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LAW/RWH

P.L. 2009, CHAPTER 141, *approved October 19, 2009*
Assembly Committee Substitute for
Assembly, No. 2784

1 **AN ACT** concerning public service on municipal authorities, boards,
2 and commissions, supplementing chapter 9 of Title 40A of the
3 New Jersey Statutes and amending P.L.1979, c.302.

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

7
8 1. (New section) a. Notwithstanding the provisions of
9 R.S.41:2-1, concerning persons authorized to administer oaths and
10 affirmations, the chairperson of an authority, board or commission
11 of a municipality may administer an oath of office to any person
12 appointed to that authority, board or commission.

13 b. In addition to the oath of office required by R.S.41:1-3, and
14 in addition to any other oath that may be specially prescribed, every
15 new appointee to an authority, board or commission shall be sworn
16 in by the chairperson of their respective authority, board or
17 commission, or by another person authorized by law to administer
18 oaths.

19
20 2. (New section) a. (1) The clerk of the municipality, or other
21 official designated by the governing body, shall compile and
22 maintain, on an ongoing basis, a directory of local authorities,
23 boards and commissions.

24 (2) The directory shall include at least the following information
25 for every authority, board and commission:

- 26 (a) the name of the authority, board, or commission;
27 (b) the number of members or positions;
28 (c) a list of currently appointed members, along with their terms
29 of office;
30 (d) vacancies;
31 (e) general frequency of meetings; and
32 (f) the appointing authority and the enabling statute, ordinance,
33 or resolution, if any.

34 b. (1) Any person interested in service on a municipal
35 authority, board or commission shall file a one-page form with the
36 clerk of the municipality expressing interest in public service.

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 (2) The form shall be in substantially the following form
2 however, a municipality may require the submission of additional
3 information:

4 **Citizen Leadership Form**

5
6 I, _____, hereby apply to perform public service
7 on the following municipal authorities, boards or commissions:

8
9 a)

10
11 b)

12
13 c)

14
15 1. Name:

16
17 2. Address of Residence:

18
19 3. Phone Number:

20
21 4. E-mail Address:

22
23 5. Education, prior volunteer or work related experience, or
24 other civic involvement which could be of use to authorities,
25 boards or commissions:

26
27 (3) Address, phone number and email address shall be deemed
28 confidential for the purposes of P.L.1963, c.73 (C.47:1A-1 et seq.)
29 and P.L.2001, c.404 (C.47:1A-5 et al.).

30
31 3. Section 1 of P.L.1979, c.302 (C.40A:9-12.1) is amended to
32 read as follows:

33 1. The office of any person appointed to a specified term, with
34 or without compensation, by the governing body or chief executive
35 of any local unit, including persons appointed to any board,
36 committee, commission, authority or other agency of one or more
37 local units, shall be deemed vacant:

38 a. Upon its being so declared by judicial determination;

39 b. Upon the filing by such officer of his written resignation;

40 c. Upon the refusal of a person designated for appointment to
41 such office to qualify or serve;

42 d. Upon the determination of the appointing authority that such
43 officer shall have become physically or mentally incapable of
44 serving;

45 e. Upon the death of such officer;

46 f. Upon the determination of the appointing authority that, in
47 violation of a lawful residency requirement, such officer no longer

1 resides within the corporate limits of the local unit or other
2 designated territorial area;

3 g. In the case of a member of a board, committee, commission,
4 authority or other agency, whenever the member, without being
5 excused by a majority of the authorized members of such body, fails
6 to attend and participate at meetings of such body for a period of 8
7 consecutive weeks, or for four consecutive regular meetings,
8 whichever shall be of longer duration, at the conclusion of such
9 period, provided that such body shall notify the appointing authority
10 in writing of such determination; provided, further, that such board,
11 committee, commission, authority or other agency may refuse to
12 excuse only with respect to those failures to attend and participate
13 which are not due to legitimate illness; provided, however, that
14 nothing in this subsection shall preclude a municipal appointing
15 authority from adopting by ordinance a policy establishing a lower
16 absentee threshold, provided that the ordinance shall not permit the
17 removal of the member if the member has been absent for less than
18 six consecutive weeks, or three consecutive meetings, whichever
19 shall be of longer duration, without being excused, within the term
20 of office for the position held by the individual;

21 h. Upon the removal of such officer for cause in accordance
22 with law, or for any other reason prescribed by law.

