

40:69A-43.1 et al

LEGISLATIVE HISTORY CHECKLIST

(Optional Municipal Charter Law--amendments)

NJSA 40:69A-43.1 et al

LAWS 1981

CHAPTER 465

Bill No. S3153

Sponsor(s) Perskie

Date Introduced March 23, 1981

Committee: Assembly Municipal Gov't

Senate County and Municipal Gov't

Amended during passage Yes ~~No~~ Amendments during passage denoted by asterisks

Date of Passage: Assembly Jan. 4, 1982

Senate June 8, 1981

Date of approval Jan. 9, 1982

Following statements are attached if available:

Sponsor statement Yes ~~No~~ Also attached: Assembly amendments, adopted 11-23-81 (with statement)

Committee Statement: Assembly Yes ~~No~~  
Senate Yes ~~No~~

Fiscal Note ~~Yes~~ No

Veto Message ~~Yes~~ No

Message on signing ~~Yes~~ No

Following were printed:

Reports Yes ~~No~~

Hearings ~~Yes~~ No

Report, referred to in statements:

- 974.90 Reock, Ernest C.
- M966 Forms of municipal government in New Jersey. 17th report, County and Municipal Government Study Commission. January, 1979 New Brunswick, 1979.

~~14 NJR 787 (a) proposed~~

6/22/81

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SENATE, No. 3153

STATE OF NEW JERSEY

INTRODUCED MARCH 23, 1981

By Senators PERSKIE and MUSTO

Referred to Committee on County and Municipal Government

AN ACT to amend and supplement the "Optional Municipal Charter Law," approved June 8, 1950 (P. L. 1950, c. 210), and revising parts of the statutory law pertaining thereto.

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

1 1. Section 1-12 of P. L. 1950, c. 210 (C. 40:69A-12) is amended  
2 to read as follows:

3 1-12. The charter commission may report and recommend:

4 (a) That a referendum shall be held to submit to the qualified  
5 voters of the municipality the question of adopting one of the  
6 **[optional forms]** *plans* of government authorized in **[articles 3**  
7 **through 16, inclusive, and 12A of]** this act, *and such of the alterna-*  
8 *tive provisions as permitted thereunder*, to be specified by the  
9 commission; or

10 (b) That the governing body shall petition the Legislature for  
11 the enactment of a special charter or for one or more specific  
12 amendments of or to the charter of the municipality, the text of  
13 which shall be appended to the charter commission's report pur-  
14 suant to Article IV, Section VII, Paragraph 10, of the Constitution  
15 of 1947 and to the enabling legislation enacted thereunder to the  
16 extent that such legislation is not inconsistent herewith; or

17 (c) That the form of government of the municipality shall re-  
18 main unchanged; or

19 (d) Such other action as it may deem advisable consistent with  
20 its functions as set forth in section 1-7 of this article.

1 2. Section 1-13 of P. L. 1950, c. 210 (C. 40:69A-13) is amended  
2 to read as follows:

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

3 1-13. (a) If the charter commission shall recommend the adop-  
 4 tion of [any of the optional forms of government set forth in  
 5 articles 4, 5, 6, 7, 8, 10, 11, 12, 12A or 12B of this act] *the mayor-*  
 6 *council plan of government or the council manager plan of govern-*  
 7 *ment*, it may also specify that the municipal council shall consist  
 8 of seven or nine members instead of five members as provided [in  
 9 said articles] *therein*; or if the charter commission shall recom-  
 10 mend the adoption of [any of the optional forms of government  
 11 set forth in articles 13, 14, 15 or 16 of this act] *the small munici-*  
 12 *pality plan of government*, it may also specify that the council shall  
 13 consist of five or seven members instead of three members as pro-  
 14 vided [in said articles] *therein*.

15 (b) If the charter commission shall recommend the adoption of  
 16 [any of the optional forms of government set forth in articles 5,  
 17 6, 8, 11, 12 or 12B of this act] *the mayor-council plan of government*  
 18 *or the council-manager plan of government* it may further specify  
 19 that the municipality shall be divided into *two*, three, four, five or  
 20 six wards [instead of two wards as provided in said articles]  
 21 within the limitations hereinafter provided:

22 (1) Where the council is to consist of five members, the munici-  
 23 pality may be divided into *two or three* wards;

24 (2) Where the charter commission specifies that the council shall  
 25 consist of seven members, the municipality shall be divided into  
 26 four wards; and

27 (3) Where the charter commission specifies that the council shall  
 28 consist of nine members, the municipality shall be divided into five  
 29 or six wards.

1 3. Section 1-14 of P. L. 1950, c. 210 (C. 40:69A-14) is amended  
 2 to read as follows:

3 1-14. The question to be submitted to the voters for the adop-  
 4 tion of any of the optional plans of government authorized by  
 5 [articles 3 through 16, inclusive, of] this act, including any of the  
 6 alternatives contained in [section 1-13 of] this act, shall be sub-  
 7 mitted in the following form or such part thereof as shall be ap-  
 7A plicable:

8 "Shall ..... of the  
 (insert name of plan)  
 9 Optional Municipal Charter Law, providing for (a division  
 10 of the municipality into ..... wards, with)  
 (insert number)  
 11 ..... councilmen (one to be elected from each  
 (insert number)  
 12 ward and ..... to be elected at large) *at elec-*  
 (insert number)

13      *tions held in* .....\*,  
  *(insert May or November)*

14      *(insert, if appropriate) with run-off elections to be held there-*  
15      *after if a sufficient number of candidates fail to attain a*  
16      *majority of votes,\* be adopted by* .....?"  
  *(insert name of municipality)*

1      4. Section 1-15 of P. L. 1950, c. 210 (C. 40:69A-15) is amended  
2      to read as follows:

3      1-15. If the charter commission shall recommend that the ques-  
4      tion of adopting one of the optional [forms] *plans* of government  
5      authorized by [articles 3 through 16, inclusive, and 12A of] this  
6      act shall be submitted to the voters of the municipality, it shall be  
6A     the duty of the municipal clerk to cause the question of adoption  
7      or rejection to be placed upon the ballot at such time as the com-  
8      mission shall in its report specify. The commission may cause the  
9      question to be submitted to the people at the next general or regular  
10     municipal election, occurring not less than 60 days following the  
11     filing of a copy of the commission's report with the clerk, or at a  
12     special election occurring not less than 60 days or more than 120  
13     days after the filing of the report, at such time as the commission's  
14     report shall direct. At such election the question of adopting that  
15     [form] *plan* of government recommended by the charter commis-  
16     sion shall be submitted to the voters of the municipality in the  
17     same manner as other public questions to be voted upon by the  
18     voters of a single municipality. The charter commission shall frame  
19     the question to be placed upon the ballot as provided in section 1-14  
20     and, if it deems appropriate, an interpretative statement to accom-  
21     pany such question.

1      5. Section 1-18 of P. L. 1950, c. 210 (C. 40:69A-18) is amended  
2      to read as follows:

3      1-18. The legally qualified voters of any municipality may adopt  
4      any of the optional plans provided in [article 3, through 16 inclu-  
5      sive, of] this act upon petition and referendum, without a charter  
6      commission, hereinafter provided.

1      6. Section 1-19 of P. L. 1950, c. 210 (C. 40:69A-19) is amended  
2      to read as follows:

3      1-19. Upon petition of the registered voters of any municipality,  
4      an election shall be held in the municipality upon the question of  
5      adopting any of the optional plans of government provided in [arti-  
6      cles 3 through 16, inclusive, of] this act. The petition calling for  
7      such election shall be subject to the provisions of section 1-1b  
8      hereof and shall be signed by the following per centum of regis-  
9      tered voters of the municipality:

- 10 (a) 25% in municipalities of 7,000 or less inhabitants;
- 11 (b) 20% in municipalities of more than 7,000 and less than 70,000
- 12 inhabitants;
- 13 (c) 10% in municipalities of 70,000 or more inhabitants.

14 The petition shall designate the plan to be voted upon, which may  
 15 include any of the alternatives provided in [section 1-13 of] this  
 16 [article] act and the question to be placed upon the ballot shall be  
 17 in the same form as is required by section 1-14 of this article.

1 7. (New section) a. Any municipality governed by a plan of  
 2 government adopted pursuant to P. L. 1950, c. 210 (C. 40:69A-1  
 3 et seq.) may, by referendum, amend its charter to include any  
 4 alternative permitted under that plan of government. The question  
 5 of adopting an alternative may be initiated by the voters pursuant  
 6 to, and subject to the pertinent provisions of, sections 17-35 through  
 7 17-47 (C. 40:69A-184 through 40:69A-196); or may be submitted  
 8 to the voters by ordinance adopted by the governing body, in which  
 9 case the question and ordinance shall be subject to the pertinent  
 10 provisions of sections 17-42 through 17-47 (C. 40:69A-191 through  
 11 40:69A-196), except that no petition of the voters shall be necessary  
 12 in order to submit the question.

13 b. At any election at which the question of adopting an alterna-  
 14 tive is to be submitted to the voters pursuant to this section, the  
 15 question shall be submitted in substantially the following form:

16 "Shall the charter of .....  
 (insert name of municipality)  
 17 governed by ..... be amended,  
 (insert plan of government)  
 18 as permitted under that plan, to provide for .....  
 (insert appropriate  
 19 ..... ?  
 language from below for the alternative to be voted upon)

GROUP A.

- 20 (1) "the holding of regular municipal elections in May;"
- 21 (2) "the holding of general elections in November;"

GROUP B.

- 22 (3) "the election of all council members at large;"
- 23 (4) "the division of the municipality into .....  
 (insert number)  
 24 wards with ..... council members to be elected  
 (insert number)  
 25 at large and one from each ward;"

GROUP C.

