

37 (1) *If there be five members to be elected, all at large or all by*  
38 *district, two shall be elected for 3 years, two shall be elected for 2*  
39 *years, and one for 1 year.*

40 (2) *If there be seven members to be elected, all at large or all by*  
41 *district, three shall be elected for 3 years, two for 2 years, and two*  
42 *for 1 year.*

43 (3) *If there be nine members to be elected, all at large or all by*  
44 *district, three shall be elected for 3 years, three for 2 years and*  
45 *three for 1 year.*

46 (4) *If there be five members to be elected, three by district and*  
47 *two at large, one at large member shall be elected for 3 years and*  
48 *one for 2 years, and one district member shall be elected for 3 years,*  
49 *one for 2 years and one for 1 year.*

50 (5) *If there be seven members to be elected, four by district and*  
51 *three at large, one at large member shall be elected for 3 years, one*  
52 *for 2 years and one for 1 year, and two district members shall be*  
53 *elected for 3 years, one for 2 years, and one for 1 year.*

54 (6) *If there be 9 members to be elected, five by district and four*  
55 *at large, two at large members shall be elected for 3 years, one for*  
56 *2 years and one for 1 year, and two district members shall be*  
57 *elected for 3 years, two for 2 years, and one for 1 year.*

58 (7) *The length of the terms specified in subparagraphs (1)*  
59 *through (6) shall be determined by drawing to be conducted by the*  
60 *county clerk within 60 days after the adoption of the optional plan.*

61 *In all elections, after the first election under this act, all members*

62 shall be elected for 3-year terms beginning on January 1 in the year  
63 following their election.\*\*\*]

1 \*\*\*[41.]\*\*\* \*\*\*[\*\*\*42.\*\*\*]\*\*\* \*\*\*41.\*\*\* Section 128 of P. L.  
2 1972, c. 154 (C. 40:41A-128) is amended 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 dis-  
16 charging the function, power or duty involved in such action or  
17 proceeding.

1 \*\*\*[42.]\*\*\* \*\*\*[\*\*\*43.\*\*\*]\*\*\* \*\*\*42.\*\*\* Section 130 of P. L.  
2 1972, c. 154 (C. 40:41A-130) is amended 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 be*  
14 *limited in application to county employees and positions, and may*  
15 *not extend to cover employees and positions in municipalities within*  
16 *that county.*

1 \*\*\*[43.]\*\*\* \*\*\*[\*\*\*44.\*\*\*]\*\*\* \*\*\*43.\*\*\* Section 133 of P. L.  
2 1972, c. 154 (C. 40:41A-133) is amended 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 executive  
 10 in the case of a charter adopted under article 3, the county manager  
 11 in the case of a charter adopted under article 4, or the [chief  
 12 administrator] *administrative officer* in the case of charters adopted  
 13 under articles 5 and 6), shall submit to the board of chosen free-  
 14 holders, a budget document consisting of[: (1) the current expense  
 15 budget for the ensuing fiscal year; (2)] the *proposed* county  
 16 [capital] budget and [(3)] a budget message. On or before  
 17 September 1 of each year, the budget officer shall establish the  
 18 schedules and procedures to be followed by all county departments,  
 19 offices and agencies to prepare [for these and all other financial]  
 20 *the required budget* documents. [Every budgetary request shall be  
 21 advertised according to law. No budgetary request shall be  
 22 approved and submitted by the budget officer until after a public  
 23 hearing has been held thereon and taxpayers and all persons having  
 24 an interest thereon shall have been given an opportunity to present  
 25 objections. Public hearings on budget requests shall be held accord-  
 26 ing to law, at the time and place set by the budget officer.] *He may*  
 27 *conduct such analyses or hearings as he deems necessary.*

1 \*\*\*[44.]\*\*\* \*\*\*[\*\*\*45.\*\*\*]\*\*\* \*\*\*44.\*\*\* Section 138 of P. L.  
 2 1972, c. 154 (C. 40:41A-138) is amended 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 by*  
 13 *the budget officer.* The budget officer shall review requested allot-  
 14 ments 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 \*\*\*【45.】\*\*\* \*\*\*【\*\*\*46.\*\*\*】\*\*\* \*\*\*45.\*\*\* Section 142 of P. L.  
 2 1972, c. 154 (C. 40:41A-142) is amended 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 news-  
 8 papers qualified by law and designated by majority vote of the board  
 9 of freeholders to publish the county's legal notices. The two news-  
 10 papers 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 a  
 13 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 \*\*\*【46.】\*\*\* \*\*\*【\*\*\*47.\*\*\*】\*\*\* \*\*\*46.\*\*\* Sections \*\*【19, 20, 21,  
 2 22,】\*\* 135, 136, 137, 139, 140 and 141 of P. L. 1972, c. 154  
 3 (C. 40:41A-\*\*【19, 20, 21, 22,】\*\* 135, 136, 137, 139, 140 and 141)  
 4 are repealed.

1 \*\*\*【47.】\*\*\* \*\*\*【\*\*\*48.\*\*\*】\*\*\* \*\*\*47.\*\*\* This act shall take  
 2 effect immediately.

ASSEMBLY, No. 1287

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1974

By Assemblymen PERSKIE and WORTHINGTON

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

3 1. Submission of charter study question. Whenever authorized  
4 by resolution of the board of freeholders or on petition of the  
5 registered voters of any county, an election shall be held in the  
6 county upon the question, "Shall a charter study commission be  
7 **[elected]** *created* to study the present governmental structure of  
8 . . . . . county, to consider and make findings concerning the form  
9 of county government and to make recommendations thereon?"

10 A petition calling for such an election shall bear the signatures of  
11 a number of persons registered to vote in the county equal to or  
12 exceeding in number 5,000 or **[10%]** 5%, *whichever is the lesser*  
13 *number*, of the persons registered to vote in the county on the  
14 fortieth day preceding the most recent previous primary or  
15 general election. Whenever such resolution or petition shall be  
16 filed with him, the county clerk shall provide for submission of the  
17 question at the next general election occurring not less than 60 days  
18 after the date of such filing. At the election, the question shall be  
19 submitted in the same manner as other public questions.

20 When a resolution or petition for the **[election]** *creation* of a  
21 charter study commission has been duly filed with the county clerk,  
22 no other such resolution or petition and no other proceedings for  
23 the adoption of any other charter or form of government available  
24 to the county may be filed unless the voters shall decide the

**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 aforesaid question in the negative or until the charter study com-  
26 mission **[elected]** *created* by the voters shall have been discharged.

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

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

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

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

20 *Prior to the convening of the first meeting of the charter study*  
21 *commission, four additional members shall be appointed to the*  
22 *commission from among the citizens and residents of the county.*  
23 *Of the four appointed members, two shall be appointed by the*  
24 *chairman of the county committee of each of the two political*  
25 *parties whose candidates for Governor received the largest number*  
26 *of votes at the most recent gubernatorial election.*



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

3 6. Vacancies. Any vacancy occurring in *any of the offices held*  
4 *by the seven elected members* to the charter commission shall be  
5 filled by the unsuccessful candidate who shall have received the  
6 greatest number of votes in the charter study commission election  
7 if he shall be available to fill such vacancy. In the event that the  
8 vacancy cannot be filled in this manner, the remaining members  
9 of the charter study commission shall appoint some other properly  
10 qualified citizen. *Any vacancy in the office of any of the appointed*  
11 *members to the charter study commission shall be filled in the same*  
12 *manner as the original appointment.*

1 5. Section 8 of P. L. 1972, c. 154 (C. 40:41-8) 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  
18 of 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 Jer-  
23 sey Department of Labor and Industry, one Senator and one mem-  
24 ber of the General Assembly, both of whom shall be [members of the  
25 county's delegation in the Legislature and both of whom shall be]  
26 residents of the county at the time of their election to the advisory  
27 body. The Senator and member of the General Assembly shall be  
28 elected to the advisory body by a majority vote of the whole number  
29 of the county's board of chosen freeholders within 1 week of the  
30 approval of the charter study referendum by the county's voters.

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

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

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

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

3 17. Petition for special charter. If the charter study commission  
 4 shall have proposed a special charter, it shall be the duty of the  
 5 board of freeholders to petition the Legislature forthwith for a  
 6 special law or laws, pursuant to the State Constitution and in the  
 7 manner provided by general enabling legislation thereunder, to  
 8 carry out the recommendations of the charter study commission.  
 9 *Upon enactment of such enabling legislation, the special charter*  
 10 *shall be submitted to the voters of the petitioning county for*  
 11 *adoption in a manner provided in sections 15 and 16 of this act,*

12 *or as may otherwise be appropriate. No special charter shall*  
13 *become operative until approved by a majority of all of the votes*  
14 *cast for and against said adoption.*

1 7. 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 8. 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 9. Section 27 of P. L. 1972, c. 154 (C. 40:41A-27) is amended  
2 to 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 compensatoin.

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  
15 pursuant 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 10. 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 11. 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 12. 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,]  
8 *departments and the members of all county boards* and commis-  
9 sions;

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

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

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

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

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

1 13. Section 41 of P. L. 1972, c. 154 (C. 40:41A-41) is amended  
2 to 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  
10 its 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 87 b. of this act;

16 f. May override a veto of the county executive by a two-thirds  
17 vote *of its 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 two-thirds vote**】** *pursuant to*  
22 *the Local Budget Law.*

1 14. 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 15. 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 ap-  
7 pointment, but during his tenure he may live outside the county  
8 only with the permission of the county executive.

1 16. 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 ad-  
6 ministration 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 17. Section 50 of P. L. 1972, c. 154 (C. 40:41A-50) is amended  
2 to 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, insti-  
21 tutions 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 ad-  
29 ministrative 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 admini-  
38 istrative 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 l. Serve as ex-officio nonvoting member of all appointive bodies  
47 in county government.

1 18. Section 51 of P. L. 1972, c. 154 (C. 40:41A-51) is amended  
2 to 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 19. Section 55 of P. L. 1972, c. 154 (C. 40:41A-55) is amended  
2 to 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  
7 its 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 20. 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 21. 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 22. 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 23. Section 65 of P. L. 1972, c. 154 (C. 40:41A-65) is amended to  
2 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 *members  
9 of boards and commissions and all other* officials whose manner of  
10 appointment is not prescribed elsewhere in this 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 two-thirds of the **【members】** *full membership* of  
25 the 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 24. 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 for which board confirmation is specified**  
 13 **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 two-thirds*  
 22 *vote of its full membership*;

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

1 25. 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 26. 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 27. 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  
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  
12 the budgetary process ~~[as set forth in sections 132 and 141 of this~~  
13 ~~act]~~;

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

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

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

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

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

31 g. Negotiate contracts for the county subject to board approval  
32 and make recommendations concerning the nature and location of  
33 county improvements to be determined by the 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 28. 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 29. 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 30. 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 num-  
 11 ber 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 31. 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 adminis-**  
22 **trator】** *administrative officer* except as otherwise specified herein;
- 23 g. Execute all contracts, bonds or other instruments requiring  
24 the consent of the county.

1 32. 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 mem-  
9 bers of **【independent or advisory】** boards and commissions and  
10 all other officials not serving in the administrative service of the  
11 county the manner of whose appointment is not prescribed else-  
12 where in this 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 33. 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  
9 of, 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 34. 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 35. 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 36. 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 37. 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 *with the advice*  
 8 *and consent of the board of freeholders*, and *appoint* all other  
 9 [administrative officers and] county personnel the manner of whose  
 10 appointment is not prescribed elsewhere in this article;

11 c. [May, at] *At* his discretion, remove or suspend any official in  
 12 the unclassified service of the county over whose office the [county  
 13 administrator] *administrative officer* has power of appointment,  
 14 in accordance with the provisions of section 87 b.;

15 d. [May, at] *At* his discretion, delegate to any [administrative  
 16 officer] *department head* powers of appointment and removal of  
 17 [their] *his* departmental employees subject to civil service provi-  
 18 sions. If the [county administrator] *administrative officer* does

19 not so delegate his power he may appoint and remove, subject to  
20 civil service requirements, all [department heads, members of all  
21 boards and commissions,] employees whose positions have been  
22 authorized by resolution of the board, by civil service, or as pro-  
23 vided in the adopted county budget, and the manner of whose  
24 appointment is not specified elsewhere in this article;

25 e. [May] *At his discretion*, require reports and examine the  
26 accounts, records and operations of any agency of county govern-  
27 ment;

28 f. [May, at] *At his discretion*, order any agency under his juris-  
29 diction as specified in the administrative code to undertake any  
30 task for any other agency on a temporary basis if he deems it nec-  
31 essary for proper and efficient administration to do so.

1 38. Section 87 of P. L. 1972, c. 154 (C. 40:41A-87) is amended  
2 to 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  
6 influence 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 two-thirds vote  
10 of the whole number of the board, prevent the dismissal of certain  
11 employees under conditions as set forth in subsection b. of this  
12 section.

13 b. Suspension procedure. Suspensions will take effect imme-  
14 diately upon personal service of notice setting forth the order of  
15 suspension or dismissal. Dismissal or suspension for a definite  
16 term shall occur automatically in 30 calendar days from receipt of  
17 notice. But, if the officer or employee requests a public hearing on  
18 his dismissal or suspension for a definite term, no action beyond  
19 temporary suspension may be taken until the individual to be sus-  
20 pended or dismissed is given a public hearing not less than 15 nor  
21 more than 30 days after personal service of written notice of con-  
22 templated action. A copy of such notice shall be filed with the clerk  
23 to the board of freeholders immediately upon service of notice to  
24 the individual to be suspended or dismissed. In the event that  
25 within 35 days of receiving such notice, the board shall pass by a  
26 two-thirds vote of the whole number of the board, a resolution of  
27 disapproval, all proceedings and any suspension or dismissal of the  
28 individual shall be voided. In terms of recompense to the individ-  
29 ual, a vote of disapproval shall be deemed to negative the suspen-

30 sion or dismissal order and for purposes of pay and civil service  
31 standing the action shall be deemed never to have transpired.

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

40 If, however, evidence does not warrant referral of the case to  
41 the county prosecutor, or if a grand jury does not return an indict-  
42 ment against the individual in question, or if he is found not guilty  
43 in a plenary trial on the merits, and if the board shall have passed  
44 a resolution of disapproval in the manner described above, said  
45 individual] *any suspension or dismissal order is resolved upon*  
46 *hearing in favor of the officer or employee, he shall be restored to*  
47 *his original position without record of the action, or prejudice*  
48 *therefrom, and shall receive full compensation retroactive to the*  
49 *date of his suspension.*

1 39. 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 40. 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 *except an expense budget or capital budget*, required to be reduced  
6 to writing, published after introduction, and considered for final  
7 passage after public hearing at a meeting subsequent to the meet-  
8 ing at which it was introduced;

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

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

23 (2) At the time and place so stated in such publication, or at any  
24 time and place to which the meeting for the further consideration  
25 of the ordinance shall from time to time be adjourned, all persons  
26 interested shall be given an opportunity to be heard concerning  
27 the ordinance. Final passage thereof shall be at least 10 days from  
28 the first reading.