23 Whenever any of the above shall occur the appointing authority
24 shall forthwith fill the office for the unexpired term in the manner
25 prescribed by law; provided, however, that in the case of a person
26 failing to qualify or refusing to serve pursuant to paragraph c., such
27 office shall not be deemed vacant, if the incumbent officeholder is
28 authorized by law to continue in such office until a successor is
29 appointed and qualifies therefor.

30 (cf: P.L.1979, c.302, s.1)

31

32 4. This act shall take effect immediately.

33

34

35

36

37 Permits municipalities to set strict absentee policies for service
38 on authorities, boards, and commissions.

ASSEMBLY, No. 2784

STATE OF NEW JERSEY

213th LEGISLATURE

INTRODUCED MAY 22, 2008

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex)

Assemblyman JOSEPH R. MALONE, III

District 30 (Burlington, Mercer, Monmouth and Ocean)

Assemblyman ALBERT COUTINHO

District 29 (Essex and Union)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblywoman NILSA CRUZ-PEREZ

District 5 (Camden and Gloucester)

Co-Sponsored by:

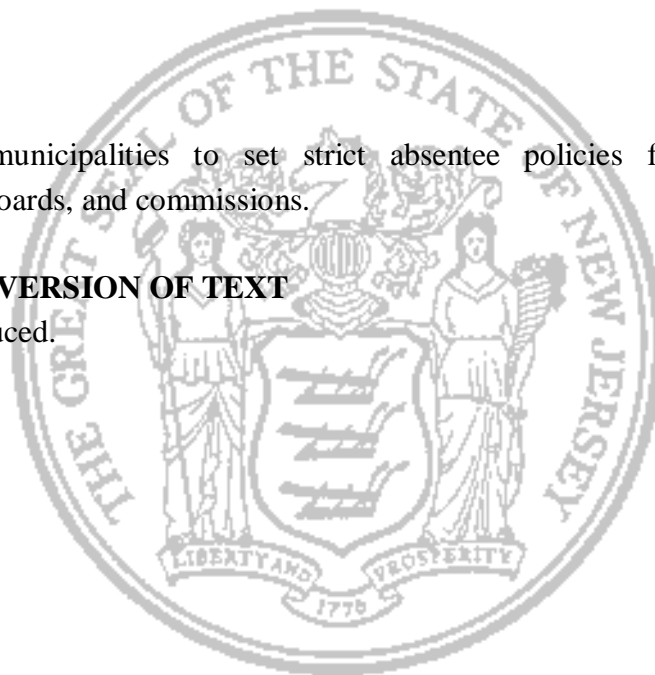
**Assemblymen DeAngelo, Chiappone, Assemblywoman Handlin,
Assemblymen Diegnan and Vas**

SYNOPSIS

Permits municipalities to set strict absentee policies for service on authorities, boards, and commissions.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/16/2009)

1 AN ACT concerning citizen service on municipal authorities,
2 boards, and commissions, supplementing P.L.1991, c.29, and
3 amending P.L.1979, c.302.

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

7
8 1. (New section) The Legislature finds and declares that studies
9 have shown a stark decline in civic education and civic
10 participation; therefore, proactive efforts are necessary for the State
11 to reverse the decline in civic participation and to expand New
12 Jersey's existing culture of public service.

13
14 2. (New section) a. Notwithstanding the provisions of
15 R.S.41:2-1, concerning persons authorized to administer oaths and
16 affirmations, the chairperson of an authority, board or commission
17 of a municipality is authorized to administer an oath of office to any
18 person appointed to that authority, board or commission.

19 b. In addition to the oath of office required by N.J.S.40A:9-33,
20 and in addition to any other oath that may be specially prescribed,
21 every new appointee to an authority, board or commission shall be
22 sworn in by the chairperson of their respective authority, board or
23 commission, or by another person authorized by law to administer
24 oaths.

25
26 3. (New section) a. (1) The clerk of the municipality, or other
27 official designated by the governing body, shall compile and
28 maintain, on an ongoing basis, a directory of local authorities,
29 boards and commissions.