- 26 (5) "the election of all council members for concurrent  
 27 terms;"
- 28 (6) "the election of council members for staggered terms;"

## GROUP D.

29 (7) "the election of the mayor by the members of the  
30 council *\*from among their own number\**;"

31 (8) "the election of the mayor directly by the voters of  
32 the municipality;"

## GROUP E.

33 (9) "a municipal council to consist of three members;"

34 (10) "a municipal council to consist of five members;"

35 (11) "a municipal council to consist of seven members;"

36 (12) "a municipal council to consist of nine members."

37 If more than one alternative is to be submitted to the voters  
38 at the same time, each alternative shall be separately stated on  
39 the ballot in the form of a question as set forth above. If the pro-  
40 visions of two or more alternatives adopted at the same election  
41 conflict, then that receiving the greatest affirmative vote shall con-  
42 trol. Nothing contained in this section shall authorize the sub-  
43 mission to the voters of the question of adopting any alternative  
44 not authorized by the plan of government under which the munici-  
45 pality is governed. No question shall be submitted to the voters  
46 pursuant to this section within 4 years next following the adoption  
47 by the municipality of a plan of government authorized by P. L.  
48 1950, c. 210 (C. 40:69A-1 et seq.) or this act, or within 4 years next  
49 following the date on which the question of adopting it or any  
50 alternative in the same group was last submitted to the voters  
51 pursuant by this section.

52 c. In any municipality having adopted a charter providing for  
53 the division of the municipality into wards, the question of increas-  
54 ing or decreasing the number of council members to be elected in  
55 the municipality shall be submitted to the voters in the manner  
56 set forth in alternative (4) of Group B. of subsection b. of this  
57 section. None of the alternatives set forth in Group E. of that  
58 subsection shall be submitted to the voters in any municipality  
59 divided into wards, unless at the same election alternative (3) of  
60 Group B. of that subsection is also submitted, in which case both  
61 alternatives shall be approved by the voters in order for either  
62 to take effect.

1 8. (New section) Whenever any municipality, pursuant to the  
2 authority granted in section 7 of this act, shall amend its charter  
3 to include an alternative permitted under its plan of government  
4 and included in either Group A. or Group B. of subsection b. of  
5 section 7 of this act, the terms of all council members, and directly  
6 elected mayor if affected, currently serving in the municipality on

7 the date of the election at which the amendment was adopted, and  
8 of all affected officers elected at that election, shall terminate on  
9 June 30, or December 31, as appropriate to the election provisions  
10 of the amended charter, next following the date of \*\*\*[adop-  
10A tion]\*\*\* *\*\*\*the first election of officers under the amended*  
11 *charter\*\*\**. The nomination and election of those municipal officers  
12 as are required shall be conducted in accordance with the provisions  
13 of the amended charter and appropriate law for the election to be  
14 held on the second Tuesday in May next following the date of adop-  
15 tion, or on the first Tuesday after the first Monday in November  
16 next following the date of adoption. If the amendment adopted to  
17 the charter shall provide for the division of the municipality into  
18 wards, or by its terms require an increase or decrease in the number  
19 of wards into which the municipality is divided, the ward boundaries  
20 required by the amended charter shall be fixed and determined  
21 pursuant to law within 90 days of the date of adoption.

22 If the municipality shall at the same time amend its charter to  
23 include an alternative permitted under its plan of government and  
24 included in Group C., Group D. or Group E. of subsection b. of  
25 section 7 of this act, the transitional provisions of this section shall  
26 apply and the provisions of all amendments shall take effect for the  
27 election to be held pursuant to this section.

1 9. (New section) Whenever any municipality shall, pursuant to  
2 the authority granted in section 7 of this act, amend its charter only  
3 to include an alternative permitted under its plan of government  
4 and included in group C. of subsection b. of section 7. of this act,  
5 the transitional provisions of this section shall apply.

6 a. If the amended charter shall provide for the election of all  
7 council members for concurrent terms in a municipality where  
8 prior to the amendment council members were elected for staggered  
9 terms, at the next election at which municipal officers are elected,  
10 and at each succeeding municipal election thereafter until such  
11 time as it shall occur that all council members shall be elected at  
12 the same election, council members elected at that election shall  
13 serve for a term equal in years to the number which the council  
14 member currently serving and having the greatest number of years  
15 remaining of his term has yet to serve of his term. At the election  
16 that it shall occur that all council members shall be elected at the  
17 same time, each council member shall be elected for the term of  
18 years provided in the amended charter.

19 b. If the amended charter shall provide for the election of  
20 council members for staggered terms in a municipality where prior  
21 to the amendment council members were elected for concurrent

22 terms, the amendment to the charter shall take effect for the next  
23 election at which municipal officers are elected in the municipality.

1 10. (New section) Whenever any municipality shall, pursuant to  
2 the authority granted in section 7 of this act, amend its charter  
3 only to include an alternative permitted under its plan of govern-  
4 ment and included in group D. of subsection b. of section 7 of this  
5 act, the transitional provisions of this section shall apply.

6 a. If a municipality in which the mayor is elected by the members  
7 of the council shall adopt an amendment to its charter providing  
8 for the election of the mayor directly by the voters of the munici-  
9 pality, the amendment shall take effect for the next election held in  
10 the municipality at which municipal officers are elected, in accor-  
11 dance with the provisions of the amended charter. Any mayor  
12 currently serving on the date of that election shall, upon and after  
13 the date of the commencement of the term of the mayor elected at  
14 that election, serve as a member of the council for the remainder of  
15 his term but shall not exercise the powers or duties of mayor.

16 b. If a municipality in which the mayor is elected directly by  
17 the voters of the municipality shall adopt an amendment to its  
18 charter providing for the election of the mayor by the members of  
19 the council, the amendment shall take effect the first day of the next  
20 full month after adoption. On that date the members of the council  
21 currently serving shall meet and elect one of their number as mayor  
22 to serve until the first day of July, or January, as appropriate, next,  
23 at which time the members shall elect one of their number to serve  
24 a full term as mayor, pursuant to the amended charter. Any mayor  
25 serving on the effective date of the amendment shall, on and after  
26 that date, serve as a member of the council for the remainder of  
27 his term, but shall not exercise the powers or duties of mayor unless  
28 elected by the council.

1 11. (New section) Whenever any municipality shall, pursuant to  
2 the authority granted in section 7 of this act, amend its charter only  
3 to include an alternative permitted under its plan of government  
4 and included in group E. of subsection b. of section 7 of this act,  
5 the transitional provisions of this section shall apply.

6 a. If the amended charter shall provide for the election of council  
7 members at large for concurrent terms, the increase or decrease in  
8 the number of council members shall take effect for the next election  
9 at which municipal officers are elected in the municipality.

10 b. If the amended charter shall provide for the election of council  
11 members at large for staggered terms, an increase in the number of  
12 council members shall take effect as follows :



13 (1) If the plan of government requires generally a 3-year term  
 14 for council members:

15 (a) And the increase is from three to five council members,  
 16 at the next election at which municipal officers are elected, one  
 17 additional council member shall be elected for a term of 1 year  
 18 and one for a term of 2 years;

19 (b) And the increase is from three to seven council members,  
 20 at the next election at which municipal officers are elected, two  
 21 additional council members shall be elected for terms of 1 year,  
 22 one for a term of 2 years, and one for a term of 3 years; or,

23 (c) And the increase is from five to seven council members,  
 24 at the next election at which municipal officers are elected, one  
 25 additional council member shall be elected for a term of 1  
 26 year and one for a term of 3 years;

27 (2) If the plan of government requires generally a 4-year term  
 28 for council members:

29 (a) And the increase is from five to seven council members,  
 30 at the next election at which municipal officers are elected, one  
 31 additional council member shall be elected for a term of 2  
 32 years and one for a term of 4 years;

33 (b) And the increase is from five to nine council members,  
 34 at the next election at which municipal officers are elected, two  
 35 additional council members shall be elected for terms of 2  
 36 years and two for terms of 4 years; or,

37 (c) And the increase is from seven to nine council members,  
 38 at the next election at which municipal officers are elected, one  
 39 additional council member shall be elected for a term of 2  
 40 years and one for a term of 4 years.

41 c. If the amended charter shall provide for the election of  
 42 council members at large for staggered terms, and the adopted  
 43 amendment requires a decrease in the number of council members,  
 44 the terms of all council members currently serving in the municipi-  
 45 pality on the date of the election at which the amendment was  
 46 adopted, and of all council members elected at that election, shall  
 47 terminate on June 30, or December 31, as appropriate to the elec-  
 48 tion provisions of the amended charter, next following the date of  
 49 \*\*\*[adoption]\*\*\* *\*\*\*the first election of officers under the*  
 50 *amended charter\*\*\**. The nomination and election of council mem-  
 51 bers shall be conducted in accordance with the provisions of the  
 52 amended charter and appropriate law for the election to be held  
 53 on the second Tuesday in May next following the date of adoption,  
 54 or on the first Tuesday after the first Monday in November next  
 55 following the date of adoption.