29 (3) Upon the opening of the hearing, the ordinance shall be given  
30 a second reading, which reading may be by title, and thereafter, it  
31 may be passed by a majority of the whole number of the board, with  
32 or without amendments, or rejected. Prior to the said second read-  
33 ing, a copy of the ordinance shall be posted on the bulletin board  
34 or other place upon which public notices are customarily posted in  
35 the building in which the board regularly meets, and copies of the  
36 ordinance shall be made available to members of the general public  
37 who shall request such copies. If any amendment be adopted, **[sub-**  
38 **stantially]** altering **[the substance of]** the ordinance, the ordinance  
39 as so amended shall not be finally adopted until at least **[2]** *1*  
40 *week[s]* thereafter, and the ordinance as amended shall be read  
41 at a meeting of the board, which reading may be by title, and shall  
42 be published, together with a notice of the introduction, and the  
43 time and place when and where the amended ordinance will be  
44 further considered for final passage, at least **[5]** *2 days* prior to  
45 the time so fixed. At the time and place so fixed, or at any other  
46 meeting to which the further consideration of the amended ordi-

47 nance may be adjourned, the board may proceed to pass the ordi-  
48 nance, as amended, or again amend it in the same manner.

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

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

55 (6) The board may enact, amend or supplement ordinances  
56 establishing, amending or supplementing a code or any parts  
57 thereof, *not inconsistent with law*, by reference to such code in any  
58 such ordinance and without inclusion of the text thereof in such  
59 ordinance if the code to be adopted and any related documents are  
60 printed in book form and a copy of such printed code and related  
61 documents so marked as to indicate plainly what portion thereof,  
62 if less than the whole, is intended to be adopted, is annexed to  
63 such ordinance and if such code and related documents or such  
64 portion thereof as is intended to be adopted is so described in said  
65 ordinance as to identify them and there is indicated in said descrip-  
66 tion the common or trade name, if any, of such code and related  
67 documents and it is stated in the ordinance that three copies of said  
68 code and said related documents, similarly marked, have been placed  
69 on file in the office of the clerk of said board, upon the introduction  
70 of said ordinance and will remain on file there until final action is  
71 taken on said ordinance, for the use and examination 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 im-  
100 pose any fine or term of imprisonment not exceeding the maximum  
101 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 default  
104 of the payment of any fine imposed therefor, be imprisoned in the  
105 county jail for any term not exceeding 90 days *for such default*.

106 c. No ordinance [other than the county budget ordinance] shall  
107 take effect less than 20 days after its final passage by *the* board  
108 and approval by the county executive, or supervisor or board chair-  
109 man or president, where such approval is required, unless the board  
110 shall adopt a resolution declaring an emergency and at least  $\frac{2}{3}$  of all  
111 the members of the board vote in favor of such resolution.

1 41. 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 dis-  
16 charging the function, power or duty involved in such action or  
17 proceeding.

1 42. 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 be*  
 14 *limited in application to county employees and positions, and may*  
 15 *not extend to cover employees and positions in municipalities within*  
 16 *that county.*

1 43. 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 executive*  
 10 *in the case of a charter adopted under article 3, the county manager*  
 11 *in the case of a charter adopted under article 4, or the [chief*  
 12 *administrator] administrative officer in the case of charters adopted*  
 13 *under articles 5 and 6), shall submit to the board of chosen free-*  
 14 *holders, a budget document consisting of[: (1) the current expense*  
 15 *budget for the ensuing fiscal year; (2)] the proposed county*  
 16 *[capital] budget and [(3)] a budget message. On or before*  
 17 *September 1 of each year, the budget officer shall establish the*  
 18 *schedules and procedures to be followed by all county departments,*  
 19 *offices and agencies to prepare [for these and all other financial]*  
 20 *the required budget documents. [Every budgetary request shall be*  
 21 *advertised according to law. No budgetary request shall be*  
 22 *approved and submitted by the budget officer until after a public*  
 23 *hearing has been held thereon and taxpayers and all persons having*  
 24 *an interest thereon shall have been given an opportunity to present*  
 25 *objections. Public hearings on budget requests shall be held accord-*  
 26 *ing to law, at the time and place set by the budget officer.] He may*  
 27 *conduct such analyses or hearings as he deems necessary.*

1 44. 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 by*  
 13 *the budget officer.* The budget officer shall review requested allot-  
 14 ments 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 45. 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 news-  
 8 papers qualified by law and designated by majority vote of the board  
 9 of freeholders to publish the county's legal notices. The two news-  
 10 papers 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 a

13 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 46. Sections 19, 20, 21, 22, 135, 136, 137, 139, 140 and 141 of P. L.  
 2 1972, c. 154 (C. 40:41A-19, 20, 21, 22, 135, 136, 137, 139, 140 and 141)  
 3 are repealed.

1 47. This act shall take effect immediately.

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#### STATEMENT

This bill contains both substantive and technical amendments to the Optional County Charter Law.

The major substantive changes are as follows:

(1) Section 1 of this bill lowers (from 10% to 5% of the number of registered voters in the county, or 5,000 registered voters in said county, whichever is the lesser number) the number of signatures required to place the question of establishing a study commission on the ballot;

(2) Sections 2 and 3 change the total number of charter study commission members from seven to 11 and further provide that seven of these members shall be elected in the manner presently provided for, while the other four shall be appointed by the county committee chairman of the two major parties—the intent of this amendment is both to continue the commission as primarily an elected body while also providing for some partisan inputs, especially by the minority party should it otherwise fail to gain elected representation to the commission;

(3) The next to last paragraph of section 5 provides for the contingency where no partisan appointments can be made to the advisory board other than by the dominant party;

(4) Section 6 requires that no special charter shall become operative until approved by the voters of the petitioning county;

(5) Section 7 reduces from 5 to 3 years the number of years which must elapse before a once-defeated or adopted question on a change of governmental forms, can again be placed on the ballot;

(6) Section 10 requires the establishment of a municipal advisory council;

(7) Section 13 gives the board of freeholders operating under the county executive plan, the sole power to appoint the clerk to the board and the county counsel; sections 18, 23 and 32 does the same for the remaining three forms of county government;

(8) Section 18 makes discretionary the creation of a deputy manager under the county manager plan;

(9) Section 29 reduces from 2 years to 1 year, the term of office of the board president under the board president plan, and leaves indeterminate the date of his election;

(10) Section 30 requires the board of freeholders, rather than the electorate, to fill any vacancy in the office of the board president;

(11) Section 37, among other things, requires that all appointments of heads of county departments made by the county administrative officer under the president board plan, be subject to the advice and consent of the board of freeholders—this amendment is intended to differentiate more clearly the powers of the county manager under the county manager plan from those of the chief administrative officer under the president board plan;

(12) Section 40 changes the public notice requirements for the second reading of a proposed ordinance and of any proposed amendments to said ordinance;

(13) Section 40 also deletes the reference to “county budget ordinance” so as to make the budgetary processes wholly consistent with the Local Budget Law;

(14) Section 44 requires the budget officer, where practicable, to divide the annual budgetary requests into at least quarterly allotments, and to provide unit costs of all budgeted expenditures.

(15) Section 46 repeals (a) the direct petition procedures by which the question of adopting an optional charter can be placed on the ballot without benefit of a charter study, and (b) sections 136-41 of the Optional County Charter Law, so that the budgetary processes under the several optional forms will conform to the provisions of the Local Budget Law.

In addition, this bill also contains a number of technical amendments which are alternatively intended (i) to make the provisions of the charter law internally consistent (ii) to correct typographical mistakes, (iii) to provide further clarification of some points, or (iv) to make the charter law consistent with other relevant sections of the New Jersey Statutes.

ASSEMBLY COMMITTEE AMENDMENTS TO  
**ASSEMBLY, No. 1287**

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**STATE OF NEW JERSEY**

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ADOPTED APRIL 29, 1974

Amend page 6, section 9, line 13, omit "section", insert "sections";  
after "100", insert "and 101".

[OFFICIAL COPY REPRINT]  
ASSEMBLY, No. 1287

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1974

By Assemblymen PERSKIE and WORTHINGTON

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

3 1. Submission of charter study question. Whenever authorized  
4 by resolution of the board of freeholders or on petition of the  
5 registered voters of any county, an election shall be held in the  
6 county upon the question, "Shall a charter study commission be  
7 **[elected]** *created* to study the present governmental structure of  
8 . . . . . county, to consider and make findings concerning the form  
9 of county government and to make recommendations thereon?"  
10 A petition calling for such an election shall bear the signatures of  
11 a number of persons registered to vote in the county equal to or  
12 exceeding in number 5,000 or **[10%]** 5%, *whichever is the lesser*  
13 *number*, of the persons registered to vote in the county on the  
14 fortieth day preceding the most recent previous primary or  
15 general election. Whenever such resolution or petition shall be  
16 filed with him, the county clerk shall provide for submission of the  
17 question at the next general election occurring not less than 60 days  
18 after the date of such filing. At the election, the question shall be  
19 submitted in the same manner as other public questions.

20 When a resolution or petition for the **[election]** *creation* of a  
21 charter study commission has been duly filed with the county clerk,  
22 no other such resolution or petition and no other proceedings for  
23 the adoption of any other charter or form of government available  
24 to the county may be filed unless the voters shall decide the

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 aforesaid question in the negative or until the charter study com-  
 26 mission **[elected]** *created* by the voters shall have been discharged.

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

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

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

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

20 *Prior to the convening of the first meeting of the charter study*  
 21 *commission, four additional members shall be appointed to the*  
 22 *commission from among the citizens and residents of the county.*  
 23 *Of the four appointed members, two shall be appointed by the*  
 24 *chairman of the county committee of each of the two political*  
 25 *parties whose candidates for Governor received the largest number*  
 26 *of votes at the most recent gubernatorial election.*

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

3 6. Vacancies. Any vacancy occurring in *any of the offices held*  
4 *by the seven elected members* to the charter commission shall be  
5 filled by the unsuccessful candidate who shall have received the  
6 greatest number of votes in the charter study commission election  
7 if he shall be available to fill such vacancy. In the event that the  
8 vacancy cannot be filled in this manner, the remaining members  
9 of the charter study commission shall appoint some other properly  
10 qualified citizen. *Any vacancy in the office of any of the appointed*  
11 *members to the charter study commission shall be filled in the same*  
12 *manner as the original appointment.*

1 5. Section 8 of P. L. 1972, c. 154 (C. 40:41-8) 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  
18 of 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 Jer-  
23 sey Department of Labor and Industry, one Senator and one mem-  
24 ber of the General Assembly, both of whom shall be [members of the  
25 county's delegation in the Legislature and both of whom shall be]  
26 residents of the county at the time of their election to the advisory  
27 body. The Senator and member of the General Assembly shall be  
28 elected to the advisory body by a majority vote of the whole number  
29 of the county's board of chosen freeholders within 1 week of the  
30 approval of the charter study referendum by the county's voters.

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

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

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

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

3 17. Petition for special charter. If the charter study commission  
4 shall have proposed a special charter, it shall be the duty of the  
5 board of freeholders to petition the Legislature forthwith for a  
6 special law or laws, pursuant to the State Constitution and in the  
7 manner provided by general enabling legislation thereunder, to  
8 carry out the recommendations of the charter study commission.  
9 *Upon enactment of such enabling legislation, the special charter*  
10 *shall be submitted to the voters of the petitioning county for*  
11 *adoption in a manner provided in sections 15 and 16 of this act,*



12 *or as may otherwise be appropriate. No special charter shall*  
 13 *become operative until approved by a majority of all of the votes*  
 14 *cast for and against said adoption.*

1 7. 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 8. 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 9. Section 27 of P. L. 1972, c. 154 (C. 40:41A-27) is amended  
2 to 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 compensatoin.

12 b. Adopt, amend, enforce, and repeal ordinances and resolutions  
13 as defined in \***[section]**\* *sections* 100 *and* 101\*, notwithstand-  
14 ing the effect of any referendum conducted prior to the county's  
15 adoption of its charter pursuant 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 10. 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 11. 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 12. 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,]  
8 *departments and the members of all county boards* and commis-  
9 sions;

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

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

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

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

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

1 13. Section 41 of P. L. 1972, c. 154 (C. 40:41A-41) is amended  
2 to 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  
10 its 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 87 b. of this act;

16 f. May override a veto of the county executive by a two-thirds  
17 vote of its 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 two-thirds vote**]** *pursuant to*  
22 *the Local Budget Law.*

1 14. 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 15. 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 ap-  
7 pointment, but during his tenure he may live outside the county  
8 only with the permission of the county executive.

1 16. 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 ad-  
6 ministration 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 17. Section 50 of P. L. 1972, c. 154 (C. 40:41A-50) is amended  
2 to 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, insti-  
21 tutions 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 ad-  
29 ministrative 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 admini-  
38 strative 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 l. Serve as ex-officio nonvoting member of all appointive bodies  
47 in county government.

1 18. Section 51 of P. L. 1972, c. 154 (C. 40:41A-51) is amended  
2 to 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 19. Section 55 of P. L. 1972, c. 154 (C. 40:41A-55) is amended  
2 to 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  
7 its 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 20. 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 21. 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 22. 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 23. Section 65 of P. L. 1972, c. 154 (C. 40:41A-65) is amended to  
2 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 *members  
9 of boards and commissions and all other officials* whose manner of  
10 appointment is not prescribed elsewhere in this 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 two-thirds of the **[members]** *full membership* of  
25 the 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 24. 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 for which board confirmation is specified**  
 13 **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 two-thirds*  
 22 *vote of its full membership*;

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

1 25. 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 26. 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 27. 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  
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  
12 the budgetary process ~~as set forth in sections 132 and 141 of this~~  
13 ~~act~~;

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

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

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

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

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

31 g. Negotiate contracts for the county subject to board approval  
32 and make recommendations concerning the nature and location of  
33 county improvements to be determined by the 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 28. 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 29. 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 30. 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 num-  
11 ber 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 31. 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 adminis-**  
22 **trator]** *administrative officer* except as otherwise specified herein;

23 g. Execute all contracts, bonds or other instruments requiring  
24 the consent of the county.

1 32. 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 mem-  
9 bers of **[independent or advisory]** boards and commissions and  
10 all other officials not serving in the administrative service of the  
11 county the manner of whose appointment is not prescribed else-  
12 where in this 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 33. 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
- 9 of, 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 34. 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 35. 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 36. 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 37. 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 *with the advice*  
8 *and consent of the board of freeholders*, and *appoint* all other  
9 [administrative officers and] county personnel the manner of whose  
10 appointment is not prescribed elsewhere in this article;

11 c. [May, at] *At* his discretion, remove or suspend any official in  
12 the unclassified service of the county over whose office the [county  
13 administrator] *administrative officer* has power of appointment,  
14 in accordance with the provisions of section 87 b.;

15 d. [May, at] *At* his discretion, delegate to any [administrative  
16 officer] *department head* powers of appointment and removal of  
17 [their] *his* departmental employees subject to civil service provi-  
18 sions. If the [county administrator] *administrative officer* does



19 not so delegate his power he may appoint and remove, subject to  
20 civil service requirements, all [department heads, members of all  
21 boards and commissions,] employees whose positions have been  
22 authorized by resolution of the board, by civil service, or as pro-  
23 vided in the adopted county budget, and the manner of whose  
24 appointment is not specified elsewhere in this article;

25 e. [May] *At his discretion*, require reports and examine the  
26 accounts, records and operations of any agency of county govern-  
27 ment;

28 f. [May, at] *At his discretion*, order any agency under his juris-  
29 diction as specified in the administrative code to undertake any  
30 task for any other agency on a temporary basis if he deems it nec-  
31 essary for proper and efficient administration to do so.

