

40:41A-47

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 40:41A-47

(County manager-
-freeholders can
contract)

LAWS OF: 1991

CHAPTER: 71

Bill No: S3069

Sponsor(s): Lesniak

Date Introduced: November 19, 1990

Committee: Assembly: -----

Senate: County & Municipal Government

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: February 4, 1991

Senate: January 24, 1991

Date of Approval: March 21, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

[SECOND REPRINT]

SENATE, No. 3069

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 19, 1990

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By Senator LESNIAK

1 AN ACT concerning the term of office of a county manager and
2 amending P.L.1972, c.154.

3

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

6 1. Section 47 of P.L.1972, c.154 (C.40:41A-47) is amended to
7 read as follows:

8 47. The county manager shall be qualified by either
9 administrative [and] or executive experience and ability to serve
10 as the chief [executive] administrator of the county. [He] The
11 county manager shall be appointed by a majority vote of the
12 [whole number] entire membership of the board of freeholders
13 [and shall serve for an indefinite term] ¹[. The board of
14 freeholders shall determine the term of office of the county
15 manager. The board of freeholders may permit a contractual
16 term of employment not to exceed three years, or may determine
17 that the county manager shall serve at the pleasure of the board.]
18 and shall serve ²either² for a definite term of not less than one
19 year or more than three years ², or shall serve at the pleasure of
20 the board of freeholders, as determined by resolution at the time
21 of appointment². The board of freeholders is empowered to enter
22 into a contract with ²[the] a² county manager ²appointed for a
23 definite term of not less than one year or more than three years²
24 setting forth the terms and conditions of employment.¹ [He] The
25 county manager may be removed by a majority vote of the board
26 ¹for cause, or breach of contract,¹ subject to due notice and a
27 public hearing. Such notice shall be in writing and shall be
28 accompanied by a written bill of particular charges and
29 complaints and public hearing on these charges shall be no less
30 than 15 nor more than 30 days after personal service of notice
31 and charges. ¹[A county manager serving at the pleasure of the
32 board of freeholders may also be removed by resolution approved
33 by a majority vote of the entire membership of the board.]¹ ²A
34 county manager serving at the pleasure of the board of
35 freeholders may also be removed by resolution approved by a
36 majority vote of the entire membership of the board.²

37 At the time of [his] appointment the county manager need not
38 be a resident of the county but after [his] appointment [he] the
39 county manager may reside outside the county [only with

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 SCM committee amendments adopted December 3, 1990.

² Senate floor amendments adopted December 6, 1990.

1 permission of the board] by contractual consent^{1 2}, if there is a
2 contract, or by waiver of a majority of the entire membership of
3 the board of freeholders if the county manager serves at the
4 pleasure of the board of freeholders. A waiver shall not be
5 required if the county manager has already received a waiver
6 from the board of freeholders while employed by the county in
7 another capacity².

8 (cf: P.L.1972, c.154, s.47)

9 2. This act shall take effect immediately.

10

11

12 LOCAL GOVERNMENT

13

14 Authorizes board of chosen freeholders to offer specific contract
15 to limit term of county manager.

SENATE, No. 3069

STATE OF NEW JERSEY

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13 [and shall serve for an indefinite term]. The board of freeholders
14 shall determine the term of office of the county manager. The
15 board of freeholders may permit a contractual term of
16 employment not to exceed three years, or may determine that
17 the county manager shall serve at the pleasure of the board. [He]
18 The county manager may be removed by a majority vote of the
19 board subject to due notice and a public hearing. Such notice
20 shall be in writing and shall be accompanied by a written bill of
21 particular charges and complaints and public hearing on these
22 charges shall be no less than 15 nor more than 30 days after
23 personal service of notice and charges. A county manager
24 -serving at the pleasure of the board of chosen freeholders may
25 also be removed by resolution approved by a majority vote of the
26 entire membership of the board.

27 At the time of [his] appointment the county manager need not
28 be a resident of the county but after [his] appointment [he] the
29 county manager may reside outside the county only with
30 permission of the board.

31 (cf: P.L.1972, c.154, s.47)

32 2. This act shall take effect immediately.

33

34

STATEMENT

35

36 This bill authorizes the board of chosen freeholders in a county
37 organized under the provisions of the County Manager plan of the
38 "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et
39 seq.) to offer a specific contract to limit the term of the county

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
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1 manager as the board of chosen freeholders deems appropriate
2 but not to exceed three years, or to determine that the county
3 manager shall serve at the pleasure of the board of chosen
4 freeholders.

5

6

LOCAL GOVERNMENT

7

8 Authorizes board of chosen freeholders to offer specific contract
9 to limit term of county manager.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 3069

with Senate committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1990

The Senate County and Municipal Government Committee reports favorably Senate Bill No. 3069 with Senate committee amendments.

Senate Bill No. 3069, as amended by the committee, provides for the appointment of a county manager in a county organized under the provisions of the County Manager plan of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.) by majority vote of the entire membership of the board of freeholders, for a definite term of not less than one year or more than three years. The amended bill also empowers the board of freeholders to enter into a contract with the county manager setting forth the terms and conditions of employment. Further, the amended bill provides that the county manager may be removed only for cause or breach of contract, and that the county manager may reside outside the county after appointment by contractual consent. Current law provides an indefinite term for the position of county manager.

As introduced by the sponsors, the bill authorized the board of chosen freeholders in a county organized under the provisions of the County Manager plan of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.) to offer a specific contract to limit the term of the county manager as the board of chosen freeholders deems appropriate but not to exceed three years, or to determine that the county manager serve at the pleasure of the board of chosen freeholders. The bill, as introduced, also provided that a county manager serving at the pleasure of the board of freeholders could be removed by resolution of the entire membership of the board.