30 (2) The directory shall include at least the following information
31 for every authority, board and commission:

32 (a) the name;

33 (b) the number of members or positions;

34 (c) a list of currently appointed members, along with their terms
35 of office;

36 (d) vacancies that have not been filled;

37 (e) a description;

38 (f) a schedule of meeting dates and times;

39 (g) any required financial disclosure requirements of members;
40 and

41 (h) the appointing authority.

42 b. (1) The one-page form of application set forth in paragraph
43 (2) of this subsection shall be filed with the clerk of the
44 municipality, by any person seeking appointment to a municipal
45 authority, board or commission; provided, however, that the

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

Matter underlined thus is new matter.

1 submission of additional information may be required at the option
2 of the municipality.

3 (2) The application for appointment to a municipal authority,
4 board or commission shall be in substantially the following form:

5

6 **Application for Municipal Public Service**

7

8 I, _____, hereby apply to perform public service
9 on the following municipal authorities, boards or commissions:

10

11

a)

12

13

b)

14

15

c)

16

17

1. Name:

18

19

2. Address of Residence:

20

21

3. Phone Number:

22

23

4. E-mail Address:

24

25

5. Education related to the authorities, boards or
26 commissions of choice:

27

28

6. Volunteer or work related experience which could be of
29 use to the authorities, boards or commissions of choice:

30

31

7. Previous meeting attendance at, or volunteer work for,
32 the authorities, boards or commissions of choice:

33

34

4. Section 1 of P.L.1979, c.302 (C.40A:9-12.1) is amended to
35 read as follows:

36

1. The office of any person appointed to a specified term, with
37 or without compensation, by the governing body or chief executive
38 of any local unit, including persons appointed to any board,
39 committee, commission, authority or other agency of one or more
40 local units, shall be deemed vacant:

41

a. Upon its being so declared by judicial determination;

42

b. Upon the filing by such officer of his written resignation;

43

c. Upon the refusal of a person designated for appointment to
44 such office to qualify or serve;

45

d. Upon the determination of the appointing authority that such
46 officer shall have become physically or mentally incapable of
47 serving;

48

e. Upon the death of such officer;

1 f. Upon the determination of the appointing authority that, in
2 violation of a lawful residency requirement, such officer no longer
3 resides within the corporate limits of the local unit or other
4 designated territorial area;

5 g. In the case of a member of a board, committee, commission,
6 authority or other agency, whenever the member, without being
7 excused by a majority of the authorized members of such body, fails
8 to attend and participate at meetings of such body for a period of 8
9 consecutive weeks, or for four consecutive regular meetings,
10 whichever shall be of longer duration, at the conclusion of such
11 period, provided that such body shall notify the appointing authority
12 in writing of such determination; provided, further, that such board,
13 committee, commission, authority or other agency may refuse to
14 excuse only with respect to those failures to attend and participate
15 which are not due to legitimate illness; provided, however, that
16 nothing in this subsection shall preclude a municipal appointing
17 authority from adopting by ordinance a policy establishing a lower
18 absentee threshold than set forth herein;

19 h. Upon the removal of such officer for cause in accordance
20 with law, or for any other reason prescribed by law.

21 Whenever any of the above shall occur the appointing authority
22 shall forthwith fill the office for the unexpired term in the manner
23 prescribed by law; provided, however, that in the case of a person
24 failing to qualify or refusing to serve pursuant to paragraph c., such
25 office shall not be deemed vacant, if the incumbent officeholder is
26 authorized by law to continue in such office until a successor is
27 appointed and qualifies therefor.

28 (cf: P.L.1979, c.302, s.1)

29

30 5. This act shall take effect immediately.

31

32

33

STATEMENT

34

35 This bill is intended to permit municipalities to establish strict
36 absentee policies for members of authorities, boards and
37 commissions established by the municipality in order to better
38 maintain full functionality of these entities. Under the provisions of
39 this bill, every municipality would be required to create and
40 maintain a public directory of positions and vacancies on its
41 authorities, boards and commissions in order to provide information
42 for citizens interested in serving their municipality. The bill also
43 establishes a universal, one-page standard application form for
44 persons wishing to perform public service as a member of a
45 municipal authority, board or commission. A municipality would
46 have the option to supplement the application form if it requires the
47 disclosure of additional information by an applicant.