1 38. Section 87 of P. L. 1972, c. 154 (C. 40:41A-87) is amended  
2 to 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  
6 influence 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 two-thirds vote  
10 of the whole number of the board, prevent the dismissal of certain  
11 employees under conditions as set forth in subsection b. of this  
12 section.

13 b. Suspension procedure. Suspensions will take effect imme-  
14 diately upon personal service of notice setting forth the order of  
15 suspension or dismissal. Dismissal or suspension for a definite  
16 term shall occur automatically in 30 calendar days from receipt of  
17 notice. But, if the officer or employee requests a public hearing on  
18 his dismissal or suspension for a definite term, no action beyond  
19 temporary suspension may be taken until the individual to be sus-  
20 pended or dismissed is given a public hearing not less than 15 nor  
21 more than 30 days after personal service of written notice of con-  
22 templated action. A copy of such notice shall be filed with the clerk  
23 to the board of freeholders immediately upon service of notice to  
24 the individual to be suspended or dismissed. In the event that  
25 within 35 days of receiving such notice, the board shall pass by a  
26 two-thirds vote of the whole number of the board, a resolution of  
27 disapproval, all proceedings and any suspension or dismissal of the  
28 individual shall be voided. In terms of recompense to the individ-  
29 ual, a vote of disapproval shall be deemed to negative the suspen-

30 sion or dismissal order and for purposes of pay and civil service  
31 standing the action shall be deemed never to have transpired.

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

40 If, however, evidence does not warrant referral of the case to  
41 the county prosecutor, or if a grand jury does not return an indict-  
42 ment against the individual in question, or if he is found not guilty  
43 in a plenary trial on the merits, and if the board shall have passed  
44 a resolution of disapproval in the manner described above, said  
45 individual] *any suspension or dismissal order is resolved upon*  
46 *hearing in favor of the officer or employee, he shall be restored to*  
47 *his original position without record of the action, or prejudice*  
48 *therefrom, and shall receive full compensation retroactive to the*  
49 *date of his suspension.*

1 39. 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 40. 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 *except an expense budget or capital budget*, required to be reduced  
6 to writing, published after introduction, and considered for final  
7 passage after public hearing at a meeting subsequent to the meet-  
8 ing at which it was introduced;

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

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

23 (2) At the time and place so stated in such publication, or at any  
24 time and place to which the meeting for the further consideration  
25 of the ordinance shall from time to time be adjourned, all persons  
26 interested shall be given an opportunity to be heard concerning  
27 the ordinance. Final passage thereof shall be at least 10 days from  
28 the first reading.

29 (3) Upon the opening of the hearing, the ordinance shall be given  
30 a second reading, which reading may be by title, and thereafter, it  
31 may be passed by a majority of the whole number of the board, with  
32 or without amendments, or rejected. Prior to the said second read-  
33 ing, a copy of the ordinance shall be posted on the bulletin board  
34 or other place upon which public notices are customarily posted in  
35 the building in which the board regularly meets, and copies of the  
36 ordinance shall be made available to members of the general public  
37 who shall request such copies. If any amendment be adopted, **[sub-**  
38 **stantially]** altering **[the substance of]** the ordinance, the ordinance  
39 as so amended shall not be finally adopted until at least **[2]** *1*  
40 *week[s]* thereafter, and the ordinance as amended shall be read  
41 at a meeting of the board, which reading may be by title, and shall  
42 be published, together with a notice of the introduction, and the  
43 time and place when and where the amended ordinance will be  
44 further considered for final passage, at least **[5]** *2 days* prior to  
45 the time so fixed. At the time and place so fixed, or at any other  
46 meeting to which the further consideration of the amended ordi-

47 nance may be adjourned, the board may proceed to pass the ordi-  
48 nance, as amended, or again amend it in the same manner.

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

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

55 (6) The board may enact, amend or supplement ordinances  
56 establishing, amending or supplementing a code or any parts  
57 thereof, *not inconsistent with law*, by reference to such code in any  
58 such ordinance and without inclusion of the text thereof in such  
59 ordinance if the code to be adopted and any related documents are  
60 printed in book form and a copy of such printed code and related  
61 documents so marked as to indicate plainly what portion thereof,  
62 if less than the whole, is intended to be adopted, is annexed to  
63 such ordinance and if such code and related documents or such  
64 portion thereof as is intended to be adopted is so described in said  
65 ordinance as to identify them and there is indicated in said descrip-  
66 tion the common or trade name, if any, of such code and related  
67 documents and it is stated in the ordinance that three copies of said  
68 code and said related documents, similarly marked, have been placed  
69 on file in the office of the clerk of said board, upon the introduction  
70 of said ordinance and will remain on file there until final action is  
71 taken on said ordinance, for the use and examination 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 im-  
100 pose any fine or term of imprisonment not exceeding the maximum  
101 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 default  
104 of the payment of any fine imposed therefor, be imprisoned in the  
105 county jail for any term not exceeding 90 days *for such default*.

106 c. No ordinance [other than the county budget ordinance] shall  
107 take effect less than 20 days after its final passage by *the* board  
108 and approval by the county executive, or supervisor or board chair-  
109 man or president, where such approval is required, unless the board  
110 shall adopt a resolution declaring an emergency and at least  $\frac{2}{3}$  of all  
111 the members of the board vote in favor of such resolution.

1 41. 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 dis-  
16 charging the function, power or duty involved in such action or  
17 proceeding.

1 42. 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 be*  
 14 *limited in application to county employees and positions, and may*  
 15 *not extend to cover employees and positions in municipalities within*  
 16 *that county.*

1 43. 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 executive*  
 10 *in the case of a charter adopted under article 3, the county manager*  
 11 *in the case of a charter adopted under article 4, or the chief*  
 12 *administrator*) *administrative officer* in the case of charters adopted  
 13 under articles 5 and 6), shall submit to the board of chosen free-  
 14 holders, a budget document consisting of: (1) the current expense  
 15 budget for the ensuing fiscal year; (2) the *proposed* county  
 16 **capital** budget and **(3)** a budget message. On or before  
 17 September 1 of each year, the budget officer shall establish the  
 18 schedules and procedures to be followed by all county departments,  
 19 offices and agencies to prepare **for these and all other financial**  
 20 *the required budget* documents. **Every budgetary request shall be**  
 21 **advertised according to law. No budgetary request shall be**  
 22 **approved and submitted by the budget officer until after a public**  
 23 **hearing has been held thereon and taxpayers and all persons having**  
 24 **an interest thereon shall have been given an opportunity to present**  
 25 **objections. Public hearings on budget requests shall be held accord-**  
 26 **ing to law, at the time and place set by the budget officer.** *He may*  
 27 *conduct such analyses or hearings as he deems necessary.*

1 44. 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 by*  
13 *the budget officer. The budget officer shall review requested allot-*  
14 *ments 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 45. 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 news-  
8 papers qualified by law and designated by majority vote of the board  
9 of freeholders to publish the county's legal notices. The two news-  
10 papers 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 a

13 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 46. Sections 19, 20, 21, 22, 135, 136, 137, 139, 140 and 141 of P. L.  
2 1972, c. 154 (C. 40:41A-19, 20, 21, 22, 135, 136, 137, 139, 140 and 141)  
3 are repealed.

1 47. This act shall take effect immediately.



ASSEMBLY AMENDMENTS TO  
**ASSEMBLY, No. 1287**  
[OFFICIAL COPY REPRINT]

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**STATE OF NEW JERSEY**

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ADOPTED MAY 9, 1974

Amend page 28, section 46, line 1, omit "19, 20, 21, 22,".

Amend page 28, section 46, line 2, omit "19, 20, 21, 22,".

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1287

STATE OF NEW JERSEY

INTRODUCED MARCH 18, 1974

By Assemblymen PERSKIE and WORTHINGTON

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

3 1. Submission of charter study question. Whenever authorized  
4 by resolution of the board of freeholders or on petition of the  
5 registered voters of any county, an election shall be held in the  
6 county upon the question, "Shall a charter study commission be  
7 **[elected]** *created* to study the present governmental structure of  
8 ..... county, to consider and make findings concerning the form  
9 of county government and to make recommendations thereon?"  
10 A petition calling for such an election shall bear the signatures of  
11 a number of persons registered to vote in the county equal to or  
12 exceeding in number 5,000 or **[10%]** 5%, whichever is the lesser  
13 number, of the persons registered to vote in the county on the  
14 fortieth day preceding the most recent previous primary or  
15 general election. Whenever such resolution or petition shall be  
16 filed with him, the county clerk shall provide for submission of the  
17 question at the next general election occurring not less than 60 days  
18 after the date of such filing. At the election, the question shall be  
19 submitted in the same manner as other public questions.

20 When a resolution or petition for the **[election]** *creation* of a  
21 charter study commission has been duly filed with the county clerk,  
22 no other such resolution or petition and no other proceedings for  
23 the adoption of any other charter or form of government available  
24 to the county may be filed unless the voters shall decide the

**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 aforesaid question in the negative or until the charter study com-  
26 mission ~~["elected"]~~ *created* by the voters shall have been discharged.

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

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

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

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

20 *Prior to the convening of the first meeting of the charter study*  
21 *commission, four additional members shall be appointed to the*  
22 *commission from among the citizens and residents of the county.*  
23 *Of the four appointed members, two shall be appointed by the*  
24 *chairman of the county committee of each of the two political*  
25 *parties whose candidates for Governor received the largest number*  
26 *of votes at the most recent gubernatorial election.*

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

3 6. Vacancies. Any vacancy occurring in *any of the offices held*  
4 *by the seven elected members* to the charter commission shall be  
5 filled by the unsuccessful candidate who shall have received the  
6 greatest number of votes in the charter study commission election  
7 if he shall be available to fill such vacancy. In the event that the  
8 vacancy cannot be filled in this manner, the remaining members  
9 of the charter study commission shall appoint some other properly  
10 qualified citizen. *Any vacancy in the office of any of the appointed*  
11 *members to the charter study commission shall be filled in the same*  
12 *manner as the original appointment.*

1 5. Section 8 of P. L. 1972, c. 154 (C. 40:41-8) 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  
18 of 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 Jer-  
23 sey Department of Labor and Industry, one Senator and one mem-  
24 ber of the General Assembly, both of whom shall be [members of the  
25 county's delegation in the Legislature and both of whom shall be]  
26 residents of the county at the time of their election to the advisory  
27 body. The Senator and member of the General Assembly shall be  
28 elected to the advisory body by a majority vote of the whole number  
29 of the county's board of chosen freeholders within 1 week of the  
30 approval of the charter study referendum by the county's voters.

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

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

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

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

3 17. Petition for special charter. If the charter study commission  
4 shall have proposed a special charter, it shall be the duty of the  
5 board of freeholders to petition the Legislature forthwith for a  
6 special law or laws, pursuant to the State Constitution and in the  
7 manner provided by general enabling legislation thereunder, to  
8 carry out the recommendations of the charter study commission.  
9 *Upon enactment of such enabling legislation, the special charter*  
10 *shall be submitted to the voters of the petitioning county for*  
11 *adoption in a manner provided in sections 15 and 16 of this act,*

12 *or as may otherwise be appropriate. No special charter shall*  
13 *become operative until approved by a majority of all of the votes*  
14 *cast for and against said adoption.*

1 7. 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 8. 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 9. Section 27 of P. L. 1972, c. 154 (C. 40:41A-27) is amended  
2 to 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 compensatoin.

12 b. Adopt, amend, enforce, and repeal ordinances and resolutions  
13 as defined in \*~~section~~\* \*sections\* 100 \*and 101\*, notwithstand-  
14 ing the effect of any referendum conducted prior to the county's  
15 adoption of its charter pursuant 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 frecholders 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 10. 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 11. 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 12. 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,]  
8 *departments and the members of all county boards* and commis-  
9 sions;

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

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

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

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

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

1 13. Section 41 of P. L. 1972, c. 154 (C. 40:41A-41) is amended  
2 to 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  
10 its 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 87 b. of this act;

16 f. May override a veto of the county executive by a two-thirds  
17 vote *of its 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 two-thirds vote**】** *pursuant to*  
22 *the Local Budget Law*.

1 14. 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 15. 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 ap-  
7 pointment, but during his tenure he may live outside the county  
8 only with the permission of the county executive.

1 16. 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 ad-  
6 ministration 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 17. Section 50 of P. L. 1972, c. 154 (C. 40:41A-50) is amended  
2 to 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, insti-  
21 tutions 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 ad-  
29 ministrative 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 admini-  
38 istrative 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 l. Serve as ex-officio nonvoting member of all appointive bodies  
47 in county government.

1 18. Section 51 of P. L. 1972, c. 154 (C. 40:41A-51) is amended  
2 to 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 19. Section 55 of P. L. 1972, c. 154 (C. 40:41A-55) is amended  
2 to 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  
7 its 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 20. 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 21. 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 22. 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 23. Section 65 of P. L. 1972, c. 154 (C. 40:41A-65) is amended to  
2 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 *members*  
9 *of boards and commissions and all other* officials whose manner of  
10 appointment is not prescribed elsewhere in this 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 two-thirds of the ~~members~~ *full membership* of  
25 the 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 24. 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 for which board confirmation is specified**  
 13 **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 two-thirds*  
 22 *vote of its full membership*;

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

1 25. 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 26. 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 27. 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  
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  
12 the budgetary process ~~as set forth in sections 132 and 141 of this~~  
13 ~~act~~;

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

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

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

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

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

31 g. Negotiate contracts for the county subject to board approval  
32 and make recommendations concerning the nature and location of  
33 county improvements to be determined by the 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 28. 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 29. 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 30. 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 num-  
 11 ber 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 31. 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 adminis-**  
22 **trator】** *administrative officer* except as otherwise specified herein;

23 g. Execute all contracts, bonds or other instruments requiring  
24 the consent of the county.