1 12. Section 1-24 of P. L. 1950, c. 210 (C. 40:69A-24) is amended  
2 to read as follows:

3 1-24. For the purposes of this act each of the optional **[forms]**  
4 *plans* of government provided in **[article 3 through 16, inclusive,**  
5 **of]** this act, and each of said optional **[forms]** *plans* as modified by  
6 any available provisions concerning *the time of elections, size and*  
7 *terms* of council and number of wards, is hereby declared to be a  
8 complete and separate form of government provided by the Legis-  
9 lature for submission to the voters of the municipality. **[Any**  
10 **reference in this act to articles 3 through 16, inclusive, shall be**  
11 **deemed to include articles 12A and 12B.]**

1 13. Section 3-1 of P. L. 1950, c. 210 (C. 40:69A-31) is amended  
2 to read as follows:

### ARTICLE 3

#### MAYOR-COUNCIL PLAN **[A]**

##### A. Form of Government

3 3-1. The form of government provided in this article shall be  
4 known as the "mayor-council plan **[A]**" and shall, together with  
5 articles 2 and 17, govern any municipality the voters of which have  
6 adopted it pursuant to this act.

1 14. Section 3-3 of P. L. 1950, c. 210 (C. 40:69A-33) is amended to  
2 read as follows:

3 3-3. The mayor shall be elected by the voters of the municipality  
4 **[at a regular municipal election]**, and shall serve for a term of  
5 4 years **[beginning on July 1 next following his election]**.

1 15. Section 3-4 of P. L. 1950, c. 210 (C. 40:69A-34) is amended  
2 to read as follows:

3 3-4. The council shall consist of five members, *unless otherwise*  
4 *provided in the municipal charter*, who **[shall be elected at large**  
5 **by the voters of the municipality at a regular municipal election**  
6 **and]** shall serve for a term of 4 years **[beginning on July 1 next**  
7 **following their election]**.

1 16. (New section) Any municipality adopting a mayor-council  
2 plan of government shall provide in its charter that the mayor and  
3 council shall be elected by the voters of the municipality either:

4 a. At a regular municipal election held on the second Tuesday in  
5 May in the years in which municipal officers are to be elected, in  
6 which case the term of office of the mayor and council members shall  
7 begin on July 1 next following their election; or,

8 b. At the general election held on the first Tuesday after the first  
9 Monday in November or at such other time as may be provided by  
10 law for holding general elections, in which case the term of office

11 of the mayor and council members shall begin on January 1 next  
12 following their election.

1 17. (New section) Any municipality adopting a mayor-council  
2 plan of government shall provide in its charter either:

3 a. That the council members shall be elected at large by the  
4 voters of the municipality at the regular municipal election, or  
5 general election, as the charter shall provide; or,

6 b. That the municipality shall be divided into wards pursuant to  
7 the authority granted in sections 1-13 or 1-19 (C. 40:69A-13 or  
8 40:69A-19); that councilmen shall be elected at large and by wards  
9 at the regular municipal election or general election, as the charter  
10 shall provide; and that no more than one councilman shall be  
11 elected from each ward established in the municipality, and all  
12 other councilmen shall be elected at large.

1 18. (New section) a. Any municipality adopting a mayor-council  
2 plan of government may provide in its charter that the council  
3 members elected at the first regular municipal election or general  
4 election, as the charter shall provide, following the adoption of the  
5 plan shall serve for the following terms: if the municipal council is  
6 to consist of five members, two shall serve for 4 years and three for  
7 2 years; if the municipal council is to consist of seven members,  
8 three shall serve for 4 years and four for 2 years; or, if the munici-  
9 pal council is to consist of nine members, four shall serve for 4  
10 years and five for 2 years. The length of the respective term of  
11 each member of the first council shall be determined by lot at the  
12 organization of the council immediately following the election.

13 b. Notwithstanding the provisions of subsection a. of this section,  
14 if a municipality adopting the provisions of this section shall also  
15 provide in its charter that the municipality shall be divided into  
16 wards pursuant to the authority granted in sections 1-13 or 1-19  
17 (C. 40:69A-13 or 40:69A-19), the council members elected at the  
18 first regular municipal election or general election, as the charter  
19 shall provide, following the adoption of the plan shall serve as  
20 follows: the councilmen elected at large for a term of 4 years; and,  
21 the councilmen elected from wards for a term of 2 years.

1 19. Section 3-14 of P. L. 1950, c. 210 (C. 40:69A-44) is amended  
2 to read as follows:

3 3-14. The department of administration shall be headed by a  
4 director who shall be known and designated as business admin-  
5 istrator. He shall be chosen solely on the basis of his executive and  
6 administrative qualifications with special reference to his actual  
7 experience in, or his knowledge of, accepted practice in respect to

8 the duties of his office as hereinafter set forth. At the time of his  
 9 appointment, he need not be a resident of the municipality or State,  
 10 but during his tenure of office he may reside outside the municipality  
 11 only with the approval of council. He shall have, exercise and dis-  
 12 charge the functions, powers and duties of the department. The  
 13 department, under the direction and supervision of the mayor shall:

14 (a) Assist in the preparation of the budget;

15 (b) Administer a centralized purchasing system;

16 (c) Be responsible for the development and administration of a  
 17 sound personnel system; and

18 (d) Perform such other duties as council may prescribe.

19 (e) [In cities of the first class having a population of more than  
 20 250,000,] *The governing body of the municipality may provide, by*  
 21 *ordinance, that the business administrator also shall, subject to the*  
 22 *direction of the mayor, supervise the administration of each of the*  
 23 *departments established by ordinance. For this purpose, he shall*  
 24 *have power to investigate the organization and operation of any and*  
 25 *all departments, to prescribe standards and rules of administrative*  
 26 *practice and procedure, and to consult with the heads of the depart-*  
 27 *ments under his jurisdiction; provided that with respect to any*  
 28 *department of law or department of audit, accounts or control, the*  
 29 *authority of the business administrator under this subsection shall*  
 30 *extend only to matters of budgeting, personnel and purchasing.*

1 20. (New section) Any municipality having adopted, prior to the  
 2 effective date of this amendatory and supplementary act, a charter  
 3 encompassing a mayor-council plan of government heretofore au-  
 4 thorized pursuant to P. L. 1950, c. 210 shall continue to be governed,  
 5 after the effective date of this act, by the charter and plan of  
 6 government so adopted, until such time as the charter is abandoned  
 7 or altered pursuant to article 1 of that act (C. 40:69A-1 through  
 8 40:69A-25), or amended pursuant to section 7 of this amendatory  
 9 and supplementary act. During such time as the municipality shall  
 10 continue to be governed by that charter, any provisions of, or  
 11 supplements to, P. L. 1950, c. 210 enacted or amended after the  
 12 effective date of this amendatory and supplementary act, which  
 13 would have pertained to that charter if the provisions of this  
 14 amendatory and supplementary act had not been enacted, shall per-  
 15 tain to that charter and govern that municipality.

1 21. Section 9-1 of P. L. 1950, c. 210 (C. 40:69A-81) is amended  
 2 to read as follows:

## ARTICLE 9.

## COUNCIL-MANAGER PLAN [A]

## A. Form of Government; Election of Councilmen

3 9-1. The form of government provided in this article shall be  
4 known as the "council-manager plan [A]" and shall, together with  
5 articles 2 and 17, govern any municipality, the voters of which have  
6 adopted this plan pursuant to this act.

1 22. Section 9-3 of P. L. 1950, c. 210 (C. 40:69A-83) is amended  
2 to read as follows:

3 9-3. The municipal council shall consist of five members, *unless*  
4 *otherwise provided in the municipal charter*, who shall serve for  
5 a term of 4 years[, beginning on July 1 next following their elec-  
6 tion].

1 23. (New section) Any municipality adopting a council-manager  
2 plan of government shall provide in its charter that the council  
3 members shall be elected by the voters of the municipality either:

4 a. At a regular municipal election held on the second Tuesday  
5 in May in the years in which municipal officers are to be elected, in  
6 which case the term of office of the council members shall begin on  
7 July 1 next following their election; or,

8 b. At the general election held on the first Tuesday after the first  
9 Monday in November or at such other time as may be provided  
10 by law for holding general elections, in which case the term of office  
11 of the council members shall begin on January 1 next following  
12 their election.

1 24. (New section) Any municipality adopting a council-manager  
2 plan of government shall provide in its charter either:

3 a. That the council members shall be elected at large by the  
4 voters of the municipality at the regular municipal election, or  
5 general election, as the charter shall provide; or,

6 b. That the municipality shall be divided into wards pursuant  
7 to the authority granted in sections 1-13 or 1-19 (C. 40:69A-13 or  
8 40:69A-19); that councilmen shall be elected at large and by wards  
9 at the regular municipal election or general election, as the charter  
10 shall provide; and that no more than one councilman shall be  
11 elected from each ward established in the municipality, and all  
12 other councilmen shall be elected at large.

1 25. (New section) Any municipality adopting a council-manager  
2 plan of government may provide in its charter that the council  
3 members elected at the first regular municipal election or general  
4 election, as the charter shall provide, following the adoption of  
5 the plan shall serve for the following terms: if the municipal council

6 is to consist of five members, two shall serve for 4 years and three  
 7 for 2 years; if the municipal council is to consist of seven members,  
 8 three shall serve for 4 years and four for 2 years; or, if the mu-  
 9 nicipal council is to consist of nine members, four shall serve for  
 10 4 years and five for 2 years. The length of the respective term of  
 11 each member of the first council shall be determined by lot at the  
 12 organization of the council immediately following the election;  
 13 except that if, pursuant to the charter, the mayor is elected directly  
 14 by the voters, the mayor shall, for the purposes of this subsection,  
 15 be counted among those first councilmen to serve a 4 year term.

16 b. Notwithstanding the provisions of subsection a. of this section,  
 17 if a municipality adopting the provisions of this section shall also  
 18 provide in its charter that the municipality shall be divided into  
 19 wards pursuant to the authority granted in sections 1-13 or 1-19  
 20 (C. 40:69A-13 or 40:69A-19), the council members elected at the  
 21 first regular municipal election or general election, as the charter  
 22 shall provide, following the adoption of the plan shall serve as  
 23 follows: the councilmen elected at large for a term of 4 years; and,  
 24 the councilmen elected from wards for a term of 2 years.

