

40:41A-37

LEGISLATIVE HISTORY CHECKLIST
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(County executive--powers)

NJSA: 40:41A-37

LAWS OF: 1995 **CHAPTER:** 91

BILL NO: A162

SPONSOR(S): Roma and Heck

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Independent Authorities
SENATE: State Management

AMENDED DURING PASSAGE: Yes Amendments during passage
First reprint enacted denoted by superscript numbers

DATE OF PASSAGE: **ASSEMBLY:** August 29, 1994
SENATE: February 9, 1995

DATE OF APPROVAL: April 21, 1995

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

40:41A-37
County Executive Powers
1995
A162

[FIRST REPRINT]
ASSEMBLY, No. 162

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblyman ROMA, Assemblywomen HECK, Weinberg,
Assemblymen Zisa and Kramer

1 **AN ACT** concerning the powers of county executives over certain
2 authorities and amending various parts of the statutory law.

3
4 BE IT ENACTED *by the Senate and General Assembly of the*
5 *State of New Jersey:*

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

8 37. The county executive:

9 a. Shall supervise, direct and control all county administrative
10 departments;

11 b. With the advice and consent of the board, shall appoint the
12 county counsel, the administrator, the heads of all departments
13 and any divisions created within such departments, and the
14 members of all county boards, commissions and authorities;

15 c. May, at his discretion, remove or suspend any official in the
16 unclassified service of the county over whose office the county
17 executive has power of appointment in accordance with the
18 provisions of section 87b.;

19 d. May, at his discretion, but subject to any pertinent
20 provisions of the administrative code or civil service
21 requirements, delegate to department heads powers of
22 appointment and removal of their departmental employees. If
23 the county executive does not so delegate his power he may
24 appoint and remove, subject to civil service requirements, all
25 employees whose positions have been created in accordance with
26 the administrative code, and the manner of whose appointment is
27 not specified elsewhere in this article;

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

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

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

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SSM committee amendments adopted October 3, 1994.

1 with the provisions of law;
2 h. Shall review and approve or veto, within 10 days of delivery
3 to him ¹, except as otherwise provided herein¹, all or part of the
4 minutes of every meeting of a county authority organized
5 pursuant to the provisions of P.L.1946, c.138 (C.40:14A-1 et
6 seq.), P.L.1957, c.183 (C.40:14B-1 et seq.) or P.L.1960, c.183
7 (C.40:37A-44 et seq.). If, within the 10-day period, the county
8 executive returns to the authority and to the board of freeholders
9 the copy of the minutes with a veto of any action taken by the
10 authority or any member thereof at a meeting, together with a
11 written explanation of the reasons for his veto of the action, that
12 action shall be of no effect unless the board of freeholders
13 overrides the veto of the action by a majority vote of its full
14 membership within 10 days of the receipt of the veto action. The
15 county executive may approve all or any part of an action taken
16 at a meeting prior to the expiration of the 10-day period. If the
17 county executive takes no action with respect to the minutes
18 within the 10-day period, the minutes shall be deemed to be
19 approved. The veto powers accorded under this subsection shall
20 not affect in any way the covenants contained in the bond
21 indentures of the authority, or any collective bargaining
22 agreement or binding arbitration decisions affecting employees of
23 the authority.

24 ¹No resolution or other action of the authority providing for
25 the issuance or refunding of bonds or other financial obligations
26 shall be adopted or otherwise made effective by the authority
27 without the prior approval in writing of the county executive.
28 This power shall be exercised with due regard for the rights of
29 the holders of bonds of the authority at any time outstanding, and
30 nothing in, or done pursuant to, this subsection shall in any way
31 limit, restrict or alter the obligation or powers of the authority
32 or any representative or officer of the authority to carry out and
33 perform in every detail each and every covenant, agreement or
34 contract at any time made or entered into by or on behalf of the
35 authority with respect to its bonds or for the benefit, protection
36 or security of the holders thereof.