1 32. 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 mem-  
9 bers of **【independent or advisory】** boards and commissions and  
10 all other officials not serving in the administrative service of the  
11 county the manner of whose appointment is not prescribed else-  
12 where in this 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 33. 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  
9 of, 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 34. 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 35. 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 36. 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 37. 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 *with the advice*  
 8 *and consent of the board of freeholders*, and *appoint* all other  
 9 [administrative officers and] county personnel the manner of whose  
 10 appointment is not prescribed elsewhere in this article;

11 c. [May, at] *At* his discretion, remove or suspend any official in  
 12 the unclassified service of the county over whose office the [county  
 13 administrator] *administrative officer* has power of appointment,  
 14 in accordance with the provisions of section 87 b.;

15 d. [May, at] *At* his discretion, delegate to any [administrative  
 16 officer] *department head* powers of appointment and removal of  
 17 [their] *his* departmental employees subject to civil service provi-  
 18 sions. If the [county administrator] *administrative officer* does

19 not so delegate his power he may appoint and remove, subject to  
20 civil service requirements, all [department heads, members of all  
21 boards and commissions,] employees whose positions have been  
22 authorized by resolution of the board, by civil service, or as pro-  
23 vided in the adopted county budget, and the manner of whose  
24 appointment is not specified elsewhere in this article;

25 e. [May] *At his discretion*, require reports and examine the  
26 accounts, records and operations of any agency of county govern-  
27 ment;

28 f. [May, at] *At his discretion*, order any agency under his juris-  
29 diction as specified in the administrative code to undertake any  
30 task for any other agency on a temporary basis if he deems it nec-  
31 essary for proper and efficient administration to do so.

1 38. Section 87 of P. L. 1972, c. 154 (C. 40:41A-87) is amended  
2 to 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  
6 influence 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 two-thirds vote  
10 of the whole number of the board, prevent the dismissal of certain  
11 employees under conditions as set forth in subsection b. of this  
12 section.

13 b. Suspension procedure. Suspensions will take effect imme-  
14 diately upon personal service of notice setting forth the order of  
15 suspension or dismissal. Dismissal or suspension for a definite  
16 term shall occur automatically in 30 calendar days from receipt of  
17 notice. But, if the officer or employee requests a public hearing on  
18 his dismissal or suspension for a definite term, no action beyond  
19 temporary suspension may be taken until the individual to be sus-  
20 pended or dismissed is given a public hearing not less than 15 nor  
21 more than 30 days after personal service of written notice of con-  
22 templated action. A copy of such notice shall be filed with the clerk  
23 to the board of freeholders immediately upon service of notice to  
24 the individual to be suspended or dismissed. In the event that  
25 within 35 days of receiving such notice, the board shall pass by a  
26 two-thirds vote of the whole number of the board, a resolution of  
27 disapproval, all proceedings and any suspension or dismissal of the  
28 individual shall be voided. In terms of recompense to the individ-  
29 ual, a vote of disapproval shall be deemed to negative the suspen-

30 sion or dismissal order and for purposes of pay and civil service  
31 standing the action shall be deemed never to have transpired.

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

40 If, however, evidence does not warrant referral of the case to  
41 the county prosecutor, or if a grand jury does not return an indict-  
42 ment against the individual in question, or if he is found not guilty  
43 in a plenary trial on the merits, and if the board shall have passed  
44 a resolution of disapproval in the manner described above, said  
45 individual] *any suspension or dismissal order is resolved upon*  
46 *hearing in favor of the officer or employee, he shall be restored to*  
47 *his original position without record of the action, or prejudice*  
48 *therefrom, and shall receive full compensation retroactive to the*  
49 *date of his suspension.*

1 39. 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 40. 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 *except an expense budget or capital budget*, required to be reduced  
6 to writing, published after introduction, and considered for final  
7 passage after public hearing at a meeting subsequent to the meet-  
8 ing at which it was introduced;

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

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

23 (2) At the time and place so stated in such publication, or at any  
24 time and place to which the meeting for the further consideration  
25 of the ordinance shall from time to time be adjourned, all persons  
26 interested shall be given an opportunity to be heard concerning  
27 the ordinance. Final passage thereof shall be at least 10 days from  
28 the first reading.

29 (3) Upon the opening of the hearing, the ordinance shall be given  
30 a second reading, which reading may be by title, and thereafter, it  
31 may be passed by a majority of the whole number of the board, with  
32 or without amendments, or rejected. Prior to the said second read-  
33 ing, a copy of the ordinance shall be posted on the bulletin board  
34 or other place upon which public notices are customarily posted in  
35 the building in which the board regularly meets, and copies of the  
36 ordinance shall be made available to members of the general public  
37 who shall request such copies. If any amendment be adopted, **[sub-**  
38 **stantially]** altering **[the substance of]** the ordinance, the ordinance  
39 as so amended shall not be finally adopted until at least **[2]** *1*  
40 *week[s]* thereafter, and the ordinance as amended shall be read  
41 at a meeting of the board, which reading may be by title, and shall  
42 be published, together with a notice of the introduction, and the  
43 time and place when and where the amended ordinance will be  
44 further considered for final passage, at least **[5]** *2 days* prior to  
45 the time so fixed. At the time and place so fixed, or at any other  
46 meeting to which the further consideration of the amended ordi-



47 nance may be adjourned, the board may proceed to pass the ordi-  
48 nance, as amended, or again amend it in the same manner.

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

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

55 (6) The board may enact, amend or supplement ordinances  
56 establishing, amending or supplementing a code or any parts  
57 thereof, *not inconsistent with law*, by reference to such code in any  
58 such ordinance and without inclusion of the text thereof in such  
59 ordinance if the code to be adopted and any related documents are  
60 printed in book form and a copy of such printed code and related  
61 documents so marked as to indicate plainly what portion thereof,  
62 if less than the whole, is intended to be adopted, is annexed to  
63 such ordinance and if such code and related documents or such  
64 portion thereof as is intended to be adopted is so described in said  
65 ordinance as to identify them and there is indicated in said descrip-  
66 tion the common or trade name, if any, of such code and related  
67 documents and it is stated in the ordinance that three copies of said  
68 code and said related documents, similarly marked, have been placed  
69 on file in the office of the clerk of said board, upon the introduction  
70 of said ordinance and will remain on file there until final action is  
71 taken on said ordinance, for the use and examination 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 im-  
 100 pose any fine or term of imprisonment not exceeding the maximum  
 101 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 default  
 104 of the payment of any fine imposed therefor, be imprisoned in the  
 105 county jail for any term not exceeding 90 days *for such default*.

106 c. No ordinance [other than the county budget ordinance] shall  
 107 take effect less than 20 days after its final passage by *the* board  
 108 and approval by the county executive, or supervisor or board chair-  
 109 man or president, where such approval is required, unless the board  
 110 shall adopt a resolution declaring an emergency and at least  $\frac{2}{3}$  of all  
 111 the members of the board vote in favor of such resolution.

1 41. 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 dis-  
 16 charging the function, power or duty involved in such action or  
 17 proceeding.

1 42. 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 be*  
 14 *limited in application to county employees and positions, and may*  
 15 *not extend to cover employees and positions in municipalities within*  
 16 *that county.*

1 43. 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 executive*  
 10 *in the case of a charter adopted under article 3, the county manager*  
 11 *in the case of a charter adopted under article 4, or the [chief*  
 12 *administrator] administrative officer in the case of charters adopted*  
 13 *under articles 5 and 6), shall submit to the board of chosen free-*  
 14 *holders, a budget document consisting of [ (1) the current expense*  
 15 *budget for the ensuing fiscal year; (2) ] the proposed county*  
 16 *[capital] budget and [(3)] a budget message. On or before*  
 17 *September 1 of each year, the budget officer shall establish the*  
 18 *schedules and procedures to be followed by all county departments,*  
 19 *offices and agencies to prepare [for these and all other financial]*  
 20 *the required budget documents. [Every budgetary request shall be*  
 21 *advertised according to law. No budgetary request shall be*  
 22 *approved and submitted by the budget officer until after a public*  
 23 *hearing has been held thereon and taxpayers and all persons having*  
 24 *an interest thereon shall have been given an opportunity to present*  
 25 *objections. Public hearings on budget requests shall be held accord-*  
 26 *ing to law, at the time and place set by the budget officer.] He may*  
 27 *conduct such analyses or hearings as he deems necessary.*

1 44. 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 by*  
13 *the budget officer. The budget officer shall review requested allot-*  
14 *ments 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 45. 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 news-  
8 papers qualified by law and designated by majority vote of the board  
9 of freeholders to publish the county's legal notices. The two news-  
10 papers 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 a

13 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 46. Sections \*\*[19, 20, 21, 22,]\*\* 135, 136, 137, 139, 140 and 141  
2 of P. L. 1972, c. 154 (C. 40:41A--\*\*[19, 20, 21, 22,]\*\* 135, 136, 137,  
3 139, 140 and 141) are repealed.

1 47. This act shall take effect immediately.

SENATE COMMITTEE  
STATEMENT TO  
**ASSEMBLY, No. 1287**  
[OFFICIAL COPY REPRINT]  
With Senate Committee Amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 30, 1974

This bill contains both substantive and technical amendments to the Optional County Charter Law.

The major substantive changes are as follows:

(1) Section 1 of this bill lowers (from 10% to 5% of the number of registered voters in the county, or 5,000 registered voters in said county, whichever is the lesser number) the number of signatures required to place the question of establishing a study commission on the ballot;

(2) Sections 2 and 3 change the total number of charter study commission members from seven to 11 and further provide that seven of these members shall be elected in the manner presently provided for, while the remaining four shall be appointed by the county committee chairman of the two major parties—the intent of this amendment is both to continue the commission as primarily an elected body while also providing for some partisan inputs, especially by the minority party should it otherwise fail to gain elected representation to the commission;

(3) Section 4 requires that all vacancies be filled in the same manner as the original appointments;

(4) Section 6 requires that no special charter shall become operative until approved by the voters of the petitioning county;

(5) Section 7 reduces from 5 to 3 years the number of years which must elapse before a once-defeated question on a change of governmental form can again be placed on the ballot;

(6) Section 10 requires the establishment of a municipal advisory council;

(7) Section 13 gives the board of freeholders operating under the county executive plan, the sole power to appoint the clerk to the board and the county counsel; sections 19, 24 and 33 do the same for the remaining three optional forms;

(8) Section 18 makes discretionary the creation of a deputy manager by a board of freeholders operating under the county manager plan;

(9) Section 29 reduces from 2 years to 1 year, the term of office of the board president under the board president plan, and leaves indeterminate the date of his election;

(10) Section 30 requires the board of freeholders, rather than the electorate, to fill any vacancy in the office of the board president;

(11) Section 37, among other things, requires that all appointments of heads of county departments made by the county administrative officer under the board president plan, be subject to the advice and consent of the board of freeholders—this amendment is intended to differentiate more clearly the powers of the county manager under the county manager plan from those of the chief administrative officer under the board president plan;

(12) Section 40 changes the public notice requirements for the second reading of a proposed ordinance and of any proposed amendments to said ordinance.

(13) Section 40 also deletes the reference to “county budget ordinance” so as to make the budgetary process wholly consistent with the Local Budget Law;

(14) Section 44 requires the budget officer, where practicable, to divide the annual budgetary requests into at least quarterly allotments, and to provide unit costs of all budgeted expenditures.

(15) Section 46 repeals (a) the direct petition procedures by which the question of adopting an optional charter can be placed on the ballot without benefit of a charter study, and (b) sections 136-41 of the Optional County Charter Law, so that the budgetary processes under the several optional forms will conform to the provisions of the Local Budget Law.

In addition, this bill also contains a number of technical amendments which are alternatively intended (i) to make the provisions of the charter law internally consistent (ii) to correct typographical mistakes, (iii) to provide further clarification of some points, or (iv) to make the charter law consistent with other relevant sections of the New Jersey Statutes.

The Second Official Copy Reprint of Assembly Bill No. 1287 includes (1) a technical amendment to section 27 of the bill, dealing with a cross reference to sections 100 and 101 of the present law, and (2) restores the direct petition procedures for placing a proposed charter on the ballot, without benefit of a prior charter commission study and report (see section 46 of the bill).

The Senate committee amendments (1) restore the present 10% requirement for placing on the ballot the question of establishing a charter study commission, (2) provide for a drawing by lot, to be conducted after the adoption of an optional plan and prior to the election of the freeholder board, for the purpose of determining the length of term of the members of the first board and (3) specify the length of the term of office of the first board when a hybrid system of district and at-large members is adopted.



SENATE COMMITTEE AMENDMENTS TO  
**ASSEMBLY, No. 1287**  
[SECOND OFFICIAL COPY REPRINT]

**STATE OF NEW JERSEY**

ADOPTED SEPTEMBER 30, 1974

Amend page 1, section 1, lines 12-13, omit "5,000 or 5%, whichever is the lesser number," insert "10%".

Amend page 25, section 40, line 111, after line 111, insert new section as follows:

"41. Section 124 of P. L. 1972, c. 154 (C. 40:41A-124) is amended to read as follows:

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

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

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

c. The offices of the entire board of freeholders and all other offices established by any plan in this act which has been adopted by the registered voters of the county except sheriff, clerk, surrogate and register of **[wills]** *deeds and mortgages* shall be voted on at the first general election following adoption of such plan. In November of the first general election after the adoption of any plan provided in this act, the terms of all incumbent members of the board of freeholders shall be deemed terminated at noon on the first Monday following the election of the new board of freeholders. On that date the newly-elected freeholders shall take office and the new board shall organize itself in accordance with the plan adopted thereunder. All freeholders and other

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

officers elected in the first general election following the adoption of any plan provided in this act shall take office at noon on the Monday next following their election, but their terms shall expire in accordance with the plan selected, as if they had taken office on January 1 in the year following their election. But nothing in this section shall be construed to prevent an incumbent freeholder from becoming a candidate for the new board, even if his present time on the board has not yet expired. In the event that the plan approved provides for concurrent terms, all freeholders shall be elected for concurrent 3-year terms. In the event that the approved plan provides for staggered terms, terms shall be as follows:

(1) If there be five members to be elected, *all at large or all by district*, two shall be elected for 3 years, two shall be elected for 2 years, and one for 1 year.

(2) If there be seven members to be elected, *all at large or all by district*, three shall be elected for 3 years, two for 2 years, and two for 1 year.

(3) If there be nine members to be elected, *all at large or all by district*, three shall be elected for 3 years, three for 2 years and three for 1 year.

(4) *If there be five members to be elected, three by district and two at large, one at large member shall be elected for 3 years and one for 2 years, and one district member shall be elected for 3 years, one for 2 years and one for 1 year.*

(5) *If there be seven members to be elected, four by district and three at large, one at large member shall be elected for 3 years, one for 2 years and one for 1 year, and two district members shall be elected for 3 years, one for 2 years, and one for 1 year.*

(6) *If there be nine members to be elected, five by district and four at large, two at large members shall be elected for 3 years, one for 2 years and one for 1 year, and two district members shall be elected for 3 years, two for 2 years, and one for 1 year.*

(7) *The length of the terms specified in subparagraphs (1) through (6) shall be determined by drawing to be conducted by the county clerk within 60 days after the adoption of the optional plan.*

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

Amend page 25, section 41, line 1, omit “41.”, insert “42.”, and renumber accordingly all sections which follow.