1 26. Section 9-6 of P. L. 1950, c. 210 (C. 40:69A-86) is amended  
 2 to read as follows:

3 9-6. **[On]** *Any municipality adopting a council-manager plan of*  
 4 *government shall provide in its charter either:*

5 a. *That the mayor shall be elected by the members of the council;*  
 6 *in which case on the first day of July or January, as appropriate,*  
 7 *following their election, the members elect of the municipal council*  
 8 *shall assemble at the usual place of meeting of the governing body*  
 9 *of the municipality and organize and elect one of their number as*  
 10 *mayor. The mayor shall be chosen by ballot by majority vote of*  
 11 *all members of the municipal council. If the members shall be un-*  
 12 *able, within five ballots to be taken within 2 days of said organi-*  
 13 *zation meeting, to elect a mayor, then the member who in the elec-*  
 14 *tion for members of the municipal council received the greatest*  
 15 *number of votes shall be the mayor. Should such person decline*  
 16 *to accept the office, then the person receiving the next highest vote*  
 17 *shall be the mayor, and so on, until the office is filled; or,*

18 b. *That the mayor shall be elected directly by the voters of the*  
 19 *municipality at the regular municipal election, or general election,*  
 20 *as the charter shall provide. At the first election following the*  
 21 *adoption of the charter, and each appropriate subsequent election,*  
 22 *one position of council member to be elected at large shall be desig-*  
 23 *nated and voted for under the title of mayor, and candidates for*

24 *the position shall be clearly designated as candidates for mayor in*  
 25 *their respective nominating petitions. The candidate for mayor re-*  
 26 *ceiving the greatest number of votes shall be elected, and shall serve*  
 27 *for a term of 4 years.*

1 27. Section 9-13 of P. L. 1950, c. 210 (C. 40:69A-93) is amended  
 2 to read as follows:

3 9-13. The municipal manager shall hold office for an indefinite  
 4 term and may be removed by a majority vote of the council. At  
 5 least 30 days before such removal shall become effective, the council  
 6 shall by a majority vote of its members adopt a preliminary reso-  
 7 lution stating the reasons for his removal. The manager may reply  
 8 in writing and may request a public hearing, which shall be held  
 9 not earlier than 20 days nor later than 30 days after the filing of  
 10 such request. After such public hearing, if one be requested, and  
 11 after full consideration, the council by majority vote of its members  
 12 may adopt a final resolution of removal. By the preliminary reso-  
 13 lution the council may suspend the manager from duty, but shall  
 14 in any case cause to be paid him forthwith any unpaid balance of  
 15 his salary and his salary for the next 3 calendar months following  
 16 adoption of the preliminary resolution *unless he is removed for*  
 17 *\*\*good\*\* cause. \*\*For the purposes of this section, "good cause"*  
 18 *shall mean conviction of a crime or offense involving moral turpi-*  
 19 *tude, the violation of the provisions of sections 17-14, 17-15, 17-16,*  
 20 *17-17 or 17-18 of P. L. 1950, c. 210 (C. 40:69A-163 through*  
 21 *40:69A-167), or the violation of any code of ethics in effect within*  
 22 *the municipality.\*\**

1 28. (New section) Any municipality having adopted, prior to  
 2 the effective date of this amendatory and supplementary act, a  
 3 charter encompassing a council-manager plan of government here-  
 4 tofore authorized pursuant to P. L. 1950, c. 210 shall continue to  
 5 be governed, after the effective date of this act, by the charter and  
 6 plan of government so adopted, until such time as the charter is  
 7 abandoned or altered pursuant to article 1 of that act (C. 40:69A-1  
 8 through 40:69A-25), or amended pursuant to section 7 of this  
 9 amendatory and supplementary act. During such time as the mu-  
 10 nicipality shall continue to be governed by that charter, any pro-  
 11 visions of, or supplements to, P. L. 1950, c. 210 enacted or amended  
 12 after the effective date of this amendatory and supplementary act,  
 13 which would have pertained to that charter if the provisions of this  
 14 amendatory and supplementary act had not been enacted, shall  
 15 pertain to that charter and govern that municipality.

1 29. Section 13-1 of P. L. 1950, c. 210 (C. 40:69A-115) is amended  
 2 to read as follows:

## ARTICLE 13

## SMALL MUNICIPALITY PLAN [A]

3 13-1. The form of government provided in this article shall be  
4 known as the "small municipality plan [A]." It may be adopted  
5 by any municipality having a population of less than 12,000 in-  
6 habitants and shall, together with articles 2 and 17, govern any  
7 municipality the voters of which have adopted the plan pursuant  
8 to this act.

1 30. Section 13-2 of P. L. 1950, c. 210 (C. 40:69A-116) is amended  
2 to read as follows:

3 13-2. Each municipality shall be governed by an elected *council*  
4 *and a mayor* [and councilmen] and such other officers as shall be  
5 appointed pursuant to this article, general law or ordinance.

1 31. Section 13-3 of P. L. 1950, c. 210 (C. 40:69A-117) is amended  
2 to read as follows:

3 13-3. The council shall consist of the mayor and two councilmen,  
4 unless pursuant to the authority granted under sections 1-13 or  
5 1-19 of article 1 of this act, *or unless provided by amendment of*  
6 *the charter pursuant to section 7 of this amendatory act*, the mu-  
7 nicipality shall be governed by a mayor and four or six council-  
8 men. Members of the council shall be elected at large by the voters  
9 of the municipality and shall serve for a term of 3 years [beginning  
10 on the first day of July next following their election].

1 32. (New section) Any municipality adopting a small municipality  
2 plan of government shall provide in its charter that the council  
3 members shall be elected by the voters of the municipality either:

4 a. At a regular municipal election held on the second Tuesday  
5 in May in the years in which municipal officers are to be elected,  
6 in which case the term of office of the council members shall begin  
7 on July 1 next following their election; or,

8 b. At the general election held on the first Tuesday after the  
9 first Monday in November or at such other time as may be provided  
10 by law for holding general elections, in which case the term of  
11 office of the council members shall begin on January 1 next follow-  
12 ing their election.

1 33. (New section) Any municipality adopting a small munici-  
2 pality plan of government may provide in its charter that the council  
3 members elected at the first regular municipal election or general  
4 election, as the charter shall provide, following the adoption of the  
5 plan shall serve for the following terms: if the municipal council  
6 is to consist of three members, one shall serve for 1 year, one for  
7 2 years and one for 3 years; if the municipal council is to consist



8 of five members, two shall serve for 1 year, two for 2 years and  
9 one for 3 years; or, if the municipal council is to consist of seven  
10 members, three shall serve for a term of 1 year, two for a term of  
11 2 years and two for a term of 3 years. The length of the respective  
12 term of each member of the first council shall be determined by lot  
13 at the organization of the council immediately following their  
14 election; except that if, pursuant to the charter, the mayor is elected  
15 directly by the voters, the mayor shall, for the purposes of this  
16 section, be counted among those first councilmen to serve a 4 year  
17 term.

1 34. (New section) Any municipality adopting a small municipi-  
2 pality plan of government shall provide in its charter either:

3 a. That the mayor shall be elected by the members of the council;  
4 in which case on the first day of July or January, as appropriate,  
5 following their election, the members elect of the municipal council  
6 shall assemble at the usual place of meeting of the governing body  
7 of the municipality and organize and elect one of their number  
8 as mayor; that the mayor shall be chosen by ballot by majority  
9 vote of members of the municipal council; that if the members shall  
10 be unable, within five ballots to be taken within 2 days of the organi-  
11 zation meeting, to elect a mayor, then the member who in the elec-  
12 tion for members of the municipal council received the greatest  
13 number of votes shall be mayor; and that should that person decline  
14 to accept the office, then the person receiving the next highest vote  
15 shall be the mayor, and so on, until the office is filled; or,

16 b. That the mayor shall be elected directly by the voters of the  
17 municipality at the regular municipal election, or general election,  
18 as the charter shall provide; that at the first election following the  
19 adoption of the charter, and each appropriate subsequent election,  
20 one position of council member to be elected at large shall be desig-  
21 nated and voted for under the title of mayor, and candidates for  
22 the position shall be clearly designated as candidates for mayor  
23 in their respective nominating petitions; and that the candidate for  
24 mayor receiving the greatest number of votes shall be elected and  
25 shall serve for a term of 4 years.

1 35. (New section) Any municipality having adopted, prior to  
2 the effective date of this amendatory and supplementary act, a  
3 charter encompassing a small municipality plan of government  
4 heretofore authorized pursuant to P. L. 1950, c. 210 shall continue  
5 to be governed, after the effective date of this amendatory and  
6 supplementary act, by the charter and plan of government so  
7 adopted, until such time as the charter is abandoned or altered

8 pursuant to article 1 of P. L. 1950, c. 210 (C. 40:69A-1 through  
 9 40:69A-25), or amended pursuant to section 7 of this amendatory  
 10 and supplementary act. During such time as the municipality shall  
 11 continue to be governed by that charter, any provisions of, or  
 12 supplements to P. L. 1950, c. 210 enacted or amended after the  
 13 effective date of this amendatory and supplementary act, which  
 14 would have pertained to that charter if the provisions of this  
 15 amendatory and supplementary act had not been enacted, shall per-  
 16 tain to that charter and govern that municipality.