37 If two-thirds or more of the members of an authority make a
38 determination that an action taken at a meeting is in response to
39 an emergency situation, a copy of the minutes of that meeting
40 shall be delivered to the county executive as soon as practicable
41 following the meeting and the county executive shall have up to
42 24 hours after the copy of the minutes has been delivered to
43 approve or veto the minutes of that meeting. If the county
44 executive takes no action with respect to the minutes within the
45 24-hour period, the minutes shall be deemed approved. If, within
46 the 24-hour period, the county executive returns to the authority
47 and to the board of freeholders the copy of the minutes with a
48 veto of any action taken by the authority or any member thereof
49 at the meeting, together with a written explanation of the
50 reasons for his veto of the action, that action shall be of no
51 effect unless the board of freeholders overrides the veto of the
52 action by a majority vote of its full membership within 48 hours
53 of the receipt of the veto action.¹

54 (cf: P.L.1978, c.141, s.2)

1 2. Section 5 of P.L.1946, c.138 (C.40:14A-5) is amended to
2 read as follows:

3 5. (a) The powers of a sewerage authority shall be vested in
4 the members thereof in office from time to time. A majority of
5 the entire authorized membership of the sewerage authority shall
6 constitute a quorum at any meeting thereof. Action may be
7 taken and motions and resolutions adopted by the sewerage
8 authority at any meeting of the members thereof by vote of a
9 majority of the members present, unless in any case the by-laws
10 of the sewerage authority shall require a larger number. The
11 sewerage authority may delegate to one or more of its officers,
12 agents or employees such powers and duties as it may deem
13 proper.

14 The minutes of every meeting of an authority created by a
15 county organized pursuant to the provisions of the "county
16 executive plan" of the "Optional County Charter Law," P.L.1972,
17 c.154 (C.40:41A-1 et seq.) shall be delivered by the end of the
18 ¹[third] fifth¹ business day following the meeting¹, except as
19 otherwise provided herein,¹ by and under the certification of the
20 secretary of the authority to the county executive. ¹[No] Except
21 as otherwise provided herein, no¹ action taken at a meeting by
22 the members of an authority shall be effective until approved by
23 the county executive or until 10 days after the copy of the
24 minutes shall have been delivered. If, within the 10-day period,
25 the county executive returns to the authority and to the board of
26 freeholders the copy of the minutes with a veto of any action
27 taken by the authority or any member thereof at a meeting,
28 together with a written explanation of the reasons for his veto of
29 the action, that action shall be of no effect unless the board of
30 freeholders overrides the veto of the action by a majority vote of
31 its full membership within 10 days of the receipt of the veto
32 action. The county executive may approve all or any part of an
33 action taken at a meeting prior to the expiration of the 10-day
34 period. If the county executive takes no action with respect to
35 the minutes within the 10-day period, the minutes shall be
36 deemed to be approved. The veto powers accorded under this
37 subsection shall not affect in any way the covenants contained in
38 the bond indentures of the authority, or any collective bargaining
39 agreement or binding arbitration decisions affecting employees of
40 the authority.

41 ¹No resolution or other action of the authority providing for
42 the issuance or refunding of bonds or other financial obligations
43 shall be adopted or otherwise made effective by the authority
44 without the prior approval in writing of the county executive.
45 This power shall be exercised with due regard for the rights of
46 the holders of bonds of the authority at any time outstanding, and
47 nothing in, or done pursuant to, this subsection shall in any way
48 limit, restrict or alter the obligation or powers of the authority
49 or any representative or officer of the authority to carry out and
50 perform in every detail each and every covenant, agreement or
51 contract at any time made or entered into by or on behalf of the
52 authority with respect to its bonds or for the benefit, protection
53 or security of the holders thereof.

54 If two-thirds or more of the members of an authority make a

1 determination that an action taken at a meeting is in response to
2 an emergency situation, a copy of the minutes of that meeting
3 shall be delivered to the county executive as soon as practicable
4 following the meeting and the county executive shall have up to
5 24 hours after the copy of the minutes has been delivered to
6 approve or veto the minutes of that meeting. If the county
7 executive takes no action with respect to the minutes within the
8 24-hour period, the minutes shall be deemed approved. If, within
9 the 24-hour period, the county executive returns to the authority
10 and to the board of freeholders the copy of the minutes with a
11 veto of any action taken by the authority or any member thereof
12 at the meeting, together with a written explanation of the
13 reasons for his veto of the action, that action shall be of no
14 effect unless the board of freeholders overrides the veto of the
15 action by a majority vote of its full membership within 48 hours
16 of the receipt of the veto action.¹

17 (b) Each member of a sewerage authority shall hold office for
18 the term for which he was appointed and until his successor has
19 been appointed and has qualified.