[SENATE REPRINT]  
**ASSEMBLY, No. 1287**

[SECOND OFFICIAL COPY REPRINT]

with Senate committee amendments adopted September 30, 1974

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**STATE OF NEW JERSEY**

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INTRODUCED MARCH 18, 1974

By Assemblymen PERSKIE and WORTHINGTON

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

3 1. Submission of charter study question. Whenever authorized  
4 by resolution of the board of freeholders or on petition of the  
5 registered voters of any county, an election shall be held in the  
6 county upon the question, "Shall a charter study commission be  
7 **[elected]** *created* to study the present governmental structure of  
8 ..... county, to consider and make findings concerning the form  
9 of county government and to make recommendations thereon?"  
10 A petition calling for such an election shall bear the signatures of  
11 a number of persons registered to vote in the county equal to or  
12 exceeding in number \*\*\***[5,000 or [10%]** 5%, *whichever is the*  
13 *lesser number.*\*\*\* **\*\*\*10%\*\*\*** of the persons registered to vote in  
14 the county on the fortieth day preceding the most recent previous  
15 primary or general election. Whenever such resolution or petition  
16 shall be filed with him, the county clerk shall provide for sub-  
17 mission of the question at the next general election occurring not  
18 less than 60 days after the date of such filing. At the election, the  
19 question shall be submitted in the same manner as other public  
19A questions.

20 When a resolution or petition for the **[election]** *creation* of a  
21 charter study commission has been duly filed with the county clerk,  
22 no other such resolution or petition and no other proceedings for

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

23 the adoption of any other charter or form of government available  
24 to the county may be filed unless the voters shall decide the  
25 aforesaid question in the negative or until the charter study com-  
26 mission ~~["elected"]~~ *created* by the voters shall have been discharged.

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

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

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

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

20 *Prior to the convening of the first meeting of the charter study*  
21 *commission, four additional members shall be appointed to the*  
22 *commission from among the citizens and residents of the county.*  
23 *Of the four appointed members, two shall be appointed by the*  
24 *chairman of the county committee of each of the two political*

25 *parties whose candidates for Governor received the largest number*  
26 *of votes at the most recent gubernatorial election.*

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

3 6. Vacancies. Any vacancy occurring in *any of the offices held*  
4 *by the seven elected members to the charter commission* shall be  
5 filled by the unsuccessful candidate who shall have received the  
6 greatest number of votes in the charter study commission election  
7 if he shall be available to fill such vacancy. In the event that the  
8 vacancy cannot be filled in this manner, the remaining members  
9 of the charter study commission shall appoint some other properly  
10 qualified citizen. *Any vacancy in the office of any of the appointed*  
11 *members to the charter study commission shall be filled in the same*  
12 *manner as the original appointment.*

1 5. Section 8 of P. L. 1972, c. 154 (C. 40:41-8) 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  
18 of 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 Jer-  
23 sey Department of Labor and Industry, one Senator and one mem-  
24 ber of the General Assembly, both of whom shall be [members of the  
25 county's delegation in the Legislature and both of whom shall be]  
26 residents of the county at the time of their election to the advisory  
27 body. The Senator and member of the General Assembly shall be  
28 elected to the advisory body by a majority vote of the whole number

29 of the county's board of chosen freeholders within 1 week of the  
30 approval of the charter study referendum by the county's voters.

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

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

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

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

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

10 shall be submitted to the voters of the petitioning county for  
11 adoption in a manner provided in sections 15 and 16 of this act,  
12 or as may otherwise be appropriate. No special charter shall  
13 become operative until approved by a majority of all of the votes  
14 cast for and against said adoption.

1 7. 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 8. 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 9. Section 27 of P. L. 1972, c. 154 (C. 40:41A-27) is amended  
2 to 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 compensatoin.

12 b. Adopt, amend, enforce, and repeal ordinances and resolutions  
13 as defined in \***[section]**\* \*sections\* 100 \*and 101\*, notwithstand-  
14 ing the effect of any referendum conducted prior to the county's  
15 adoption of its charter pursuant 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 10. 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 11. 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 12. 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,]  
8 *departments and the members of all county boards* and commis-  
9 sions;

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

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

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

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

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

1 13. Section 41 of P. L. 1972, c. 154 (C. 40:41A-41) is amended  
2 to 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  
10 its 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 87 b. of this act;

16 f. May override a veto of the county executive by a two-thirds  
17 vote of its 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 two-thirds vote ~~pursuant to~~  
22 the Local Budget Law.

1 14. 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 15. 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 ap-  
7 pointment, but during his tenure he may live outside the county  
8 only with the permission of the county executive.

1 16. 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 ad-  
6 ministration 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 17. Section 50 of P. L. 1972, c. 154 (C. 40:41A-50) is amended  
2 to 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, insti-  
21 tutions 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 ad-  
29 ministrative 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 admini-  
38 strative 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 l. Serve as ex-officio nonvoting member of all appointive bodies  
47 in county government.

1 18. Section 51 of P. L. 1972, c. 154 (C. 40:41A-51) is amended  
2 to 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 19. Section 55 of P. L. 1972, c. 154 (C. 40:41A-55) is amended  
2 to 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  
7 its 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 20. 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 21. 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 22. 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 23. Section 65 of P. L. 1972, c. 154 (C. 40:41A-65) is amended to  
2 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 *members  
9 of boards and commissions and all other* officials whose manner of  
10 appointment is not prescribed elsewhere in this 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 two-thirds of the ~~members~~ *full membership* of  
 25 the 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~~, *in*  
 28 *accordance with the provisions of law.*

1 24. 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 for which board confirmation is specified~~  
 13 ~~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* two-thirds  
 22 *vote of its full membership*;

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

1 25. 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 26. 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 27. 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  
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  
12 the budgetary process ~~[as set forth in sections 132 and 141 of this~~  
13 ~~act]~~;

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

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

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

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

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

31 g. Negotiate contracts for the county subject to board approval  
32 and make recommendations concerning the nature and location of  
33 county improvements to be determined by the 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 28. 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 29. 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 30. 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 num-  
 11 ber 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 31. 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 adminis-  
22 trator] *administrative officer* except as otherwise specified herein;
- 23 g. Execute all contracts, bonds or other instruments requiring  
24 the consent of the county.

1 32. 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 mem-  
9 bers of [independent or advisory] boards and commissions and  
10 all other officials not serving in the administrative service of the  
11 county the manner of whose appointment is not prescribed else-  
12 where in this 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 33. 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  
9 of, 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 34. 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 35. 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 36. 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 37. 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 *with the advice*  
 8 *and consent of the board of freeholders*, and *appoint* all other  
 9 [administrative officers and] county personnel the manner of whose  
 10 appointment is not prescribed elsewhere in this article;

11 c. [May, at] *At* his discretion, remove or suspend any official in  
 12 the unclassified service of the county over whose office the [county  
 13 administrator] *administrative officer* has power of appointment,  
 14 in accordance with the provisions of section 87 b.;

15 d. [May, at] *At* his discretion, delegate to any [administrative  
 16 officer] *department head* powers of appointment and removal of  
 17 [their] *his* departmental employees subject to civil service provi-  
 18 sions. If the [county administrator] *administrative officer* does

19 not so delegate his power he may appoint and remove, subject to  
20 civil service requirements, all [department heads, members of all  
21 boards and commissions,] employees whose positions have been  
22 authorized by resolution of the board, by civil service, or as pro-  
23 vided in the adopted county budget, and the manner of whose  
24 appointment is not specified elsewhere in this article;

25 e. [May] *At his discretion*, require reports and examine the  
26 accounts, records and operations of any agency of county govern-  
27 ment;

28 f. [May, at] *At his discretion*, order any agency under his juris-  
29 diction as specified in the administrative code to undertake any  
30 task for any other agency on a temporary basis if he deems it nec-  
31 essary for proper and efficient administration to do so.

1 38. Section 87 of P. L. 1972, c. 154 (C. 40:41A-87) is amended  
2 to 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  
6 influence 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 two-thirds vote  
10 of the whole number of the board, prevent the dismissal of certain  
11 employees under conditions as set forth in subsection b. of this  
12 section.

13 b. Suspension procedure. Suspensions will take effect imme-  
14 diately upon personal service of notice setting forth the order of  
15 suspension or dismissal. Dismissal or suspension for a definite  
16 term shall occur automatically in 30 calendar days from receipt of  
17 notice. But, if the officer or employee requests a public hearing on  
18 his dismissal or suspension for a definite term, no action beyond  
19 temporary suspension may be taken until the individual to be sus-  
20 pended or dismissed is given a public hearing not less than 15 nor  
21 more than 30 days after personal service of written notice of con-  
22 templated action. A copy of such notice shall be filed with the clerk  
23 to the board of freeholders immediately upon service of notice to  
24 the individual to be suspended or dismissed. In the event that  
25 within 35 days of receiving such notice, the board shall pass by a  
26 two-thirds vote of the whole number of the board, a resolution of  
27 disapproval, all proceedings and any suspension or dismissal of the  
28 individual shall be voided. In terms of recompense to the individ-  
29 ual, a vote of disapproval shall be deemed to negative the suspen-

30 sion or dismissal order and for purposes of pay and civil service  
31 standing the action shall be deemed never to have transpired.

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

40 If, however, evidence does not warrant referral of the case to  
41 the county prosecutor, or if a grand jury does not return an indict-  
42 ment against the individual in question, or if he is found not guilty  
43 in a plenary trial on the merits, and if the board shall have passed  
44 a resolution of disapproval in the manner described above, said  
45 individual] *any suspension or dismissal order is resolved upon*  
46 *hearing in favor of the officer or employee, he shall be restored to*  
47 *his original position without record of the action, or prejudice*  
48 *therefrom, and shall receive full compensation retroactive to the*  
49 *date of his suspension.*

1 39. 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 40. 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 *except an expense budget or capital budget*, required to be reduced  
6 to writing, published after introduction, and considered for final  
7 passage after public hearing at a meeting subsequent to the meet-  
8 ing at which it was introduced;

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

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

23 (2) At the time and place so stated in such publication, or at any  
24 time and place to which the meeting for the further consideration  
25 of the ordinance shall from time to time be adjourned, all persons  
26 interested shall be given an opportunity to be heard concerning  
27 the ordinance. Final passage thereof shall be at least 10 days from  
28 the first reading.

29 (3) Upon the opening of the hearing, the ordinance shall be given  
30 a second reading, which reading may be by title, and thereafter, it  
31 may be passed by a majority of the whole number of the board, with  
32 or without amendments, or rejected. Prior to the said second read-  
33 ing, a copy of the ordinance shall be posted on the bulletin board  
34 or other place upon which public notices are customarily posted in  
35 the building in which the board regularly meets, and copies of the  
36 ordinance shall be made available to members of the general public  
37 who shall request such copies. If any amendment be adopted, **[sub-**  
38 **stantially]** altering **[the substance of]** the ordinance, the ordinance  
39 as so amended shall not be finally adopted until at least **[2]** *1*  
40 *week***[s]** thereafter, and the ordinance as amended shall be read  
41 at a meeting of the board, which reading may be by title, and shall  
42 be published, together with a notice of the introduction, and the  
43 time and place when and where the amended ordinance will be  
44 further considered for final passage, at least **[5]** *2 days* prior to  
45 the time so fixed. At the time and place so fixed, or at any other  
46 meeting to which the further consideration of the amended ordi-

47 nance may be adjourned, the board may proceed to pass the ordi-  
48 nance, as amended, or again amend it in the same manner.

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

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

55 (6) The board may enact, amend or supplement ordinances  
56 establishing, amending or supplementing a code or any parts  
57 thereof, *not inconsistent with law*, by reference to such code in any  
58 such ordinance and without inclusion of the text thereof in such  
59 ordinance if the code to be adopted and any related documents are  
60 printed in book form and a copy of such printed code and related  
61 documents so marked as to indicate plainly what portion thereof,  
62 if less than the whole, is intended to be adopted, is annexed to  
63 such ordinance and if such code and related documents or such  
64 portion thereof as is intended to be adopted is so described in said  
65 ordinance as to identify them and there is indicated in said descrip-  
66 tion the common or trade name, if any, of such code and related  
67 documents and it is stated in the ordinance that three copies of said  
68 code and said related documents, similarly marked, have been placed  
69 on file in the office of the clerk of said board, upon the introduction  
70 of said ordinance and will remain on file there until final action is  
71 taken on said ordinance, for the use and examination 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 im-  
100 pose any fine or term of imprisonment not exceeding the maximum  
101 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 default  
104 of the payment of any fine imposed therefor, be imprisoned in the  
105 county jail for any term not exceeding 90 days *for such default*.

106 c. No ordinance [other than the county budget ordinance] shall  
107 take effect less than 20 days after its final passage by *the* board  
108 and approval by the county executive, or supervisor or board chair-  
109 man or president, where such approval is required, unless the board  
110 shall adopt a resolution declaring an emergency and at least  $\frac{2}{3}$  of all  
111 the members of the board vote in favor of such resolution.

1 \*\*\*41. Section 124 of P. L. 1972, c. 154 (C. 40:41A-124) is  
2 amended to read as follows:

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

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

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

14 c. The offices of the entire board of freeholders and all other  
15 offices established by any plan in this act which has been adopted  
16 by the registered voters of the county except sheriff, clerk, sur-  
17rogate and register of [wills] deeds and mortgages shall be voted  
18 on at the first general election following adoption of such plan. In  
19 November of the first general election after the adoption of any  
20 plan provided in this act, the terms of all incumbent members of

21 *the board of freeholders shall be deemed terminated at noon on the*  
22 *first Monday following the election of the new board of freeholders.*  
23 *On that date the newly-elected freeholders shall take office and the*  
24 *new board shall organize itself in accordance with the plan adopted*  
25 *thereunder. All freeholders and other officers elected in the first*  
26 *general election following the adoption of any plan provided in this*  
27 *act shall take office at noon on the Monday next following their*  
28 *election, but their terms shall expire in accordance with the plan*  
29 *selected, as if they had taken office on January 1 in the year follow-*  
30 *ing their election. But nothing in this section shall be construed to*  
31 *prevent an incumbent freeholder from becoming a candidate for*  
32 *the new board, even if his present time on the board has not yet*  
33 *expired. In the event that the plan approved provides for con-*  
34 *current terms, all freeholders shall be elected for concurrent 3-year*  
35 *terms. In the event that the approved plan provides for staggered*  
36 *terms, terms shall be as follows:*

37 *(1) If there be five members to be elected, all at large or all by*  
38 *district, two shall be elected for 3 years, two shall be elected for 2*  
39 *years, and one for 1 year.*

40 *(2) If there be seven members to be elected, all at large or all by*  
41 *district, three shall be elected for 3 years, two for 2 years, and two*  
42 *for 1 year.*

43 *(3) If there be nine members to be elected, all at large or all by*  
44 *district, three shall be elected for 3 years, three for 2 years and*  
45 *three for 1 year.*

46 *(4) If there be five members to be elected, three by district and*  
47 *two at large, one at large member shall be elected for 3 years and*  
48 *one for 2 years, and one district member shall be elected for 3 years,*  
49 *one for 2 years and one for 1 year.*

50 *(5) If there be seven members to be elected, four by district and*  
51 *three at large, one at large member shall be elected for 3 years, one*  
52 *for 2 years and one for 1 year, and two district members shall be*  
53 *elected for 3 years, one for 2 years, and one for 1 year.*

54 *(6) If there be 9 members to be elected, five by district and four*  
55 *at large, two at large members shall be elected for 3 years, one for*  
56 *2 years and one for 1 year, and two district members shall be*  
57 *elected for 3 years, two for 2 years, and one for 1 year.*

58 *(7) The length of the terms specified in subparagraphs (1)*  
59 *through (6) shall be determined by drawing to be conducted by the*  
60 *county clerk within 60 days after the adoption of the optional plan.*

61 *In all elections, after the first election under this act, all members*

62 *shall be elected for 3-year terms beginning on January 1 in the year*  
 63 *following their election.\*\*\**

1 \*\*\*[41.]\*\*\* \*\*\*42.\*\*\* Section 128 of P. L. 1972, c. 154  
 2 (C. 40:41A-128) is amended 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 dis-  
 16 charging the function, power or duty involved in such action or  
 17 proceeding.

