

40A: 9-133

LEGISLATIVE HISTORY CHECKLIST
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NJSA: 40A:9-133

(Municipal clerk--
duties)

LAWS OF: 1991

CHAPTER: 73

Bill No: S2712

Sponsor(s): Orechio

Date Introduced: May 21, 1990

Committee: Assembly: Municipal Government

Senate: County & Municipal Government

Amended during passage: No

Date of Passage: Assembly: January 24, 1991

Senate: February 4, 1991

Date of Approval: March 25, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

KBG/SLJ

P.L.1991, CHAPTER 73, approved March 25, 1991

1990 Senate No. 2712

1 AN ACT concerning the appointment and duties of a municipal
2 clerk, amending N.J.S.40A:9-133 and supplementing chapter 9
3 of Title 40A of the New Jersey Statutes.

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

7 1. N.J.S.40A:9-133 is amended to read as follows:

8 a. In every municipality there shall be a municipal clerk
9 appointed for a three year term by the governing body of the
10 municipality. [His term of office shall be 3 years, which shall run
11 from January 1 in the year in which he was appointed.]

12 b. For the purposes of tenure, the term of a municipal clerk
13 shall be deemed to have begun as of the actual date upon which a
14 person serving as municipal clerk is appointed. In the event of a
15 vacancy in the office of municipal clerk, an appointment shall be
16 made for a new term and not for the unexpired term. A
17 reappointment of an incumbent municipal clerk made within 60
18 days following the expiration of the prior term shall not be
19 considered to be a new appointment and the effective date of the
20 reappointment shall date back to the date of expiration of the
21 initial term of appointment.

22 c. The governing body of a municipality shall appoint a person
23 to a three year term as municipal clerk within six months after
24 the previous municipal clerk has resigned or the office has
25 otherwise become vacant.

26 d. Should the office of municipal clerk become vacant, the
27 governing body of a municipality may appoint a person to serve as
28 acting municipal clerk for a period of not more than six months.

29 e. The municipal clerk shall:

30 (1) act as secretary of the municipal corporation and custodian
31 of the municipal seal and of all minutes, books, deeds, bonds,
32 contracts, and archival records of the municipal corporation. The
33 governing body may, however, provide by ordinance that any
34 other specific officer shall have custody of any specific other
35 class of record;

36 (2) act as secretary to the governing body, prepare meeting
37 agendas at the discretion of the governing body, be present at all
38 meetings of the governing body, keep a journal of the proceedings
39 of every meeting, retain the original copies of all ordinances and
40 resolutions, and record the minutes of every meeting;

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.

1 (3) serve as the chief administrative officer in all elections
2 held in the municipality, subject to the requirements of Title 19
3 of the Revised Statutes;

4 (4) serve as chief registrar of voters in the municipality,
5 subject to the requirements of Title 19 of the Revised Statutes;

6 (5) serve as the administrative officer responsible for the
7 acceptance of applications for licenses and permits and the
8 issuance of licenses and permits, except where statute or
9 municipal ordinance has delegated that responsibility to some
10 other municipal officer;

11 (6) serve as coordinator and records manager responsible for
12 implementing local archives and records retention programs as
13 mandated pursuant to Title 47 of the Revised Statutes;

14 (7) perform such other duties as are now or hereafter imposed
15 by statute, regulation or by municipal ordinance or regulation.

16 (cf: P.L.1981, c.394, s.2)

17 2. (New section) The governing body of a municipality shall
18 provide its municipal clerk with necessary means for the defense
19 of any action or legal proceeding arising out of and directly
20 related to the clerk's lawful exercise of authority in the
21 furtherance of official duties, except for:

22 a. a disciplinary proceeding instituted against the municipal
23 clerk by the municipality; or

24 b. a criminal proceeding instituted as a result of a complaint
25 on behalf of the municipality.

26 If any such disciplinary or criminal proceeding shall be
27 dismissed or finally determined in favor of the municipal clerk,
28 the municipality shall reimburse the municipal clerk for the
29 reasonable costs of the defense. Where the costs of defense are
30 based on the same hourly rate authorized by the municipality for
31 services rendered to it by the municipal attorney, there shall be a
32 presumption that the hourly rate is reasonable.

33 3. This act shall take effect immediately.

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36 STATEMENT

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38 This bill specifies the duties of a municipal clerk, sets forth the
39 beginning point for computing the tenure of office of a municipal
40 clerk, and requires that a municipal governing body provide its
41 clerk with necessary means for the defense of certain actions
42 related to performance of the clerk's duties.

43
44
45 LOCAL GOVERNMENT

46
47 Specifies municipal clerk's duties, term of office and
48 municipality's defense requirement.

(3) serve as the chief administrative officer in all elections held in the municipality, subject to the requirements of Title 19 of the Revised Statutes;

(4) serve as chief registrar of voters in the municipality, subject to the requirements of Title 19 of the Revised Statutes;

(5) serve as the administrative officer responsible for the acceptance of applications for licenses and permits and the issuance of licenses and permits, except where statute or municipal ordinance has delegated that responsibility to some other municipal officer;

(6) serve as coordinator and records manager responsible for implementing local archives and records retention programs as mandated pursuant to Title 47 of the Revised Statutes;

(7) perform such other duties as are now or hereafter imposed by statute, regulation or by municipal ordinance or regulation.

(cf: P.L.1981, c.394, s.2)

2. (New section) The governing body of a municipality shall provide its municipal clerk with necessary means for the defense of any action or legal proceeding arising out of and directly related to the clerk's lawful exercise of authority in the furtherance of official duties, except for:

a. a disciplinary proceeding instituted against the municipal clerk by the municipality; or

b. a criminal proceeding instituted as a result of a complaint on behalf of the municipality.

If any such disciplinary or criminal proceeding shall be dismissed or finally determined in favor of the municipal clerk, the municipality shall reimburse the municipal clerk for the reasonable costs of the defense. Where the costs of defense are based on the same hourly rate authorized by the municipality for services rendered to it by the municipal attorney, there shall be a presumption that the hourly rate is reasonable.

3. This act shall take effect immediately.

STATEMENT

This bill specifies the duties of a municipal clerk, sets forth the beginning point for computing the tenure of office of a municipal clerk, and requires that a municipal governing body provide its clerk with necessary means for the defense of certain actions related to performance of the clerk's duties.

LOCAL GOVERNMENT

Specifies municipal clerk's duties, term of office and municipality's defense requirement.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 2712

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 1991

The Assembly Municipal Government committee favorably reports Senate Bill No. 2712.

Senate Bill No. 2712 specifies the duties of a municipal clerk, sets forth the beginning point for computing the tenure of office of a municipal clerk, and requires that a municipal governing body provide its clerk with necessary means for the defense of certain actions related to performance of the clerk's duties.

SENATE COUNTY AND MUNICIPAL
GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 2712

STATE OF NEW JERSEY

DATED: OCTOBER 4, 1990

The Senate County and Municipal Government Committee reports favorably Senate Bill No. 2712.

Senate Bill No. 2712 specifies the duties of a municipal clerk, sets forth the beginning point for computing the tenure of office of a municipal clerk, and requires that a municipal governing body provide its clerk with necessary means for the defense of certain actions related to performance of the clerk's duties.