20 (c) No member, officer or employee of a sewerage authority
21 shall have or acquire any interest, direct or indirect, in the
22 sewerage system or in any property included or planned to be
23 included in the sewerage system or in any contract or proposed
24 contract for materials or services to be furnished to or used by
25 the sewerage authority, but neither the holding of any office or
26 employment in the government of any county or municipality or
27 under any law of the State nor the owning of any property within
28 the State shall be deemed a disqualification for membership in or
29 employment by a sewerage authority, and members of the
30 governing body of a local unit may be appointed by such
31 governing body and may serve as members of a sewerage
32 authority. A member of a sewerage authority may be removed
33 only by the governing body by which he was appointed and only
34 for inefficiency or neglect of duty or misconduct in office and
35 after he shall have been given a copy of the charges against him
36 and, not sooner than ten days thereafter, had opportunity in
37 person or by counsel to be heard thereon by such governing body.

38 (d) A sewerage authority may reimburse its members for
39 necessary expenses incurred in the discharge of their duties. The
40 resolution, ordinance or parallel ordinances for the creation of a
41 sewerage authority may provide that the members of the
42 sewerage authority may receive compensation for their services
43 within an annual and other limitations to be stated in such
44 resolution, ordinance or parallel ordinances, and in that event,
45 each member may receive from the sewerage authority such
46 compensation for his services as the sewerage authority may
47 determine within the limitations stated in such resolution,
48 ordinance or parallel ordinances. The said annual or other
49 limitations stated in any such resolution, ordinance or parallel
50 ordinances may be amended by subsequent resolution, ordinance
51 or parallel ordinances, as the case may be, but no reduction of
52 any such limitation shall be effective as to any member of the
53 sewerage authority then in office except upon the written
54 consent of the sewerage authority. No member of any sewerage

1 authority shall receive any compensation for his services except
2 as provided in this subsection.

3 (e) Every sewerage authority, upon the first appointment of its
4 members and thereafter on or after the first day of February in
5 each year, shall annually elect from among its members a
6 chairman and a vice-chairman who shall hold office, until the
7 first day of February next ensuing and until their respective
8 successors have been appointed and have qualified. Every
9 sewerage authority may also, without regard to the provisions of
10 Title 11 of the Revised Statutes, appoint and employ a secretary
11 and such professional and technical advisers and experts and such
12 other officers, agents and employees as it may require, and shall
13 determine their qualifications, terms of office, duties and
14 compensation.

15 (cf: P.L.1952, c.277, s.2)

16 3. Section 14 of P.L.1957, c.183 (C.40:14B-14) is amended to
17 read as follows:

18 14. a. The powers of a municipal authority shall be vested in
19 the members thereof in office from time to time. A majority of
20 the entire authorized membership of the municipal authority shall
21 constitute a quorum at any meeting thereof. Action may be
22 taken and motions and resolutions adopted by the municipal
23 authority at any meeting of the members thereof by vote of a
24 majority of the members present, unless in any case the by-laws
25 of the municipal authority shall require a larger number.

26 b. The minutes of every meeting of an authority created by a
27 county organized pursuant to the provisions of the "county
28 executive plan" of the "Optional County Charter Law," P.L.1972,
29 c.154 (C.40:41A-1 et seq.) shall be delivered by the end of the
30 ¹[third] fifth¹ business day following the meeting ¹, except as
31 otherwise provided in subsection d. of this section,¹ by and under
32 the certification of the secretary of the authority to the county
33 executive. ¹[No] Except as otherwise provided in subsection d. of
34 this section, no¹ action taken at a meeting by the members of an
35 authority shall be effective until approved by the county
36 executive or until 10 days after the copy of the minutes shall
37 have been delivered. If, within the 10-day period, the county
38 executive returns to the authority and to the board of freeholders
39 the copy of the minutes with a veto of any action taken by the
40 authority or any member thereof at a meeting, together with a
41 written explanation of the reasons for his veto of the action, that
42 action shall be of no effect unless the board of freeholders
43 overrides the veto of the action by a majority vote of its full
44 membership within 10 days of the receipt of the veto action. The
45 county executive may approve all or any part of an action taken
46 at a meeting prior to the expiration of the 10-day period. If the
47 county executive takes no action with respect to the minutes
48 within the 10-day period, the minutes shall be deemed to be
49 approved. The veto powers accorded under this subsection shall
50 not affect in any way the covenants contained in the bond
51 indentures of the authority, or any collective bargaining
52 agreement or binding arbitration decisions affecting employees of
53 the authority.