1 \*\*\*[42.]\*\*\* \*\*\*43.\*\*\* Section 130 of P. L. 1972, c. 154  
 2 (C. 40:41A-130) is amended 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 be*  
 14 *limited in application to county employees and positions, and may*  
 15 *not extend to cover employees and positions in municipalities within*  
 16 *that county.*

1 \*\*\*[43.]\*\*\* \*\*\*44.\*\*\* Section 133 of P. L. 1972, c. 154  
 2 (C. 40:41A-133) is amended 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 executive  
 10 in the case of a charter adopted under article 3, the county manager  
 11 in the case of a charter adopted under article 4, or the [chief  
 12 administrator] *administrative officer* in the case of charters adopted  
 13 under articles 5 and 6), shall submit to the board of chosen free-  
 14 holders, a budget document consisting of [ (1) the current expense  
 15 budget for the ensuing fiscal year; (2) ] the *proposed* county  
 16 [capital] budget and [(3)] a budget message. On or before  
 17 September 1 of each year, the budget officer shall establish the  
 18 schedules and procedures to be followed by all county departments,  
 19 offices and agencies to prepare [for these and all other financial]  
 20 *the required budget* documents. [Every budgetary request shall be  
 21 advertised according to law. No budgetary request shall be  
 22 approved and submitted by the budget officer until after a public  
 23 hearing has been held thereon and taxpayers and all persons having  
 24 an interest thereon shall have been given an opportunity to present  
 25 objections. Public hearings on budget requests shall be held accord-  
 26 ing to law, at the time and place set by the budget officer.] *He may*  
 27 *conduct such analyses or hearings as he deems necessary.*

1 \*\*\*[44.]\*\*\* \*\*\*45.\*\*\* Section 138 of P. L. 1972, c. 154  
 2 (C. 40:41A-138) is amended 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 by*  
 13 *the budget officer.* The budget officer shall review requested allot-  
 14 ments 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 \*\*\*【45.】\*\*\* \*\*\*46.\*\*\* Section 142 of P. L. 1972, c. 154  
 2 (C. 40:41A-142) is amended 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 news-  
 8 papers qualified by law and designated by majority vote of the board  
 9 of freeholders to publish the county's legal notices. The two news-  
 10 papers 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 a  
 13 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 \*\*\*【46.】\*\*\* \*\*\*47.\*\*\* Sections \*\*【19, 20, 21, 22,】\*\* 135, 136, 137,  
 2 139, 140 and 141 of P. L. 1972, c. 154 (C. 40:41A-\*\*【19, 20, 21, 22,】\*\*  
 3 135, 136, 137, 139, 140 and 141) are repealed.

1 \*\*\*【47.】\*\*\* \*\*\*48.\*\*\* This act shall take effect immediately.

SENATE AMENDMENTS TO  
**ASSEMBLY, No. 1287**

[SECOND OFFICIAL COPY REPRINT]

*[SENATE REPRINT]*

**STATE OF NEW JERSEY**

ADOPTED OCTOBER 21, 1974

Amend pages 25-27, section 41, lines 1-63, delete lines 1 through 63 in their entirety.

Amend page 27, section 42, line 1, delete "42", insert "41", and renumber remaining sections accordingly.



[SECOND SENATE REPRINT]  
**ASSEMBLY, No. 1287**  
[SECOND OFFICIAL COPY REPRINT]

with Senate committee amendments adopted September 30, 1974  
and Senate amendments adopted October 21, 1974

**STATE OF NEW JERSEY**

INTRODUCED MARCH 18, 1974

By Assemblymen PERSKIE and WORTHINGTON

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

3 1. Submission of charter study question. Whenever authorized  
4 by resolution of the board of freeholders or on petition of the  
5 registered voters of any county, an election shall be held in the  
6 county upon the question, "Shall a charter study commission be  
7 **[elected]** *created* to study the present governmental structure of  
8 ..... county, to consider and make findings concerning the form  
9 of county government and to make recommendations thereon?"  
10 A petition calling for such an election shall bear the signatures of  
11 a number of persons registered to vote in the county equal to or  
12 exceeding in number **\*\*\*[5,000 or [10%] 5%, whichever is the**  
13 **lesser number,]**\*\*\* **\*\*\*10%\*\*\*** of the persons registered to vote in  
14 the county on the fortieth day preceding the most recent previous  
15 primary or general election. Whenever such resolution or petition  
16 shall be filed with him, the county clerk shall provide for sub-  
17 mission of the question at the next general election occurring not  
18 less than 60 days after the date of such filing. At the election, the  
19 question shall be submitted in the same manner as other public  
19A questions.

20 When a resolution or petition for the **[election]** *creation* of a  
21 charter study commission has been duly filed with the county clerk,

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

22 no other such resolution or petition and no other proceedings for  
23 the adoption of any other charter or form of government available  
24 to the county may be filed unless the voters shall decide the  
25 aforesaid question in the negative or until the charter study com-  
26 mission **[elected]** *created* by the voters shall have been discharged.

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

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

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

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

20 *Prior to the convening of the first meeting of the charter study*  
21 *commission, four additional members shall be appointed to the*  
22 *commission from among the citizens and residents of the county.*  
23 *Of the four appointed members, two shall be appointed by the*  
24 *chairman of the county committee of each of the two political*

25 *parties whose candidates for Governor received the largest number*  
26 *of votes at the most recent gubernatorial election.*

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

3 6. Vacancies. Any vacancy occurring in *any of the offices held*  
4 *by the seven elected members* to the charter commission shall be  
5 filled by the unsuccessful candidate who shall have received the  
6 greatest number of votes in the charter study commission election  
7 if he shall be available to fill such vacancy. In the event that the  
8 vacancy cannot be filled in this manner, the remaining members  
9 of the charter study commission shall appoint some other properly  
10 qualified citizen. *Any vacancy in the office of any of the appointed*  
11 *members to the charter study commission shall be filled in the same*  
12 *manner as the original appointment.*

1 5. Section 8 of P. L. 1972, c. 154 (C. 40:41-8) 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  
18 of 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 Jer-  
23 sey Department of Labor and Industry, one Senator and one mem-  
24 ber of the General Assembly, both of whom shall be [members of the  
25 county's delegation in the Legislature and both of whom shall be]  
26 residents of the county at the time of their election to the advisory  
27 body. The Senator and member of the General Assembly shall be  
28 elected to the advisory body by a majority vote of the whole number

29 of the county's board of chosen freeholders within 1 week of the  
30 approval of the charter study referendum by the county's voters.

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

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

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

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

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

10 shall be submitted to the voters of the petitioning county for  
11 adoption in a manner provided in sections 15 and 16 of this act,  
12 or as may otherwise be appropriate. No special charter shall  
13 become operative until approved by a majority of all of the votes  
14 cast for and against said adoption.

1 7. 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 8. 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 9. Section 27 of P. L. 1972, c. 154 (C. 40:41A-27) is amended  
2 to 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 compensatoin.

12 b. Adopt, amend, enforce, and repeal ordinances and resolutions  
13 as defined in \*~~section~~\* *sections*\* 100 *and 101*\*, notwithstand-  
14 ing the effect of any referendum conducted prior to the county's  
15 adoption of its charter pursuant 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 10. 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 11. 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 12. 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,]  
8 *departments and the members of all county boards* and commis-  
9 sions;

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

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

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

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

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

1 13. Section 41 of P. L. 1972, c. 154 (C. 40:41A-41) is amended  
2 to 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  
10 its 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 87 b. of this act;
- 16 f. May override a veto of the county executive by a two-thirds  
17 vote *of its 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 two-thirds vote**]** *pursuant to*  
22 *the Local Budget Law.*

1 14. 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 15. 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 ap-  
7 pointment, but during his tenure he may live outside the county  
8 only with the permission of the county executive.

1 16. 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 ad-  
6 ministration 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 17. Section 50 of P. L. 1972, c. 154 (C. 40:41A-50) is amended  
2 to 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, insti-  
21 tutions 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 ad-  
29 ministrative 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 admini-  
38 strative 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 l. Serve as ex-officio nonvoting member of all appointive bodies  
47 in county government.

1 18. Section 51 of P. L. 1972, c. 154 (C. 40:41A-51) is amended  
2 to 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 19. Section 55 of P. L. 1972, c. 154 (C. 40:41A-55) is amended  
2 to 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  
7 its 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 20. 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 21. 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 22. 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 23. Section 65 of P. L. 1972, c. 154 (C. 40:41A-65) is amended to  
2 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 *members  
9 of boards and commissions and all other* officials whose manner of  
10 appointment is not prescribed elsewhere in this 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 two-thirds of the [members] *full membership* of  
 25 the 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 24. 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 for which board confirmation is specified  
 13 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* two-thirds  
 22 *vote of its full membership*;

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

1 25. 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 26. 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 27. 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  
 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  
 12 the budgetary process ~~[as set forth in sections 132 and 141 of this~~  
 13 ~~act]~~;

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

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

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

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

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

31 g. Negotiate contracts for the county subject to board approval  
 32 and make recommendations concerning the nature and location of  
 33 county improvements to be determined by the 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 28. 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 29. 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 30. 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 num-  
 11 ber 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 31. 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 adminis-**  
22 **trator]** *administrative officer* except as otherwise specified herein;

23 g. Execute all contracts, bonds or other instruments requiring  
24 the consent of the county.

1 32. 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 mem-  
9 bers of **[independent or advisory]** boards and commissions and  
10 all other officials not serving in the administrative service of the  
11 county the manner of whose appointment is not prescribed else-  
12 where in this 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 33. 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  
9 of, 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 34. 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 35. 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 36. 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 37. 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 *with the advice*  
 8 *and consent of the board of freeholders*, and *appoint* all other  
 9 [administrative officers and] county personnel the manner of whose  
 10 appointment is not prescribed elsewhere in this article;

11 c. [May, at] *At* his discretion, remove or suspend any official in  
 12 the unclassified service of the county over whose office the [county  
 13 administrator] *administrative officer* has power of appointment,  
 14 in accordance with the provisions of section 87 b.;

15 d. [May, at] *At* his discretion, delegate to any [administrative  
 16 officer] *department head* powers of appointment and removal of  
 17 [their] *his* departmental employees subject to civil service provi-  
 18 sions. If the [county administrator] *administrative officer* does

19 not so delegate his power he may appoint and remove, subject to  
20 civil service requirements, all [department heads, members of all  
21 boards and commissions,] employees whose positions have been  
22 authorized by resolution of the board, by civil service, or as pro-  
23 vided in the adopted county budget, and the manner of whose  
24 appointment is not specified elsewhere in this article;

25 e. [May] *At his discretion*, require reports and examine the  
26 accounts, records and operations of any agency of county govern-  
27 ment;

28 f. [May, at] *At his discretion*, order any agency under his juris-  
29 diction as specified in the administrative code to undertake any  
30 task for any other agency on a temporary basis if he deems it nee-  
31 essary for proper and efficient administration to do so.

1 38. Section 87 of P. L. 1972, c. 154 (C. 40:41A-87) is amended  
2 to 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  
6 influence 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 two-thirds vote  
10 of the whole number of the board, prevent the dismissal of certain  
11 employees under conditions as set forth in subsection b. of this  
12 section.

13 b. Suspension procedure. Suspensions will take effect imme-  
14 diately upon personal service of notice setting forth the order of  
15 suspension or dismissal. Dismissal or suspension for a definite  
16 term shall occur automatically in 30 calendar days from receipt of  
17 notice. But, if the officer or employee requests a public hearing on  
18 his dismissal or suspension for a definite term, no action beyond  
19 temporary suspension may be taken until the individual to be sus-  
20 pended or dismissed is given a public hearing not less than 15 nor  
21 more than 30 days after personal service of written notice of con-  
22 templated action. A copy of such notice shall be filed with the clerk  
23 to the board of freeholders immediately upon service of notice to  
24 the individual to be suspended or dismissed. In the event that  
25 within 35 days of receiving such notice, the board shall pass by a  
26 two-thirds vote of the whole number of the board, a resolution of  
27 disapproval, all proceedings and any suspension or dismissal of the  
28 individual shall be voided. In terms of recompense to the individ-  
29 ual, a vote of disapproval shall be deemed to negative the suspen-

30 sion or dismissal order and for purposes of pay and civil service  
31 standing the action shall be deemed never to have transpired.

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

40 If , however, evidence does not warrant referral of the case to  
41 the county prosecutor, or if a grand jury does not return an indict-  
42 ment against the individual in question, or if he is found not guilty  
43 in a plenary trial on the merits, and if the board shall have passed  
44 a resolution of disapproval in the manner described above, said  
45 individual  *any suspension or dismissal order is resolved upon*  
46 *hearing in favor of the officer or employee, he shall be restored to*  
47 *his original position without record of the action, or prejudice*  
48 *therefrom, and shall receive full compensation retroactive to the*  
49 *date of his suspension.*

1 39. 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 40. 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 *except an expense budget or capital budget*, required to be reduced  
6 to writing, published after introduction, and considered for final  
7 passage after public hearing at a meeting subsequent to the meet-  
8 ing at which it was introduced;

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

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

23 (2) At the time and place so stated in such publication, or at any  
24 time and place to which the meeting for the further consideration  
25 of the ordinance shall from time to time be adjourned, all persons  
26 interested shall be given an opportunity to be heard concerning  
27 the ordinance. Final passage thereof shall be at least 10 days from  
28 the first reading.