1 Under the bill, newly appointed members to a municipal
2 authority, board, or commission would be sworn in by an elected
3 official, the chairperson of the respective entity, or any other person
4 authorized to administer oaths.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT
COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 2784

STATE OF NEW JERSEY

DATED: JANUARY 15, 2009

The Assembly Housing and Local Government Committee reports favorably Assembly Committee Substitute for Assembly Bill No. 2784.

This committee substitute is intended to permit municipalities to establish strict absentee policies for members of authorities, boards and commissions established by the municipality in order to better enable these entities to function. The committee substitute would require municipalities to compile and maintain a roster of its local authorities, boards and commissions in order to provide information for residents interested in serving their municipality. The committee substitute sets forth a model form for municipalities to provide to persons who are interested in serving on a municipal authority, board or commission.

The committee substitute would authorize a municipal authority, board, and commission chairperson to administer oaths of office to newly appointed members and require new members to be sworn in.

This substitute prohibits a municipal appointing authority from adopting an ordinance authorizing the removal of a member of a municipal authority, board, or commission if the member has not missed a minimum of six consecutive weeks, or three consecutive regular meetings, whichever is longer, without being excused, within the member's term of office.

SENATE, No. 1426

STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED MARCH 6, 2008

Sponsored by:

Senator JIM WHELAN

District 2 (Atlantic)

Senator BILL BARONI

District 14 (Mercer and Middlesex)

SYNOPSIS

Permits municipalities to set strict absentee policies for service on authorities, boards and commissions and requires certain appointees to receive ethics training.

CURRENT VERSION OF TEXT

As introduced.



S1426 WHELAN, BARONI

2

1 AN ACT concerning public service on municipal authorities, boards
2 and commissions, supplementing P.L.1991, c.29, and amending
3 P.L.1979, c.302.

4

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

7

8 1. (New section) The Legislature finds and declares that studies
9 have shown a stark decline in civic education and civic
10 participation; therefore, proactive efforts are necessary for the State
11 to reverse the decline in civic participation and to expand New
12 Jersey's existing culture of public service.

13

14 2. (New section) a. Notwithstanding the provisions of
15 R.S.41:2-1, concerning persons authorized to administer oaths and
16 affirmations, the chairperson of an authority, board or commission
17 of a municipality is authorized to administer an oath of office to any
18 person appointed to that authority, board or commission.

19 b. In addition to the oath of office required by N.J.S.40A:9-33,
20 and in addition to any other oath that may be specially prescribed,
21 every new appointee to an authority, board or commission shall be
22 sworn in by the chairperson of their respective authority, board or
23 commission, or by another person authorized by law to administer
24 oaths.

25

26 3. (New section) a. (1) Each current or new municipal
27 appointee serving on a local government agency, as defined in
28 section 3 of P.L.1991, c.29 (C.40A:9-22.3), shall complete a
29 training program of at least one-hour in duration regarding the
30 requirements of the "Local Government Ethics Law," P.L.1991,
31 c.29 (C.40A:9-22.1 et seq.), and including any additional
32 requirements of an applicable municipal code of ethics adopted
33 pursuant to that law.

34 (2) A member of an authority, board, or commission appointed
35 by a municipality on or after the effective date of P.L. ,
36 c. (C.) (pending before the Legislature as this bill), shall
37 complete the training program required under this subsection during
38 the first 12 months of his or her first term. A member of an
39 authority, board, or commission appointed prior to the effective
40 date of P.L. , c. (C.) (pending before the Legislature as
41 this bill), shall complete the training program on or before the last
42 day of the 12th month next following that date.

43 (3) An appointee to an authority, board, or commission of a
44 municipality who completes the training program required by this
45 subsection shall not be required to repeat the training if reappointed

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 or subsequently appointed to another authority, board, or
2 commission.

3 (4) An appointee who fails to complete ethics training within the
4 allotted time period, as required by this subsection, shall cease to be
5 a member of the authority, board, or commission upon expiration of
6 the time period.