54 ¹c. No resolution or other action of the authority providing for

1 the issuance or refunding of bonds or other financial obligations
2 shall be adopted or otherwise made effective by the authority
3 without the prior approval in writing of the county executive.
4 This power shall be exercised with due regard for the rights of
5 the holders of bonds of the authority at any time outstanding, and
6 nothing in, or done pursuant to, this subsection shall in any way
7 limit, restrict or alter the obligation or powers of the authority
8 or any representative or officer of the authority to carry out and
9 perform in every detail each and every covenant, agreement or
10 contract at any time made or entered into by or on behalf of the
11 authority with respect to its bonds or for the benefit, protection
12 or security of the holders thereof.

13 d. If two-thirds or more of the members of an authority make
14 a determination that an action taken at a meeting is in response
15 to an emergency situation, a copy of the minutes of that meeting
16 shall be delivered to the county executive as soon as practicable
17 following the meeting and the county executive shall have up to
18 24 hours after the copy of the minutes has been delivered to
19 approve or veto the minutes of that meeting. If the county
20 executive takes no action with respect to the minutes within the
21 24-hour period, the minutes shall be deemed approved. If, within
22 the 24-hour period, the county executive returns to the authority
23 and to the board of freeholders the copy of the minutes with a
24 veto of any action taken by the authority or any member thereof
25 at the meeting, together with a written explanation of the
26 reasons for his veto of the action, that action shall be of no
27 effect unless the board of freeholders overrides the veto of the
28 action by a majority vote of its full membership within 48 hours
29 of the receipt of the veto action.¹

30 (cf: P.L.1957, c.183, s.14)

31 4. Section 7 of P.L.1960, c.183 (C.40:37A-50) is amended to
32 read as follows:

33 7. a. The powers of an authority shall be vested in the
34 members thereof in office from time to time, and a majority of
35 the entire authorized voting membership of the authority shall
36 constitute a quorum at any meeting thereof. Action may be
37 taken and motions and resolutions adopted by the authority at any
38 meeting of the members thereof by the affirmative vote of a
39 majority of the voting members present, unless in any case the
40 bylaws of the authority shall require a larger number.

41 b. The minutes of every meeting of an authority created by a
42 county organized pursuant to the provisions of the "county
43 executive plan" of the "Optional County Charter Law," P.L.1972,
44 c.154 (C.40:41A-1 et seq.) shall be delivered by the end of the
45 ¹[third] fifth¹ business day following the meeting ¹, except as
46 otherwise provided in subsection d. of this section,¹ by and under
47 the certification of the secretary of the authority to the county
48 executive. ¹[No] Except as otherwise provided in subsection d. of
49 this section, no¹ action taken at a meeting by the members of an
50 authority shall be effective until approved by the county
51 executive or until 10 days after the copy of the minutes shall
52 have been delivered. If, within the 10-day period, the county
53 executive returns to the authority and to the board of freeholders
54 the copy of the minutes with a veto of any action taken by the

1 authority or any member thereof at a meeting, together with a
2 written explanation of the reasons for his veto of the action, that
3 action shall be of no effect unless the board of freeholders
4 overrides the veto of the action by a majority vote of its full
5 membership within 10 days of the receipt of the veto action. The
6 county executive may approve all or any part of an action taken
7 at a meeting prior to the expiration of the 10-day period. If the
8 county executive takes no action with respect to the minutes
9 within the 10-day period, the minutes shall be deemed to be
10 approved. The veto powers accorded under this subsection shall
11 not affect in any way the covenants contained in the bond
12 indentures of the authority, or any collective bargaining
13 agreement or binding arbitration decisions affecting employees of
14 the authority.

15 ¹c. No resolution or other action of the authority providing for
16 the issuance or refunding of bonds or other financial obligations
17 shall be adopted or otherwise made effective by the authority
18 without the prior approval in writing of the county executive.
19 This power shall be exercised with due regard for the rights of
20 the holders of bonds of the authority at any time outstanding, and
21 nothing in, or done pursuant to, this subsection shall in any way
22 limit, restrict or alter the obligation or powers of the authority
23 or any representative or officer of the authority to carry out and
24 perform in every detail each and every covenant, agreement or
25 contract at any time made or entered into by or on behalf of the
26 authority with respect to its bonds or for the benefit, protection
27 or security of the holders thereof.