29 (3) Upon the opening of the hearing, the ordinance shall be given  
30 a second reading, which reading may be by title, and thereafter, it  
31 may be passed by a majority of the whole number of the board, with  
32 or without amendments, or rejected. Prior to the said second read-  
33 ing, a copy of the ordinance shall be posted on the bulletin board  
34 or other place upon which public notices are customarily posted in  
35 the building in which the board regularly meets, and copies of the  
36 ordinance shall be made available to members of the general public  
37 who shall request such copies. If any amendment be adopted, **[sub-**  
38 **stantially]** altering **[the substance of]** the ordinance, the ordinance  
39 as so amended shall not be finally adopted until at least **[2]** *1*  
40 *week***[s]** thereafter, and the ordinance as amended shall be read  
41 at a meeting of the board, which reading may be by title, and shall  
42 be published, together with a notice of the introduction, and the  
43 time and place when and where the amended ordinance will be  
44 further considered for final passage, at least **[5]** *2 days* prior to  
45 the time so fixed. At the time and place so fixed, or at any other  
46 meeting to which the further consideration of the amended ordi-

47 nance may be adjourned, the board may proceed to pass the ordi-  
48 nance, as amended, or again amend it in the same manner.

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

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

55 (6) The board may enact, amend or supplement ordinances  
56 establishing, amending or supplementing a code or any parts  
57 thereof, *not inconsistent with law*, by reference to such code in any  
58 such ordinance and without inclusion of the text thereof in such  
59 ordinance if the code to be adopted and any related documents are  
60 printed in book form and a copy of such printed code and related  
61 documents so marked as to indicate plainly what portion thereof,  
62 if less than the whole, is intended to be adopted, is annexed to  
63 such ordinance and if such code and related documents or such  
64 portion thereof as is intended to be adopted is so described in said  
65 ordinance as to identify them and there is indicated in said descrip-  
66 tion the common or trade name, if any, of such code and related  
67 documents and it is stated in the ordinance that three copies of said  
68 code and said related documents, similarly marked, have been placed  
69 on file in the office of the clerk of said board, upon the introduction  
70 of said ordinance and will remain on file there until final action is  
71 taken on said ordinance, for the use and examination 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 im-  
100 pose any fine or term of imprisonment not exceeding the maximum  
101 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 default  
104 of the payment of any fine imposed therefor, be imprisoned in the  
105 county jail for any term not exceeding 90 days *for such default*.

106 c. No ordinance [other than the county budget ordinance] shall  
107 take effect less than 20 days after its final passage by *the* board  
108 and approval by the county executive, or supervisor or board chair-  
109 man or president, where such approval is required, unless the board  
110 shall adopt a resolution declaring an emergency and at least  $\frac{2}{3}$  of all  
111 the members of the board vote in favor of such resolution.

1 \*\*\*[\*\*\*41. Section 124 of P. L. 1972, c. 154 (C. 40:41A-124) is  
2 amended to read as follows:

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

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

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

14 c. The offices of the entire board of freeholders and all other  
15 offices established by any plan in this act which has been adopted  
16 by the registered voters of the county except sheriff, clerk, sur-  
17 rogate and register of [wills] deeds and mortgages shall be voted  
18 on at the first general election following adoption of such plan. In  
19 November of the first general election after the adoption of any  
20 plan provided in this act, the terms of all incumbent members of

21 the board of freeholders shall be deemed terminated at noon on the  
22 first Monday following the election of the new board of freeholders.  
23 On that date the newly-elected freeholders shall take office and the  
24 new board shall organize itself in accordance with the plan adopted  
25 thereunder. All freeholders and other officers elected in the first  
26 general election following the adoption of any plan provided in this  
27 act shall take office at noon on the Monday next following their  
28 election, but their terms shall expire in accordance with the plan  
29 selected, as if they had taken office on January 1 in the year follow-  
30 ing their election. But nothing in this section shall be construed to  
31 prevent an incumbent freeholder from becoming a candidate for  
32 the new board, even if his present time on the board has not yet  
33 expired. In the event that the plan approved provides for con-  
34 current terms, all freeholders shall be elected for concurrent 3-year  
35 terms. In the event that the approved plan provides for staggered  
36 terms, terms shall be as follows:

37 (1) If there be five members to be elected, all at large or all by  
38 district, two shall be elected for 3 years, two shall be elected for 2  
39 years, and one for 1 year.

40 (2) If there be seven members to be elected, all at large or all by  
41 district, three shall be elected for 3 years, two for 2 years, and two  
42 for 1 year.

43 (3) If there be nine members to be elected, all at large or all by  
44 district, three shall be elected for 3 years, three for 2 years and  
45 three for 1 year.

46 (4) If there be five members to be elected, three by district and  
47 two at large, one at large member shall be elected for 3 years and  
48 one for 2 years, and one district member shall be elected for 3 years,  
49 one for 2 years and one for 1 year.

50 (5) If there be seven members to be elected, four by district and  
51 three at large, one at large member shall be elected for 3 years, one  
52 for 2 years and one for 1 year, and two district members shall be  
53 elected for 3 years, one for 2 years, and one for 1 year.

54 (6) If there be 9 members to be elected, five by district and four  
55 at large, two at large members shall be elected for 3 years, one for  
56 2 years and one for 1 year, and two district members shall be  
57 elected for 3 years, two for 2 years, and one for 1 year.

58 (7) The length of the terms specified in subparagraphs (1)  
59 through (6) shall be determined by drawing to be conducted by the  
60 county clerk within 60 days after the adoption of the optional plan.

61 In all elections, after the first election under this act, all members

62 shall be elected for 3-year terms beginning on January 1 in the year  
63 following their election.\*\*\*】\*\*\*

1 \*\*\*【41.】\*\*\* \*\*\*【\*\*\*42.\*\*\*】\*\*\* \*\*\*41.\*\*\* Section 128 of P. L.  
2 1972, c. 154 (C. 40:41A-128) is amended 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 dis-  
16 charging the function, power or duty involved in such action or  
17 proceeding.

1 \*\*\*【42.】\*\*\* \*\*\*【\*\*\*43.\*\*\*】\*\*\* \*\*\*42.\*\*\* Section 130 of P. L.  
2 1972, c. 154 (C. 40:41A-130) is amended 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 be*  
14 *limited in application to county employees and positions, and may*  
15 *not extend to cover employees and positions in municipalities within*  
16 *that county.*

1 \*\*\*【43.】\*\*\* \*\*\*【\*\*\*44.\*\*\*】\*\*\* \*\*\*43.\*\*\* Section 133 of P. L.  
2 1972, c. 154 (C. 40:41A-133) is amended 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 executive  
 10 in the case of a charter adopted under article 3, the county manager  
 11 in the case of a charter adopted under article 4, or the [chief  
 12 administrator] *administrative officer* in the case of charters adopted  
 13 under articles 5 and 6), shall submit to the board of chosen free-  
 14 holders, a budget document consisting of[: (1) the current expense  
 15 budget for the ensuing fiscal year; (2)] the *proposed* county  
 16 [capital] budget and [(3)] a budget message. On or before  
 17 September 1 of each year, the budget officer shall establish the  
 18 schedules and procedures to be followed by all county departments,  
 19 offices and agencies to prepare [for these and all other financial]  
 20 *the required budget* documents. [Every budgetary request shall be  
 21 advertised according to law. No budgetary request shall be  
 22 approved and submitted by the budget officer until after a public  
 23 hearing has been held thereon and taxpayers and all persons having  
 24 an interest thereon shall have been given an opportunity to present  
 25 objections. Public hearings on budget requests shall be held accord-  
 26 ing to law, at the time and place set by the budget officer.] *He may*  
 27 *conduct such analyses or hearings as he deems necessary.*

1 \*\*\*[44.]\*\*\* \*\*\*[\*\*\*45.\*\*\*]\*\*\* \*\*\*44.\*\*\* Section 138 of P. L.  
 2 1972, c. 154 (C. 40:41A-138) is amended 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 by*  
 13 *the budget officer.* The budget officer shall review requested allot-  
 14 ments 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 \*\*\*[45.]\*\*\* \*\*\*[\*\*\*46.\*\*\*]\*\*\* \*\*\*45.\*\*\* Section 142 of P. L.  
 2 1972, c. 154 (C. 40:41A-142) is amended 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 news-  
 8 papers qualified by law and designated by majority vote of the board  
 9 of freeholders to publish the county's legal notices. The two news-  
 10 papers 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 a  
 13 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 \*\*\*[46.]\*\*\* \*\*\*[\*\*\*47.\*\*\*]\*\*\* \*\*\*46.\*\*\* Sections \*\*[19, 20, 21,  
 2 22,]\*\* 135, 136, 137, 139, 140 and 141 of P. L. 1972, c. 154  
 3 (C. 40:41A-\*\*[19, 20, 21, 22,]\*\* 135, 136, 137, 139, 140 and 141)  
 4 are repealed.

1 \*\*\*[47.]\*\*\* \*\*\*[\*\*\*48.\*\*\*]\*\*\* \*\*\*47.\*\*\* This act shall take  
 2 effect immediately.

SENATE AMENDMENT TO  
**ASSEMBLY, No. 1287**

[SECOND SENATE REPRINT]

[SECOND OFFICIAL COPY REPRINT]

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**STATE OF NEW JERSEY**

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ADOPTED NOVEMBER 25, 1974

Amend page 6, section 9, line 28, after "county", add "but within  
the borders of the State".

[THIRD SENATE REPRINT]  
**ASSEMBLY, No. 1287**  
[SECOND OFFICIAL COPY REPRINT]

with Senate committee amendments adopted September 30, 1974  
and Senate amendments adopted October 21, 1974  
and Senate amendment adopted November 25, 1974

**STATE OF NEW JERSEY**

INTRODUCED MARCH 18, 1974

By Assemblymen PERSKIE and WORTHINGTON

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

3 1. Submission of charter study question. Whenever authorized  
4 by resolution of the board of freeholders or on petition of the  
5 registered voters of any county, an election shall be held in the  
6 county upon the question, "Shall a charter study commission be  
7 **[elected]** *created* to study the present governmental structure of  
8 ..... county, to consider and make findings concerning the form  
9 of county government and to make recommendations thereon?"  
10 A petition calling for such an election shall bear the signatures of  
11 a number of persons registered to vote in the county equal to or  
12 exceeding in number \*\*\***[5,000 or [10%]** 5%, *whichever is the*  
13 *lesser number,*\*\*\* **\*\*\*10%\*\*\*** of the persons registered to vote in  
14 the county on the fortieth day preceding the most recent previous  
15 primary or general election. Whenever such resolution or petition  
16 shall be filed with him, the county clerk shall provide for sub-  
17 mission of the question at the next general election occurring not  
18 less than 60 days after the date of such filing. At the election, the  
19 question shall be submitted in the same manner as other public  
19A questions.

20 When a resolution or petition for the **[election]** *creation* of a  
21 charter study commission has been duly filed with the county clerk,

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

22 no other such resolution or petition and no other proceedings for  
23 the adoption of any other charter or form of government available  
24 to the county may be filed unless the voters shall decide the  
25 aforesaid question in the negative or until the charter study com-  
26 mission ~~["elected"]~~ *created* by the voters shall have been discharged.

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

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

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

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

20 *Prior to the convening of the first meeting of the charter study*  
21 *commission, four additional members shall be appointed to the*  
22 *commission from among the citizens and residents of the county.*  
23 *Of the four appointed members, two shall be appointed by the*  
24 *chairman of the county committee of each of the two political*



25 *parties whose candidates for Governor received the largest number*  
26 *of votes at the most recent gubernatorial election.*

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

3 6. Vacancies. Any vacancy occurring in *any of the offices held*  
4 *by the seven elected members to the charter commission* shall be  
5 filled by the unsuccessful candidate who shall have received the  
6 greatest number of votes in the charter study commission election  
7 if he shall be available to fill such vacancy. In the event that the  
8 vacancy cannot be filled in this manner, the remaining members  
9 of the charter study commission shall appoint some other properly  
10 qualified citizen. *Any vacancy in the office of any of the appointed*  
11 *members to the charter study commission shall be filled in the same*  
12 *manner as the original appointment.*

1 5. Section 8 of P. L. 1972, c. 154 (C. 40:41-8) 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  
18 of 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 Jer-  
23 sey Department of Labor and Industry, one Senator and one mem-  
24 ber of the General Assembly, both of whom shall be [members of the  
25 county's delegation in the Legislature and both of whom shall be]  
26 residents of the county at the time of their election to the advisory  
27 body. The Senator and member of the General Assembly shall be  
28 elected to the advisory body by a majority vote of the whole number

29 of the county's board of chosen freeholders within 1 week of the  
30 approval of the charter study referendum by the county's voters.

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

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

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

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

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

10 shall be submitted to the voters of the petitioning county for  
 11 adoption in a manner provided in sections 15 and 16 of this act,  
 12 or as may otherwise be appropriate. No special charter shall  
 13 become operative until approved by a majority of all of the votes  
 14 cast for and against said adoption.

1 7. 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 8. 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 9. Section 27 of P. L. 1972, c. 154 (C. 40:41A-27) is amended  
2 to 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 compensatoin.

12 b. Adopt, amend, enforce, and repeal ordinances and resolutions  
13 as defined in \***[section]**\* *sections* 100 *and* 101\*, notwithstand-  
14 ing the effect of any referendum conducted prior to the county's  
15 adoption of its charter pursuant 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 *\*\*\*but within the borders of the State\*\*\**; without  
29 regard to whether such other governmental body or group of  
30 bodies be a unit of State, county, or municipal government or  
31 a school district, authority or special district, to perform on  
32 behalf of that unit, any service or function which that unit  
32A 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 10. 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 11. 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 12. 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,]  
8 *departments and the members of all county boards* and commis-  
9 sions;

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

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

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

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

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

1 13. Section 41 of P. L. 1972, c. 154 (C. 40:41A-41) is amended  
2 to 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  
10 its 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 87 b. of this act;
- 16 f. May override a veto of the county executive by a two-thirds  
17 vote *of its 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 two-thirds vote**]** *pursuant to*  
22 *the Local Budget Law*.

1 14. 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 15. 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 ap-  
7 pointment, but during his tenure he may live outside the county  
8 only with the permission of the county executive.

1 16. 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 ad-  
6 ministration 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 17. Section 50 of P. L. 1972, c. 154 (C. 40:41A-50) is amended  
2 to 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, insti-  
21 tutions 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 ad-  
29 ministrative 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 admini-  
38 strative 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 l. Serve as ex-officio nonvoting member of all appointive bodies  
47 in county government.

1 18. Section 51 of P. L. 1972, c. 154 (C. 40:41A-51) is amended  
2 to 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 19. Section 55 of P. L. 1972, c. 154 (C. 40:41A-55) is amended  
2 to 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  
7 its 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 20. 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 21. 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 22. 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 23. Section 65 of P. L. 1972, c. 154 (C. 40:41A-65) is amended to  
2 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 *members  
9 of boards and commissions and all other* officials whose manner of  
10 appointment is not prescribed elsewhere in this 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 two-thirds of the **[members]** *full membership* of  
 25 the 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 24. 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 for which board confirmation is specified**  
 13 **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 two-thirds*  
 22 *vote of its full membership;*

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

1 25. 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 26. 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 27. 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  
 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  
 12 the budgetary process **[as set forth in sections 132 and 141 of this**  
 13 **act]**;

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

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

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

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

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

31 g. Negotiate contracts for the county subject to board approval  
 32 and make recommendations concerning the nature and location of  
 33 county improvements to be determined by the 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 28. 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 29. 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 30. 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 num-  
11 ber 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 31. 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 adminis-**  
22 **trator】** *administrative officer* except as otherwise specified herein;

23 g. Execute all contracts, bonds or other instruments requiring  
24 the consent of the county.