1 36. (New section) A new article, to be known as Article 16A is  
 2 added to P. L. 1950, c. 210 (C. 40:69A-1 et seq.) as follows:

#### ARTICLE 16A

##### MAYOR-COUNCIL-ADMINISTRATOR PLAN

3 16A-1. (New section) The form of government provided in this  
 4 article shall be known as the "mayor-council-administrator plan,"  
 5 and shall, together with articles 2 and 17, govern any municipality  
 6 the voters of which have adopted it pursuant to law.

7 16A-2. (New section) Each municipality hereunder shall be  
 8 governed by an elected mayor and council, and an appointed  
 9 municipal administrator, and by such other officers and employees  
 10 as may be duly appointed pursuant to this article, general law or  
 11 ordinance.

12 16A-3. (New section) The council shall consist of the mayor and  
 13 six councilmen. The mayor and council shall be elected at the  
 14 general election to be held on the first Tuesday after the first Mon-  
 15 day in November. Except as otherwise provided in this article for  
 16 councilmen first elected, the mayor shall serve for a term of 4 years  
 17 and the councilmen for a term of 3 years, beginning on January 1  
 18 next following their election.

19 16A-4. (New section) The mayor and councilmen shall be elected  
 20 at large by the voters of the municipality. At the first election  
 21 following the adoption by a municipality of this section, of the six  
 22 councilmen to be elected, two shall serve for a term of 3 years, two  
 23 shall serve for a term of 2 years, and two shall serve for a term of  
 24 1 year.

25 16A-5. (New section) The legislative power of the municipality  
 26 shall be exercised by the council, except as may be otherwise pro-  
 27 vided by general law. The mayor shall preside over all meetings  
 28 of the council except as herein provided, but shall not vote except  
 29 to give the deciding vote in case of a tie. Three councilmen and the  
 30 mayor, and in the absence of the mayor, four councilmen shall con-

31 stitute a quorum for the transaction of business, but a smaller  
32 number may meet and adjourn from time to time. The council shall  
33 annually select from among the councilmen a president of the  
34 council who shall serve in place of the mayor in the event of his  
35 absence, disability or refusal to preside. The mayor shall, when  
36 necessary, call special meetings of the council. In case of his neglect  
37 or refusal, any four councilmen may call a special meeting upon due  
38 notice of the time and place to the mayor and all councilmen.

39 16A-6. (New section) The executive power of the municipality  
40 shall be exercised by the mayor. He shall enforce the charter and  
41 ordinances of the municipality, and all general laws applicable  
42 thereto, and shall recommend such actions to the council as he may  
43 deem in the public interest.

44 16A-7. (New section) Each ordinance adopted by the council  
45 shall be submitted to the mayor, and he shall within 10 days after  
46 receiving it either approve the ordinance by affixing his signature  
47 thereto or return it to the council by delivering it to the municipal  
48 clerk, together with a written statement of his objections thereto or  
49 to any item or part thereof. No ordinance, or any item or part  
50 thereof, shall take effect without the mayor's approval unless the  
51 mayor fails to return an ordinance to the council within 10 days  
52 after it has been presented to him, or unless the council, upon  
53 reconsideration thereof on or after the third day following its  
54 return by the mayor, shall resolve to override the mayor's veto by  
55 a vote of at least  $\frac{2}{3}$  of the members.

56 16A-8. (New section) The mayor shall nominate, and with the  
57 advice and consent of the council appoint, a municipal admin-  
58 istrator, an assessor, a tax collector, an attorney, a clerk, a  
59 treasurer and such other officers as may be provided by ordinance.  
60 Except where otherwise prohibited by general law, one person may  
61 be appointed to two or more such offices, except that one person  
62 shall not be simultaneously the assessor and treasurer, or assessor  
63 and collector. All such officers shall be annually appointed unless  
64 another term is provided by this article or by general law.

65 16A-9. (New section) The municipal administrator shall admin-  
66 ister the business affairs of the municipality and shall, as provided  
67 by ordinance, have such powers and perform such duties which are  
68 not required by this article or general law to be exercised by the  
69 mayor, council or other officer, board or body. The administrator  
69A shall receive such compensation as may be provided by ordinance.  
70 The municipal administrator shall serve at the pleasure of the  
71 council, but may be removed only by a vote of at least  $\frac{2}{3}$  of the  
72 members of the council. The resolution of removal shall become  
73 effective 3 months after its adoption. The council may provide that

74 the resolution shall have immediate effect, but in that case the  
 75 council shall cause to be paid to the administrator forthwith any  
 76 unpaid balance of his salary and his salary for the next 3 calendar  
 77 months following adoption of the resolution *\*\*unless he is removed*  
 77A *for good cause. For the purposes of this section, "good cause" shall*  
 77B *mean conviction of a crime or offense involving moral turpitude,*  
 77C *the violation of the provisions of sections 17-14, 17-15, 17-16,*  
 77D *17-17 or 17-18 of P. L. 1950, c. 210 (C. 40:69A-163 through*  
 77E *40:69A-167), or the violation of any code of ethics in effect within*  
 77F *the municipality\*\*.*

78 16A-10. (New section) All officers and employees whose appoint-  
 79 ment or election is not otherwise provided for in this article or by  
 80 general law shall be appointed by the mayor. If the municipality  
 81 has not adopted the provisions of Title 11 of the Revised Statutes,  
 82 it shall be the duty of the mayor to recruit, select and appoint per-  
 83 sons qualified by training and experience for their respective offices,  
 84 positions and employments.

85 16A-11. (New section) The municipal clerk shall serve as clerk  
 86 of the council, perform such functions as may be required by law  
 87 of municipal clerks generally, and have such other powers and  
 88 duties as the council may prescribe. He shall maintain the records  
 89 and minutes of the governing body. The municipal clerk shall be  
 90 qualified by previous training or experience to perform the duties  
 91 of his office. He shall serve for such term as is generally provided  
 92 by law.

92A 16A-12. (New section) The council shall prepare the annual  
 92B budget with the assistance of the municipal administrator and the  
 92C treasurer.

93 16A-13. (New section) The treasurer shall be the chief financial  
 94 officer of the municipality and shall keep and maintain books and  
 95 records of all financial transactions of the municipality in  
 96 accordance with the standards and requirements of the Division of  
 97 Local Government Services in the Department of **\*[the Treasury]\***  
 98 *\*Community Affairs\**. The treasurer shall have custody of all  
 99 public moneys of the municipality. He shall make monthly reports  
 100 to the council of all receipts, expenditures, commitments and un-  
 101 encumbered appropriation balances.

102 16A-14. (New section) No municipal funds shall be disbursed  
 103 except pursuant to and within the limits of appropriations made  
 104 in accordance with law. All disbursements shall be by bank check  
 105 or draft signed by the mayor and countersigned by the treasurer,  
 106 upon warrant of the council.

107 16A-15. (New section) The municipal tax collector shall receive  
 108 and collect all moneys assessed or raised by taxation or assessment

109 for any purpose. The collector shall enter in suitable books or other  
110 records to be kept by him the sums received each day together with  
111 the account to which each receipt is credited. Within 48 hours after  
112 the receipt of any moneys of the municipality, or on the first bank-  
113 ing day thereafter, the collector shall deposit such moneys in the  
114 authorized public depository of the municipality to the credit of  
115 the appropriate account. He shall report to the council at least  
116 once each month at the same time as the treasurer is required to  
117 report, all receipts and deposits and cash on hand belonging to the  
118 municipality. Within 60 days after the end of the fiscal year, and at  
119 such other times as may be required by the council, the collector  
120 shall make and furnish a detailed and true list of all delinquent tax-  
121 payers for the next preceding year or for such period as the council  
122 may require.

123 16A-16. (New section) The treasurer and the collector shall each  
124 give bond, at the expense of the municipality, in accordance with  
125 general law.

1 \*~~37~~. Section 17-4 of P. L. 1950, c. 210 (C. 40:69A-153) is  
2 amended to read as follows:

3 17-4. At least 47 days prior to a regular municipal election, and  
4 at least 47 days prior to the first election for municipal officers in  
5 municipalities which have adopted ~~articles 3 through 6, inclusive,~~  
6 ~~or 9, 10, 11, 12, 13 or 14, of~~ a charter providing for the holding of  
7 regular municipal elections pursuant to this act, the names of  
8 candidates for all offices shall be filed with the municipal clerk,  
9 before 4:00 p.m. of such days in the manner and form and under  
10 the conditions hereinafter set forth:

11 (a) The petition of nomination shall consist of individual cer-  
12 tificates, equal in number to at least 1%, but in no event less than  
13 10, of the registered voters of the municipality or the ward, as the  
14 case may be, and shall read substantially as follows:

15 "I, the undersigned, a registered voter of the municipality of  
16 ..... residing at .....  
17 certify that I do hereby join in a petition of the nomination of  
18 ..... whose residence is at  
19 ..... for the office of mayor (or  
20 councilman-at-large, or ward councilman of the .....  
21 ward, as the case may be) to be voted for at the election to be held  
22 in such municipality on the ..... 19 .....,  
23 and I further certify that I know this candidate to be a registered  
24 voter, for the period required by law, of said municipality (and  
25 said ward in the case of ward councilman) and a man of good  
26 moral character, and qualified, in my judgment, to perform the

27 duties of said office and I further certify that I have not signed  
28 more petitions or certificates of nominations than there are places  
29 to be filled for the above office.