28 d. If two-thirds or more of the members of an authority make
29 a determination that an action taken at a meeting is in response
30 to an emergency situation, a copy of the minutes of that meeting
31 shall be delivered to the county executive as soon as practicable
32 following the meeting and the county executive shall have up to
33 24 hours after the copy of the minutes has been delivered to
34 approve or veto the minutes of that meeting. If the county
35 executive takes no action with respect to the minutes within the
36 24-hour period, the minutes shall be deemed approved. If, within
37 the 24-hour period, the county executive returns to the authority
38 and to the board of freeholders the copy of the minutes with a
39 veto of any action taken by the authority or any member thereof
40 at the meeting, together with a written explanation of the
41 reasons for his veto of the action, that action shall be of no
42 effect unless the board of freeholders overrides the veto of the
43 action by a majority vote of its full membership within 48 hours
44 of the receipt of the veto action.¹

45 (cf: P.L.1982, c.113, s.5)

46 5. This act shall take effect immediately.

47

48

49

50

51 Authorizes county executive to veto minutes of certain
52 authorities.

1 county organized pursuant to the provisions of the "county
2 executive plan" of the "Optional County Charter Law," P.L.1972,
3 c.154 (C.40:41A-1 et seq.) shall be delivered by the end of the
4 third business day following the meeting by and under the
5 certification of the secretary of the authority to the county
6 executive. No action taken at a meeting by the members of an
7 authority shall be effective until approved by the county
8 executive or until 10 days after the copy of the minutes shall
9 have been delivered. If, within the 10-day period, the county
10 executive returns to the authority and to the board of freeholders
11 the copy of the minutes with a veto of any action taken by the
12 authority or any member thereof at a meeting, together with a
13 written explanation of the reasons for his veto of the action, that
14 action shall be of no effect unless the board of freeholders
15 overrides the veto of the action by a majority vote of its full
16 membership within 10 days of the receipt of the veto action. The
17 county executive may approve all or any part of an action taken
18 at a meeting prior to the expiration of the 10-day period. If the
19 county executive takes no action with respect to the minutes
20 within the 10-day period, the minutes shall be deemed to be
21 approved. The veto powers accorded under this subsection shall
22 not affect in any way the covenants contained in the bond
23 indentures of the authority, or any collective bargaining
24 agreement or binding arbitration decisions affecting employees of
25 the authority.

26 (cf: P.L.1982, c.113, s.5)

27 5. This act shall take effect immediately.

30 STATEMENT

31
32 This bill gives the county executive in counties organized
33 pursuant to the provisions of the "Optional County Charter Law,"
34 P.L.1972, c.154 (C.40:41A-1 et seq.) the power to review and
35 approve or veto, within 10 days of delivery, all or part of the
36 minutes of every meeting of any county sewerage authority
37 organized pursuant to the provisions of P.L.1946, c.138
38 (C.40:14A-1 et seq.), any county utilities authority organized
39 pursuant to the provisions of P.L.1957, c.183 (C.40:14B-1 et seq.)
40 and any county improvement authority organized pursuant to the
41 provisions of P.L.1960, c.183 (C.40:37A-44 et seq.). The bill
42 provides that if, in the 10-day period, the county executive
43 returns the copy of the minutes with a veto of any action taken
44 by the board or any member thereof at the meeting, that action
45 shall be of no effect. The bill also provides that if the county
46 executive takes no action with respect to the minutes within the
47 10-day period, the minutes will be deemed to be approved. The
48 veto powers accorded by the bill would not affect in any way the
49 covenants contained in the bond indentures of any such authority,
50 or any collective bargaining agreement or binding arbitration
51 decisions affecting employees of those authorities.

52 The five counties in the State operating under the county
53 executive form of government, and thus affected by the
54 provisions of this bill, are Atlantic, Bergen, Essex, Hudson and
55 Mercer.

ASSEMBLY INDEPENDENT AUTHORITIES COMMITTEE

STATEMENT TO

ASSEMBLY, No. 162

STATE OF NEW JERSEY

DATED: JANUARY 24, 1994

The Assembly Independent Authorities Committee reports favorably Assembly Bill No. 162.

The bill gives the county executive, in counties organized under the "county executive plan" pursuant to the provisions of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the power to review and approve or veto, within 10 days of delivery, all or part of the minutes of every meeting of any county sewerage authority organized pursuant to the provisions of P.L.1946, c.138 (C.40:14A-1 et seq.), any county utilities authority organized pursuant to the provisions of P.L.1957, c.183 (C.40:14B-1 et seq.), and any county improvement authority organized pursuant to the provisions of P.L.1960, c.183 (C.40:37A-44 et seq.).

The bill provides that if, within the 10-day period, the county executive returns to the authority and to the board of freeholders, the copy of the minutes with a veto of any action taken by the authority or any member thereof at the meeting, together with a written explanation of the reasons for his veto of the action, that action shall be of no effect unless the board of freeholders overrides the veto of the action by a majority vote of its full membership within 10 days of the receipt of the veto action.