1 32. 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 mem-  
9 bers of **【independent or advisory】** boards and commissions and  
10 all other officials not serving in the administrative service of the  
11 county the manner of whose appointment is not prescribed else-  
12 where in this 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 33. 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  
9 of, 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 34. 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 35. 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 36. 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 37. 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 *with the advice*  
 8 *and consent of the board of freeholders*, and *appoint* all other  
 9 【administrative officers and】 county personnel the manner of whose  
 10 appointment is not prescribed elsewhere in this article;

11 c. 【May, at】 *At* his discretion, remove or suspend any official in  
 12 the unclassified service of the county over whose office the 【county  
 13 administrator】 *administrative officer* has power of appointment,  
 14 in accordance with the provisions of section 87 b.;

15 d. 【May, at】 *At* his discretion, delegate to any 【administrative  
 16 officer】 *department head* powers of appointment and removal of  
 17 【their】 *his* departmental employees subject to civil service provi-  
 18 sions. If the 【county administrator】 *administrative officer* does

19 not so delegate his power he may appoint and remove, subject to  
20 civil service requirements, all [department heads, members of all  
21 boards and commissions,] employees whose positions have been  
22 authorized by resolution of the board, by civil service, or as pro-  
23 vided in the adopted county budget, and the manner of whose  
24 appointment is not specified elsewhere in this article;

25 e. [May] *At his discretion*, require reports and examine the  
26 accounts, records and operations of any agency of county govern-  
27 ment;

28 f. [May, at] *At his discretion*, order any agency under his juris-  
29 diction as specified in the administrative code to undertake any  
30 task for any other agency on a temporary basis if he deems it nec-  
31 essary for proper and efficient administration to do so.

1 38. Section 87 of P. L. 1972, c. 154 (C. 40:41A-87) is amended  
2 to 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  
6 influence 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 two-thirds vote  
10 of the whole number of the board, prevent the dismissal of certain  
11 employees under conditions as set forth in subsection b. of this  
12 section.

13 b. Suspension procedure. Suspensions will take effect imme-  
14 diately upon personal service of notice setting forth the order of  
15 suspension or dismissal. Dismissal or suspension for a definite  
16 term shall occur automatically in 30 calendar days from receipt of  
17 notice. But, if the officer or employee requests a public hearing on  
18 his dismissal or suspension for a definite term, no action beyond  
19 temporary suspension may be taken until the individual to be sus-  
20 pended or dismissed is given a public hearing not less than 15 nor  
21 more than 30 days after personal service of written notice of con-  
22 templated action. A copy of such notice shall be filed with the clerk  
23 to the board of freeholders immediately upon service of notice to  
24 the individual to be suspended or dismissed. In the event that  
25 within 35 days of receiving such notice, the board shall pass by a  
26 two-thirds vote of the whole number of the board, a resolution of  
27 disapproval, all proceedings and any suspension or dismissal of the  
28 individual shall be voided. In terms of recompense to the individ-  
29 ual, a vote of disapproval shall be deemed to negative the suspen-

30 sion or dismissal order and for purposes of pay and civil service  
31 standing the action shall be deemed never to have transpired.

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

40 If, however, evidence does not warrant referral of the case to  
41 the county prosecutor, or if a grand jury does not return an indict-  
42 ment against the individual in question, or if he is found not guilty  
43 in a plenary trial on the merits, and if the board shall have passed  
44 a resolution of disapproval in the manner described above, said  
45 individual] *any suspension or dismissal order is resolved upon*  
46 *hearing in favor of the officer or employee, he shall be restored to*  
47 *his original position without record of the action, or prejudice*  
48 *therefrom, and shall receive full compensation retroactive to the*  
49 *date of his suspension.*

1 39. 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 admini-  
17 strator] *administrative officer* and department heads shall be fixed  
18 by the board by ordinance promptly after its organization.

1 40. 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 *except an expense budget or capital budget*, required to be reduced  
6 to writing, published after introduction, and considered for final  
7 passage after public hearing at a meeting subsequent to the meet-  
8 ing at which it was introduced;

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

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

23 (2) At the time and place so stated in such publication, or at any  
24 time and place to which the meeting for the further consideration  
25 of the ordinance shall from time to time be adjourned, all persons  
26 interested shall be given an opportunity to be heard concerning  
27 the ordinance. Final passage thereof shall be at least 10 days from  
28 the first reading.

29 (3) Upon the opening of the hearing, the ordinance shall be given  
30 a second reading, which reading may be by title, and thereafter, it  
31 may be passed by a majority of the whole number of the board, with  
32 or without amendments, or rejected. Prior to the said second read-  
33 ing, a copy of the ordinance shall be posted on the bulletin board  
34 or other place upon which public notices are customarily posted in  
35 the building in which the board regularly meets, and copies of the  
36 ordinance shall be made available to members of the general public  
37 who shall request such copies. If any amendment be adopted, **[sub-**  
38 **stantially]** altering **[the substance of]** the ordinance, the ordinance  
39 as so amended shall not be finally adopted until at least **[2]** *1*  
40 *week[s]* thereafter, and the ordinance as amended shall be read  
41 at a meeting of the board, which reading may be by title, and shall  
42 be published, together with a notice of the introduction, and the  
43 time and place when and where the amended ordinance will be  
44 further considered for final passage, at least **[5]** *2 days* prior to  
45 the time so fixed. At the time and place so fixed, or at any other  
46 meeting to which the further consideration of the amended ordi-

47 nance may be adjourned, the board may proceed to pass the ordi-  
48 nance, as amended, or again amend it in the same manner.

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

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

55 (6) The board may enact, amend or supplement ordinances  
56 establishing, amending or supplementing a code or any parts  
57 thereof, *not inconsistent with law*, by reference to such code in any  
58 such ordinance and without inclusion of the text thereof in such  
59 ordinance if the code to be adopted and any related documents are  
60 printed in book form and a copy of such printed code and related  
61 documents so marked as to indicate plainly what portion thereof,  
62 if less than the whole, is intended to be adopted, is annexed to  
63 such ordinance and if such code and related documents or such  
64 portion thereof as is intended to be adopted is so described in said  
65 ordinance as to identify them and there is indicated in said descrip-  
66 tion the common or trade name, if any, of such code and related  
67 documents and it is stated in the ordinance that three copies of said  
68 code and said related documents, similarly marked, have been placed  
69 on file in the office of the clerk of said board, upon the introduction  
70 of said ordinance and will remain on file there until final action is  
71 taken on said ordinance, for the use and examination 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 im-  
100 pose any fine or term of imprisonment not exceeding the maximum  
101 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 default  
104 of the payment of any fine imposed therefor, be imprisoned in the  
105 county jail for any term not exceeding 90 days *for such default*.

106 c. No ordinance [other than the county budget ordinance] shall  
107 take effect less than 20 days after its final passage by *the* board  
108 and approval by the county executive, or supervisor or board chair-  
109 man or president, where such approval is required, unless the board  
110 shall adopt a resolution declaring an emergency and at least  $\frac{2}{3}$  of all  
111 the members of the board vote in favor of such resolution.

1 \*\*\*[\*\*\*41. Section 124 of P. L. 1972, c. 154 (C. 40:41A-124) is  
2 amended to read as follows:

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

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

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

14 c. The offices of the entire board of freeholders and all other  
15 offices established by any plan in this act which has been adopted  
16 by the registered voters of the county except sheriff, clerk, sur-  
17 rogate and register of [wills] deeds and mortgages shall be voted  
18 on at the first general election following adoption of such plan. In  
19 November of the first general election after the adoption of any  
20 plan provided in this act, the terms of all incumbent members of

21 the board of freeholders shall be deemed terminated at noon on the  
22 first Monday following the election of the new board of freeholders.  
23 On that date the newly-elected freeholders shall take office and the  
24 new board shall organize itself in accordance with the plan adopted  
25 thereunder. All freeholders and other officers elected in the first  
26 general election following the adoption of any plan provided in this  
27 act shall take office at noon on the Monday next following their  
28 election, but their terms shall expire in accordance with the plan  
29 selected, as if they had taken office on January 1 in the year follow-  
30 ing their election. But nothing in this section shall be construed to  
31 prevent an incumbent freeholder from becoming a candidate for  
32 the new board, even if his present time on the board has not yet  
33 expired. In the event that the plan approved provides for con-  
34 current terms, all freeholders shall be elected for concurrent 3-year  
35 terms. In the event that the approved plan provides for staggered  
36 terms, terms shall be as follows:

37 (1) If there be five members to be elected, all at large or all by  
38 district, two shall be elected for 3 years, two shall be elected for 2  
39 years, and one for 1 year.

40 (2) If there be seven members to be elected, all at large or all by  
41 district, three shall be elected for 3 years, two for 2 years, and two  
42 for 1 year.

43 (3) If there be nine members to be elected, all at large or all by  
44 district, three shall be elected for 3 years, three for 2 years and  
45 three for 1 year.

46 (4) If there be five members to be elected, three by district and  
47 two at large, one at large member shall be elected for 3 years and  
48 one for 2 years, and one district member shall be elected for 3 years,  
49 one for 2 years and one for 1 year.

50 (5) If there be seven members to be elected, four by district and  
51 three at large, one at large member shall be elected for 3 years, one  
52 for 2 years and one for 1 year, and two district members shall be  
53 elected for 3 years, one for 2 years, and one for 1 year.

54 (6) If there be 9 members to be elected, five by district and four  
55 at large, two at large members shall be elected for 3 years, one for  
56 2 years and one for 1 year, and two district members shall be  
57 elected for 3 years, two for 2 years, and one for 1 year.

58 (7) The length of the terms specified in subparagraphs (1)  
59 through (6) shall be determined by drawing to be conducted by the  
60 county clerk within 60 days after the adoption of the optional plan.

61 In all elections, after the first election under this act, all members



62 shall be elected for 3-year terms beginning on January 1 in the year  
63 following their election.\*\*\*]

1 \*\*\*[41.]\*\*\* \*\*\*[\*\*\*42.\*\*\*]\*\*\* \*\*\*41.\*\*\* Section 128 of P. L.  
2 1972, c. 154 (C. 40:41A-128) is amended 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 dis-  
16 charging the function, power or duty involved in such action or  
17 proceeding.

1 \*\*\*[42.]\*\*\* \*\*\*[\*\*\*43.\*\*\*]\*\*\* \*\*\*42.\*\*\* Section 130 of P. L.  
2 1972, c. 154 (C. 40:41A-130) is amended 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 be*  
14 *limited in application to county employees and positions, and may*  
15 *not extend to cover employees and positions in municipalities within*  
16 *that county.*

1 \*\*\*[43.]\*\*\* \*\*\*[\*\*\*44.\*\*\*]\*\*\* \*\*\*43.\*\*\* Section 133 of P. L.  
2 1972, c. 154 (C. 40:41A-133) is amended 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 executive  
 10 in the case of a charter adopted under article 3, the county manager  
 11 in the case of a charter adopted under article 4, or the [chief  
 12 administrator] *administrative officer* in the case of charters adopted  
 13 under articles 5 and 6), shall submit to the board of chosen free-  
 14 holders, a budget document consisting of[: (1) the current expense  
 15 budget for the ensuing fiscal year; (2)] the *proposed* county  
 16 [capital] budget and [(3)] a budget message. On or before  
 17 September 1 of each year, the budget officer shall establish the  
 18 schedules and procedures to be followed by all county departments,  
 19 offices and agencies to prepare [for these and all other financial]  
 20 *the required budget* documents. [Every budgetary request shall be  
 21 advertised according to law. No budgetary request shall be  
 22 approved and submitted by the budget officer until after a public  
 23 hearing has been held thereon and taxpayers and all persons having  
 24 an interest thereon shall have been given an opportunity to present  
 25 objections. Public hearings on budget requests shall be held accord-  
 26 ing to law, at the time and place set by the budget officer.] *He may*  
 27 *conduct such analyses or hearings as he deems necessary.*

1 \*\*\*[44.]\*\*\* \*\*\*[\*\*\*45.\*\*\*]\*\*\* \*\*\*44.\*\*\* Section 138 of P. L.  
 2 1972, c. 154 (C. 40:41A-138) is amended 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 by*  
 13 *the budget officer.* The budget officer shall review requested allot-  
 14 ments 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 \*\*\*[45.]\*\*\* \*\*\*[\*\*\*46.\*\*\*]\*\*\* \*\*\*45.\*\*\* Section 142 of P. L.  
 2 1972, c. 154 (C. 40:41A-142) is amended 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 news-  
 8 papers qualified by law and designated by majority vote of the board  
 9 of freeholders to publish the county's legal notices. The two news-  
 10 papers 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 a  
 13 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 \*\*\*[46.]\*\*\* \*\*\*[\*\*\*47.\*\*\*]\*\*\* \*\*\*46.\*\*\* Sections \*\*[19, 20, 21,  
 2 22,]\*\* 135, 136, 137, 139, 140 and 141 of P. L. 1972, c. 154  
 3 (C. 40:41A-\*\*[19, 20, 21, 22,]\*\* 135, 136, 137, 139, 140 and 141)  
 4 are repealed.

1 \*\*\*[47.]\*\*\* \*\*\*[\*\*\*48.\*\*\*]\*\*\* \*\*\*47.\*\*\* This act shall take  
 2 effect immediately.

FROM THE OFFICE OF THE GOVERNOR

MAY 5, 1975

FOR FURTHER INFORMATION

FOR IMMEDIATE RELEASE

DICK CAMPBELL

Governor Brendan Byrne signed into law Monday a bill designed to strengthen and clarify the Optional County Charter Law.

The measure, A-1287, sponsored by Assemblyman Steven P. Perskie, D-Atlantic, makes several revisions to the existing law.

The changes include:

- An increase in the number of Charter Study Commission members from 9 to 11, and a provision that the county chairmen of the two major political parties each appoint two members. Previously, all members were elected.

- A provision that when a change in the form of county government is approved or defeated, another vote on a change cannot be held for three years. The former law prohibited another vote for five years after a change is approved, and made no provision for after such a question had been defeated.

- A reduction in the term of office of the Board President under the Board President plan of from two years to one year.

- A provision that all appointments of county department heads by the County Administrative Officer under the Board President plan are subject to the advice and consent of the freeholders.

Byrne also signed into law the following bills:

- S-3012, sponsored by Senator John F. Russo, D-Ocean, which authorizes fifth class counties to provide for public transportation services.

- A-1505, sponsored by Assemblyman Robert C. Shelton, Jr., D-Sussex, which requires the displaying of the fishing license on the outer clothing.

- A-1877, also sponsored by Assemblyman Shelton, which provides the procedure for the dissolution of certain sewerage authorities.

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