30 Signed . . . . .”

31 (b) Each petition signature shall be on a separate sheet of paper  
32 and shall bear the name and address of the petitioner. The candi-  
33 date for office and his campaign manager shall make an oath be-  
34 fore an officer competent to administer oaths that the statements  
35 made therein are true and that each signature to the papers ap-  
36 pended thereto is the genuine signature of the person whose name  
37 it purports to be to their best knowledge and belief. Such oath,  
38 signed by the candidate, shall constitute his acceptance of such  
39 nomination and shall be annexed to the petition, together with the  
40 oath of his campaign manager, at the time the petition is sub-  
41 mitted.]\*

1 \* [38. Section 17-11 of P. L. 1950, c. 210 (C. 40:69A-160) is  
2 amended to read as follows:

3 17-11. a. At the regular municipal election in any municipality  
4 which has adopted [articles 3 through 6, inclusive, or 9 through 12,  
5 inclusive, of this act,] *the holding of regular municipal elections*  
6 the candidates receiving the greatest number of votes cast shall be  
7 elected to the respective offices.

8 b. Notwithstanding the provisions of subsection a. of this sec-  
9 tion, the charter of any municipality adopting[, on or after the  
10 effective date of this amendatory act, articles 3 through 6, inclusive,  
11 or 9 through 12, inclusive,] *the holding of regular municipal elec-*  
12 *tions* may provide that at the regular municipal election the candi-  
13 dates receiving the greatest number and a majority of votes cast  
14 shall be elected to the respective offices; provided, however, that if:

15 (1) Nine councilmen-at-large are to be elected and four or  
16 more candidates for said office receive a majority of the votes  
17 cast, the nine candidates receiving the greatest number of votes  
18 shall be elected; or

19 (2) Seven councilmen-at-large are to be elected and three or  
20 more candidates for said office receive a majority of the votes  
21 cast, the seven candidates receiving the greatest number of  
22 votes shall be elected; or

23 (3) Five councilmen-at-large are to be elected and two or  
24 more candidates for said office receive a majority of the votes  
25 cast, the five candidates receiving the greatest number of votes  
26 shall be elected; or

27 (4) Four councilmen-at-large are to be elected and two or  
28 more candidates for said office receive a majority of the votes

29 cast, the four candidates receiving the greatest number of votes  
30 shall be elected; or

31 (5) Three councilmen-at-large are to be elected and one or  
32 more candidates for said office receive a majority of the votes  
33 cast, the three candidates receiving the greatest number of  
34 votes shall be elected; or

35 (6) Two councilmen-at-large are to be elected and one or  
36 more candidates for said office receive a majority of the votes  
37 cast, the two candidates receiving the greatest number of votes  
38 shall be elected.

39 As used in this subsection, the number constituting a majority of  
40 the votes cast shall be computed by dividing by two the number of  
41 voters who cast a vote for at least one candidate for councilman-  
42 at-large, and then adding one. Voting machines to be used in such  
43 election shall be equipped, as soon as practicable, with one or more  
44 counters so connected as to keep a tally of the number of voters  
45 who cast votes for one or more of the candidates for councilman-at-  
46 large. Until such time as suitable counters have been so provided,  
47 or whenever the tally of the number of voters cannot be determined  
48 for any reason, then the number constituting said majority of the  
49 votes cast shall be computed by adding all the votes cast for each  
50 candidate for said office, dividing that total by twice the number of  
51 councilmen-at-large to be elected and then adding one.

52 c. Any municipality which was governed by the provisions of this  
53 section prior to **the effective date of this amendatory act** *July 24,*  
54 *1980* shall be governed by the provisions of subsection b. of this  
55 section on and after **the effective** *that* date **of this amendatory**  
56 **act** for so long as it continues to be governed by **articles 3 through**  
57 **6, inclusive, or 9 through 12, inclusive** *a charter providing for the*  
58 *holding of regular municipal elections*, except as provided in sub-  
59 section d. of this section.

60 d. On and after **the effective date of this amendatory act** *July*  
61 *24, 1980*, any municipality in which run-off elections are held pur-  
62 suant to the provisions of subsection b. or c. above may adopt by  
63 referendum the provisions of subsection a. above; and any munici-  
64 pality governed by **articles 3 through 6, inclusive, or 9 through 12,**  
65 **inclusive** *a charter providing for the holding of regular municipal*  
66 *elections*, in which runoff elections are not held, may adopt by  
67 referendum the provisions of subsection b. above. In either case,  
68 the question of adoption may be initiated by the voters pursuant  
69 to, and subject to the pertinent provisions of, sections 17-35 through  
70 17-47 (C. 40:69A-184 through 40:69A-196) **of the act of which**  
71 **this act is amendatory**; or the question of adoption may be sub-  
72 mitted to the voters by ordinance adopted by the governing body,

73 in which case the question and ordinance shall be subject to the  
 74 pertinent provisions of sections 17-42 through 17-47 [of the act  
 75 of which this act is amendatory] (C. 40:69A-191 through  
 76 40:69A-196), except that no petition of the voters shall be neces-  
 77 sary in order to submit the question.]\*

1 \* [39. Section 17-13 of P. L. 1950, c. 210 (C. 40:69A-162) is  
 2 amended to read as follows :

3 17-13. In any municipality which has adopted [articles 13 or 14  
 4 of] *a council-manager plan of government or a small municipality*  
 5 *form of government, and has provided in its charter for the election*  
 6 *of the mayor directly by the voters, pursuant to this act, the candi-*  
 7 *date for mayor, if there be one, who receives the greatest number of*  
 8 *votes shall be elected and the number of candidates for councilmen*  
 9 *equal to the number of places to be filled in the council, receiving*  
 10 *the greatest number of votes shall be elected.]\**

1 \* [40.]\* \*37.\* Section 17-56 of P. L. 1950, c. 210 (C. 40:69A-205)  
 2 is amended to read as follows :

3 17-56. The schedule of installation of an optional plan adopted  
 4 pursuant to this act shall, as provided herein, take the following  
 5 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 on (1) the second Tuesday in May occurring not less than  
 12 75 days next following the adoption of one of the optional plans  
 13 in municipalities adopting [articles 3, 4, 9, 10, 13 or 14 of this act]  
 14 *a charter providing for the holding of regular municipal elections*  
 15 *at which all members of the council are to be elected at large; (2)*  
 16 *the second Tuesday in May occurring not less than 120 days follow-*  
 17 *ing the adoption of one of the optional plans in municipalities*  
 18 *adopting [articles 5, 6, 11, or 12 of this act] a charter providing*  
 19 *for the holding of regular municipal elections and for the division*  
 20 *of the municipality into wards; (3) at the next general election*  
 21 *occurring not less than 75 days next following the adoption of*  
 22 *one of the optional plans in municipalities adopting [articles 7,*  
 23 *12A, 15, or 16 of this act] a charter providing for the holding of*  
 24 *general elections at which all members of the council are to be*  
 25 *elected at large; or (4) at the next general election occurring not*  
 26 *less than 120 days next following the adoption of one of the optional*  
 27 *plans in municipalities adopting [articles 8 or 12B of this act] a*



28 *charter providing for the holding of general elections and for the*  
 29 *division of the municipality into wards.*

30 Whenever a municipality has adopted **any of the articles** a  
 31 *charter* referred to in subsection (3) above, within 10 days, or sub-  
 32 section (4) within 40 days, prior to the last day fixed for the filing  
 33 of nominating petitions for the primary election, the candidates to  
 34 be first elected shall be nominated in the manner provided by  
 35 chapter 27 of Title 19 of the Revised Statutes with respect to the  
 36 filling of certain vacancies in nominations for county or municipal  
 37 offices to be filled at the general election.

38 (c) An optional plan shall take effect, in accordance with the  
 39 further provisions of this article at (1) 12 o'clock noon on July 1  
 40 next following the first election of officers in municipalities adopting  
 41 **articles 3 through 6, inclusive, or 9, 10, 11, 12, 13 or 14, of this**  
 42 **act** a *charter providing for the holding of regular municipal*  
 43 *elections*, or (2) 12 o'clock noon on January 1 next following the  
 44 first election of officers in municipalities adopting **articles 7, 8,**  
 45 **12A, 12B, 15 or 16 of this act** a *charter providing for the holding*  
 46 *of general elections.*

1 **\*[41.]\* \*38.\*** N. J. S. 40A:16-8 is amended to read as follows:

2 40A:16-8. Authority of mayor to vote in filling a vacancy. In  
 3 municipalities governed by the provisions of Articles 3**, 4, 5, 6, 7**  
 4 **and 8** or 16A of the "Optional Municipal Charter Law," P. L.  
 5 1950, c. 210 (C. 40:69A-31 et seq.**, C. 40:69A-49 et seq., C.**  
 6 **40:69A-55 et seq., C. 40:69A-61 et seq., C. 40:69A-68 et seq.,** and  
 7 C. **[40:69A-74 et seq.]** \_\_\_\_\_ *et seq.*), or by the pro-  
 8 visions of laws governing boroughs, R. S. 40:86-1 to R. S. 40:94-6  
 9 inclusive, a mayor shall be permitted to vote to fill a vacancy in  
 10 the membership of a governing body only in the case of a tie vote.

1 **\*[42.]\* \*39.\*** Section 1 of P. L. 1954, c. 62 (C. 40:69A-43.1) is  
 2 amended to read as follows:

3 1. The director of each department in any city of the second class  
 4 which, *prior to the effective date of this amendatory and supple-*  
 5 *mentary act*, has adopted **or shall hereafter adopt** the form of  
 6 government designated as "Mayor-Council Plan D" provided for  
 7 in article 6 of the act to which this act is a supplement, may appoint  
 8 a deputy director of his department who shall serve, and be re-  
 9 movable at the pleasure of the director, in the unclassified service  
 10 of the civil service of the city and shall receive such salary as shall  
 11 be fixed by the director with the approval of the council.