The bill also provides that if the county executive takes no action with respect to the minutes within the 10-day period, the minutes shall be deemed approved. The veto powers accorded by the bill shall not affect in any way the covenants contained in the bond indentures of any such authority, or any collective bargaining agreement or binding arbitration decisions affecting the employees of those authorities.

The five counties in the State operating under the county executive form of government, and thus affected by the provisions of this bill, are Atlantic, Bergen, Essex, Hudson and Mercer.

The provisions of the "Optional County Charter Law" do not currently allow the county executive this discretion.

Technical review was performed on this pre-filed bill, as required under Joint Rule 18A of the Senate and General Assembly.

SENATE STATE MANAGEMENT, INVESTMENTS
AND FINANCIAL INSTITUTIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 162

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 3, 1994

The Senate State Management, Investments and Financial Institutions Committee reports favorably and with committee amendments Assembly, No. 162.

This bill gives the county executive, in counties organized under the "county executive plan" pursuant to the provisions of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the power to review and approve or veto within 10 days of delivery, except for emergency situations, all or part of the minutes of every meeting of any county sewerage authority organized pursuant to the provisions of P.L.1946, c.138 (C.40:14A-1 et seq.), any county utilities authority organized pursuant to the provisions of P.L.1957, c.183 (C.40:14B-1 et seq.), and any county improvement authority organized pursuant to the provisions of P.L.1960, c.183 (C.40:37A-44 et seq.).

The bill provides that if, within the 10-day period, the county executive returns to the authority and to the board of freeholders, the copy of the minutes with a veto of any action taken by the authority or any member thereof at the meeting, together with a written explanation of the reasons for his veto of the action, that action shall be of no effect unless the board of freeholders overrides the veto of the action by a majority vote of its full membership within 10 days of the receipt of the veto action. If the county executive takes no action with respect to the minutes within the 10-day period, the minutes shall be deemed approved.

The bill provides that if two-thirds or more of the members of an authority make a determination that an action taken at a meeting is in response to an emergency situation, a copy of the minutes of that meeting shall be delivered to the county executive as soon as practicable following the meeting and the county executive shall have up to 24 hours after the copy of the minutes has been delivered to approve or veto the minutes of that meeting. If the county executive takes no action with respect to the minutes within the 24-hour period, the minutes shall be deemed approved. If, within the 24-hour period, the county executive returns to the authority and to the board of freeholders the copy of the minutes with a veto of any action taken by the authority or any member thereof at the meeting, together with a written explanation of the reasons for his veto of the action, that action shall be of no effect unless the board of freeholders overrides the veto of the action by a majority vote of its full membership within 48 hours of the receipt of the veto action.

No resolution or other action of the authority providing for the issuance or refunding of bonds or other financial obligations shall be

adopted or otherwise made effective by the authority without the prior approval in writing of the county executive. This power shall be exercised with due regard for the rights of the holders of bonds of the authority at any time outstanding, and nothing in, or done pursuant to, this act shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds or for the benefit, protection or security of the holders thereof. The veto powers accorded by the bill shall not affect in any way the covenants contained in the bond indentures of any affected authority, or any collective bargaining agreement or binding arbitration decisions affecting the employees of those authorities.

The five counties in the State operating under the county executive form of government, and thus affected by the provisions of this bill, are Atlantic, Bergen, Essex, Hudson and Mercer.

COMMITTEE AMENDMENTS

The committee amended the bill to:

- (1) provide the county executive with a 24-hour veto period in an emergency situation;
- (2) provide for prior approval by the county executive when an authority issues or refunds bonds or other financial obligations; and
- (3) provide that the minutes shall be delivered to the county executive by the end of the fifth, rather than the third, business day following the meeting.

4/10/95
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Gov. Christie Whitman signed legislation today that gives county executives the power to approve or veto the minutes of county sewerage, improvement and utilities authorities. Action on all or part of the minutes must be taken within 10 days of receiving the minutes. The legislation - A-162 - was sponsored by Assemblyman Pat Roma, R-Bergen, and Assemblywoman Rose Heck, R-Bergen.

The Governor also signed legislation that provides additional tax-deferred annuity choices for certain state educational employees. Sponsors of A-549 are Assemblyman Gary Stuhltrager, R-Gloucester, and Assemblyman Joseph Roberts, D-Camden.