12 *No municipality shall adopt the provisions of this section on or*  
 13 *after the effective date of this amendatory and supplementary act.*

1 \***[43.]**\* \*40.\* Section 1 of P. L. 1963, c. 69 (C. 40:69A-60.1) is  
2 amended to read as follows:

3 1. The mayor of any municipality having a population of more  
4 than \*\*\***[100,000]**\*\*\* \*\*\*80,000\*\*\* which, *prior to the effective date*  
5 *of this amendatory and supplementary act*, has adopted **[or shall**  
6 **hereafter adopt]** the form of government designated as "Mayor-  
7 Council Plan C" provided for in article 5 of the act of which this  
8 act is a supplement, may appoint one or two deputy mayors, a  
9 personal secretary, an executive secretary, and aides not exceeding  
10 five in number, who shall serve, and be removable at the pleasure  
11 of the mayor, and who shall serve in the unclassified service of the  
12 civil service of the city and shall receive such salary as shall be  
12A fixed by ordinance.

13 *No municipality shall adopt the provisions of this section on or*  
14 *after the effective date of this amendatory and supplementary act.*

1 \***[44.]**\* \*41.\* Section 1 of P. L. 1965, c. 35 (C. 40:69A-60.3) is  
2 amended to read as follows:

3 1. The director of the department of administration in any mu-  
4 nicipality having a population of more than \*\*\***[400,000]**\*\*\*  
5 \*\*\*300,000\*\*\* which, *prior to the effective date of this amendatory*  
6 *and supplementary act*, has adopted **[or shall hereafter adopt]** the  
7 form of government designated as "Mayor-Council Plan C" pro-  
8 vided for in article 5 of the act of which this act is a supplement,  
9 may appoint and may remove, with the approval of the mayor, an  
10 assistant business administrator of his department who shall serve  
11 in the unclassified service of the civil service of the city and shall  
12 receive such salary as shall be fixed by ordinance.

13 *No municipality shall adopt the provisions of this section on or*  
14 *after the effective date of this amendatory and supplementary act.*

1 \***[45.]**\* \*42.\* Section 1 of P. L. 1973, c. 89 (C. 40:69A-60.5) is  
2 amended to read as follows:

3 1. The municipal council of any municipality having a population  
4 of more than \*\*\***[250,000]**\*\*\* \*\*\*200,000\*\*\* which, *prior to the*  
5 *effective date of this amendatory and supplementary act*, has  
6 adopted **[or shall hereafter adopt]** the form of government desig-  
7 nated as "Mayor-Council Plan C" provided for in article 5 of the  
8 act of which this act is a supplement, may appoint not more than  
9 one side for each councilman, who shall serve, and be removable  
10 at the pleasure of the councilman, and who shall serve in the  
11 unclassified service of the civil service of the city and shall receive  
12 such salary as shall be fixed by ordinance, but said salary shall not  
12A exceed \$10,000.00.

13 *No municipality shall adopt the provisions of this section on or*  
 14 *after the effective date of this amendatory and supplementary act.*

1 \***[46.]**\* \*43.\* Section 1 of P. L. 1979, c. 163 (C. 40:69A-60.7) is  
 2 amended to read as follows:

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

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

1 \***[47.]**\* \*44.\* The following are repealed:

2 Article 4, sections 4-1 through 4-5, of P. L. 1950, c. 210  
 3 (C. 40:69A-49 through 40:69A-53);

4 Article 5, sections 5-1 through 5-5, of P. L. 1950, c. 210  
 5 (C. 40:69A-55 through 40:69A-59);

6 Article 6, sections 6-1 through 6-6, of P. L. 1950, c. 210  
 7 (C. 40:69A-61 through 40:69A-66);

8 Article 7, sections 7-1 through 7-5, of P. L. 1950, c. 210  
 9 (C. 40:69A-68 through 40:69A-72);

10 Article 8, sections 8-1 through 8-6, of P. L. 1950, c. 210  
 11 (C. 40:69A-74 through 40:69A-79);

12 Section 9-4 of P. L. 1950, c. 210 (C. 40:69A-84);

13 Article 10, sections 10-1 through 10-4, of P. L. 1950, c. 210  
 14 (C. 40:69A-99 through 40:69A-102);

15 Article 11, sections 11-1 through 11-4, of P. L. 1950, c. 210  
 16 (C. 40:69A-104 through 40:69A-107);

17 Article 12, sections 12-1 through 12-5, of P. L. 1950, c. 210  
 18 (C. 40:69A-109 through 40:69A-113);

19 Article 12A, sections 12A-1 through 12A-4, added to P. L. 1950,  
20 c. 210 by section 13 of P. L. 1953, c. 254 (C. 40:69A-114.1 through  
21 40:69A-114.4);

22 Article 12B, sections 12B-1 through 12B-6, added to P. L. 1950,  
23 c. 210 by section 5 of P. L. 1973, c. 234 (C. 40:69A-114.6 through  
24 40:69A-114.10);

25 Section 13-4 of P. L. 1950, c. 210 (C. 40:69A-118);

26 Article 14, sections 14-1 through 14-4 and 14-6 of P. L. 1950,  
27 c. 210 (C. 40:69A-133 through 40:69A-136 and C. 40:69A-138);

28 Article 15, sections 15-1 through 15-5, of P. L. 1950, c. 210  
29 (C. 40:69A-139 through C. 40:69A-143); and,

30 Article 16, sections 16-1 through 16-6, of P. L. 1950, c. 210  
31 (C. 40:69A-144 through 40:69A-149).

1 48. This act shall take effect immediately.

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#### STATEMENT

This bill is a general revision of the "Optional Municipal Charter Law" (P. L. 1950, c. 210; C. 40:69A-1 et seq.), as recommended by the County and Municipal Government Study (Musto) Commission in its report, *Forms of Municipal Government in New Jersey*.

The bill rewrites each of the plans of government available under that law (the Mayor-Council Plan, the Council-Manager Plan, and the Small Municipality Plan) to provide for a single plan or form of government under each, with suboptions under each which municipalities may include in their charter. The suboptions include all the alternatives previously available under the lettered forms of government (for example, Mayor-Council Plan A, B, C, D, E and F), which are repealed under this act, and provide several options not previously available (a total of eight new possible forms of government). Municipalities currently operating under one of the lettered forms of government to be repealed, would continue to do so, until they choose to amend their charters to adopt any of the new suboptions.

The bill facilitates the procedures under which a municipality under the act may amend its charter to adopt one of the suboptions available under its plan of government, without changing other elements of its charter. Previously, the municipality was required to hold a referendum on the basic plan of government if it wished to change one element thereof. Under this bill, the governing body or the voters by initiative could propose that a referendum be held on the question of adopting one or more of the suboptions available

S3153(1981)

under its basic plan of government. Municipalities would retain the ability furnished by current law to study the basic plan of government through the formation of a charter study commission, or to change its basic plan by initiative and referendum.

In addition to the new possible forms of government made available through the elimination of lettered alternatives, the bill would provide a new optional plan of government to be known as the "Mayor-Council-Administrator Plan," based on the essential characteristics of the borough form with a local administrator. This would permit other municipalities, in addition to boroughs, to operate under what has historically proven to be a popular and relatively successful plan of government, but without some of the antiquated features of borough law.

The bill continues the provisions of P. L. 1980, c. 75 (Senate Bill No. 738), which implemented the recommendations of the commission with respect to run-off elections, by permitting municipalities to eliminate or introduce their use by referendum.

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ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 3153

STATE OF NEW JERSEY

DATED: JUNE 29, 1981

Senate Bill No. 3153, as amended by the committee, is a general revision of the "Optional Municipal Charter Law" (P. L. 1950, c. 210. C. 40:69A-1 et seq.). The bill revises each of the plans of government (the Mayor-Council Plan, the Council-Manager Plan and the Small Municipality Plan) available under that law. In each case, it provides a single plan or form of government, rather than the several related plans currently provided, and allows a municipality adopting the form to also adopt a variety of suboptions. The suboptions include all the alternatives available under the lettered forms of government (for example, Mayor-Council Plan A, B, C, D, E and F) and additional options not currently available. The bill would repeal all of the lettered options now in the law. Any municipality which has adopted any of the lettered forms of government available under the law would continue to be governed by that form of government until it elects to amend its charter to adopt any of the suboptions provided in this bill.

The bill also establishes a new procedure for a municipality to adopt a suboption. The "Optional Municipal Charter Law" currently requires a municipality to hold a referendum on its basic form of government if it wishes to change any element of the form. The bill would allow a municipality, by referendum, to adopt any of the suboptions available to it without changing other elements of the form of government it has adopted. The bill would not alter the provisions of the "Optional Municipal Charter Law" which allows a municipality which has adopted one of the forms of government authorized in the law to form a charter study commission, or to change its basic form of government by initiative and referendum.

The bill also provides a new optional plan of government to be known as the "Mayor-Council-Administrator Plan" which incorporates the essential characteristics of the borough form of government with a local administrator.

The provisions of the bill are based on recommendations of the County and Municipal Government Study Commission in its report, *Forms of Municipal Government in New Jersey*. The bill implements recommendations 21, 22, 23, 24, 25, 26 and 27 of that report.

Counting the new Mayor-Council-Administrator Plan, the bill would make available a total of 33 possible forms of government to municipalities adopting the basic charter law, an increase of 17 over the 16 now available. The following chart sets forth the suboptions to be available under each major plan of government, and notes which are to be newly available.

#### MAYOR-COUNCIL PLAN (SUBOPTIONS)

1. Mayor and council elected at general election at large for concurrent terms.
2. Mayor and council elected at general election at large for staggered terms.
3. Mayor and council elected at general election using wards for concurrent terms.
4. Mayor and council elected at general election using wards for staggered terms.
5. Mayor and council elected at regular municipal election at large for concurrent terms.
6. Mayor and council elected at regular municipal election at large for staggered terms.
7. Mayor and council elected at regular municipal election using wards for staggered terms.

Suboptions 5, 6, 7, 8, 2 and 4 are now available as mayor-council plans A, B, C, D, E and F, respectively. Suboptions 1 and 3 are new options to be made available.

#### COUNCIL-MANAGER PLAN (SUBOPTIONS)

1. Council elected at general election at large for concurrent terms, with mayor elected directly by voters.
2. Council elected at general election at large for concurrent terms, with mayor elected by council.
3. Council elected at general election at large for staggered terms, with mayor elected directly by voters.
4. Council elected at general election at large for staggered terms, with mayor elected by council.
5. Council elected at general election using wards for concurrent terms, with mayor elected directly by voters.
6. Council elected at general election using wards for concurrent terms, with mayor elected by council.
7. Council elected at general election using wards for staggered terms, with mayor elected directly by voters.
8. Council elected at general election using wards for staggered terms, with mayor elected by council.

9. Council elected at regular municipal election at large for concurrent terms, with mayor elected directly by voters.

10. Council elected at regular municipal election at large for concurrent terms, with mayor elected by council.

11. Council elected at regular municipal election at large for staggered terms, with mayor elected directly by voters.

12. Council elected at regular municipal election at large for staggered terms, with mayor elected by council.

13. Council elected at regular municipal election using wards for concurrent terms, with mayor elected directly by voters.

14. Council elected at regular municipal election using wards for concurrent terms, with mayor elected by council.

15. Council elected at regular municipal election using wards for staggered terms, with mayor elected directly by voters.

16. Council elected at regular municipal election using wards for staggered terms, with mayor elected by council.

Suboptions 10, 12, 14, 16, 4 and 8 are now available as council-manager plans A, B, C, D, E and F, respectively. Suboptions 1, 2, 3, 5, 6, 7, 9, 11, 13 and 15 are new options to be made available.

#### SMALL MUNICIPALITY PLAN

1. Council elected at general election for concurrent terms, with mayor elected directly by voters.

2. Council elected at general election for concurrent terms, with mayor elected by council.

3. Council elected at general election for staggered terms, with mayor elected directly by voters.

4. Council elected at general election for staggered terms, with mayor elected by council.

5. Council elected at regular municipal election for concurrent terms, with mayor elected directly by voters.

6. Council elected at regular municipal election for concurrent terms, with mayor elected by council.

7. Council elected at regular municipal election for staggered terms, with mayor elected directly by voters.

8. Council elected at regular municipal election for staggered terms, with mayor elected by council.

Suboptions 5, 6, 3 and 4 are now available as small municipality plans A, B, C and D, respectively. Suboptions 1, 2, 7 and 8 are new options to be made available.

The committee, at the request of the sponsor, amended the bill to provide that a municipal manager appointed pursuant to the Council-Manager form or an administrator appointed pursuant to the Mayor-



Council-Administrator form may be removed from office without receiving 3 months salary if the removal was for good cause as defined in the amendment.

This bill along with Senate Bills Nos. 3154, 3155, 3156, 3157 and 3172 constitute a package of bills concerned with modernizing and simplifying the statutes which govern New Jersey's municipalities. They are dependent on each other for their meaning and intent.

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SENATE COUNTY AND MUNICIPAL  
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 3153

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 4, 1981

Senate Bill No. 3153 is a general revision of the "Optional Municipal Charter Law" (P. L. 1950, c. 210; C. 40:69A-1 et seq.), as recommended by the County and Municipal Government Study (Musto) Commission in its report, *Forms of Municipal Government in New Jersey*. The bill implements recommendations 21, 22, 23, 25, 26 and 27 of that report.

The bill rewrites each of the plans of government available under that law (the Mayor-Council Plan, the Council-Manager Plan, and the Small Municipality Plan) to provide for a single plan or form of government under each, with suboptions under each which municipalities may include in their charter. The suboptions include all the alternatives previously available under the lettered forms of government (for example, Mayor-Council Plan A, B, C, D, E and F), which are repealed under this act, and provide many additional options not previously available. Municipalities currently operating under one of the lettered forms of government to be repealed, would continue to do so, until they choose to amend their charters to adopt any of the new suboptions.

The bill facilitates the procedures under which a municipality under the act may amend its charter to adopt one of the suboptions available under its plan of government, without changing other elements of its charter. Previously, the municipality was required to hold a referendum on the basic plan of government if it wished to change one element thereof. Under this bill, the governing body or the voters by initiative could propose that a referendum be held on the question of adopting one or more of the suboptions available under its basic plan of government. Municipalities would retain the ability furnished by current law to study the basic plan of government through the formation of a charter study commission, or to change its basic plan by initiative and referendum.

In addition to the new possible forms of government made available through the elimination of lettered alternatives, the bill would provide a new optional plan of government to be known as the "Mayor-Council-Administrator Plan," based on the essential characteristics of the borough form with a local administrator. This would permit other municipalities, in addition to boroughs, to operate under what has

historically proven to be a popular and relatively successful plan of government, but without some of the antiquated features of borough law.

Counting the new Mayor-Council-Administrator Plan, the bill would make available a total of 33 possible forms of government to municipalities adopting the basic charter law, an increase of 17 over the 16 now available. The following chart sets forth the suboptions to be available under each major plan of government, and notes which are to be newly available.

#### MAYOR-COUNCIL PLAN (SUBOPTIONS)

1. Mayor and council elected at general election at large for concurrent terms.
2. Mayor and council elected at general election at large for staggered terms.
3. Mayor and council elected at general election using wards for concurrent terms.
4. Mayor and council elected at general election using wards for staggered terms.
5. Mayor and council elected at regular municipal election at large for concurrent terms.
6. Mayor and council elected at regular municipal election at large for staggered terms.
7. Mayor and council elected at regular municipal election using wards for staggered terms.

Suboptions 5, 6, 7, 8, 2 and 4 are now available as mayor-council plans A, B, C, D, E, and F, respectively. Suboptions 1 and 3 are new options to be made available.

#### COUNCIL-MANAGER PLAN (SUBOPTIONS)

1. Council elected at general election at large for concurrent terms, with mayor elected directly by voters.
2. Council elected at general election at large for concurrent terms, with mayor elected by council.
3. Council elected at general election at large for staggered terms, with mayor elected directly by voters.
4. Council elected at general election at large for staggered terms, with mayor elected by council.
5. Council elected at general election using wards for concurrent terms, with mayor elected directly by voters.
6. Council elected at general election using wards for concurrent terms, with mayor elected by council.
7. Council elected at general election using wards for staggered terms, with mayor elected directly by voters.

8. Council elected at general election using wards for staggered terms, with mayor elected by council.

9. Council elected at regular municipal election at large for concurrent terms, with mayor elected directly by voters.

10. Council elected at regular municipal election at large for concurrent terms, with mayor elected by council.

11. Council elected at regular municipal election at large for staggered terms, with mayor elected directly by voters.

12. Council elected at regular municipal election at large for staggered terms, with mayor elected by council.

13. Council elected at regular municipal election using wards for concurrent terms, with mayor elected directly by voters.

14. Council elected at regular municipal election using wards for concurrent terms, with mayor elected by council.

15. Council elected at regular municipal election using wards for staggered terms, with mayor elected directly by voters.

16. Council elected at regular municipal election using wards for staggered terms, with mayor elected by council.

Suboptions 10, 12, 14, 16, 4 and 8 are now available as council-manager plans A, B, C, D, E and F, respectively. Suboptions 1, 2, 3, 5, 6, 7, 9, 11, 13 and 15 are new options to be made available.

#### SMALL MUNICIPALITY PLAN

1. Council elected at general election for concurrent terms, with mayor elected directly by voters.

2. Council elected at general election for concurrent terms, with mayor elected by council.

3. Council elected at general election for staggered terms, with mayor elected directly by voters.

4. Council elected at general election for staggered terms, with mayor elected by council.

5. Council elected at regular municipal election for concurrent terms, with mayor elected directly by voters.

6. Council elected at regular municipal election for concurrent terms, with mayor elected by council.

7. Council elected at regular municipal election for staggered terms, with mayor elected directly by voters.

8. Council elected at regular municipal election for staggered terms, with mayor elected by council.

Suboptions 5, 6, 3 and 4 are now available as small municipality plans A, B, C and D, respectively. Suboptions 1, 2, 7 and 8 are new options to be made available.

The Senate Committee amended the bill to:

1. Provide that the question to be submitted to the voters of adopting a plan of government with a regular municipal election suboption shall state whether or not run-off elections are included;

2. Eliminate sections 37, 38 and 39 from the bill. These sections concern the method of holding regular municipal elections under the Faulkner Act, and are to be repealed by Senate Bill No. 3172. As amended by the committee, Senate Bill No. 3153 and 3172 are a package and are dependent upon one another for their meaning and intent.

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ASSEMBLY AMENDMENTS TO  
**SENATE, No. 3153**

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**STATE OF NEW JERSEY**

ADOPTED NOVEMBER 23, 1981

Amend page 6, section 8, line 10, omit "adoption", insert "the first election of officers under the amended charter".

Amend page 8, section 11, line 49, omit "adoption", insert "the first election of officers under the amended charter".

Amend page 25, section 40, line 4, omit "100,000", insert "80,000".

Amend page 25, section 41, line 4, omit "400,000", insert "300,000".

Amend page 25, section 42, line 4, omit "250,000", insert "200,000".

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STATEMENT

These amendments correct a drafting error regarding the timing of transitional provisions for municipalities which adopt an amended charter under the bill. The amendments also revise several population figures in the bill to accord them with the 1980 census figures.