7 b. (1) Ethics training required pursuant to subsection a. of this
8 section may be made available by the New Jersey State League of
9 Municipalities, Rutgers, the State University, a not-for-profit and
10 non-partisan civic organization, or by any municipal attorney
11 qualified by having at least 10 years of experience serving as a
12 municipal attorney or a diplomate in municipal law.

13 (2) Every ethics training provider shall file with the clerk of the
14 municipality, as appropriate, within 7 calendar days of completion,
15 a certified list of persons who attended or otherwise completed the
16 ethics training required by subsection a. of this section.

17

18 4. (New section) a. (1) The clerk of the municipality, or other
19 official designated by the governing body, shall compile and
20 maintain, on an ongoing basis, a directory of local authorities,
21 boards and commissions.

22 (2) The directory shall include at least the following information
23 for every authority, board and commission:

24 (a) the name;

25 (b) the number of members or positions;

26 (c) a list of currently appointed members, along with their terms
27 of office;

28 (d) vacancies that have not been filled;

29 (e) a description;

30 (f) a schedule of meeting dates and times;

31 (g) any required financial disclosure requirements of members;
32 and

33 (h) the appointing authority.

34 b. (1) The one-page form of application set forth in paragraph
35 (2) of this subsection shall be filed with the clerk of the
36 municipality, by any person seeking appointment to a municipal
37 authority, board or commission; provided, however, that the
38 submission of additional information may be required at the option
39 of the municipality.

40 (2) The application for appointment to a municipal authority,
41 board or commission shall be in substantially the following form:

42

43 **Application for Municipal Public Service**

44

45 I, _____, hereby apply to perform public service
46 on the following municipal authorities, boards or commissions:

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4

1 a)

2

3 b)

4

5 c)

6

7 1. Name:

8

9 2. Address of Residence:

10

11 3. Phone Number:

12

13 4. E-mail Address:

14

15 5. Education related to the authorities, boards or
16 commissions of choice:

17

18 6. Volunteer or work related experience which could be of
19 use to the authorities, boards or commissions of choice:

20

21 7. Previous meeting attendance at, or volunteer work for,
22 the authorities, boards or commissions of choice:

23

24 5. Section 1 of P.L.1979, c.302 (C.40A:9-12.1) is amended to
25 read as follows:

26 1. The office of any person appointed to a specified term, with
27 or without compensation, by the governing body or chief executive
28 of any local unit, including persons appointed to any board,
29 committee, commission, authority or other agency of one or more
30 local units, shall be deemed vacant:

31 a. Upon its being so declared by judicial determination;

32 b. Upon the filing by such officer of his written resignation;

33 c. Upon the refusal of a person designated for appointment to
34 such office to qualify or serve;

35 d. Upon the determination of the appointing authority that such
36 officer shall have become physically or mentally incapable of
37 serving;

38 e. Upon the death of such officer;

39 f. Upon the determination of the appointing authority that, in
40 violation of a lawful residency requirement, such officer no longer
41 resides within the corporate limits of the local unit or other
42 designated territorial area;

43 g. In the case of a member of a board, committee, commission,
44 authority or other agency, whenever the member, without being
45 excused by a majority of the authorized members of such body, fails
46 to attend and participate at meetings of such body for a period of 8
47 consecutive weeks, or for four consecutive regular meetings,
48 whichever shall be of longer duration, at the conclusion of such

1 period, provided that such body shall notify the appointing authority
2 in writing of such determination; provided, further, that such board,
3 committee, commission, authority or other agency may refuse to
4 excuse only with respect to those failures to attend and participate
5 which are not due to legitimate illness; provided, however, that
6 nothing in this subsection shall preclude a municipal appointing
7 authority from adopting by ordinance a policy establishing a lower
8 absentee threshold than set forth herein;

9 h. Upon the removal of such officer for cause in accordance
10 with law, or for any other reason prescribed by law.

11 Whenever any of the above shall occur the appointing authority
12 shall forthwith fill the office for the unexpired term in the manner
13 prescribed by law; provided, however, that in the case of a person
14 failing to qualify or refusing to serve pursuant to paragraph c., such
15 office shall not be deemed vacant, if the incumbent officeholder is
16 authorized by law to continue in such office until a successor is
17 appointed and qualifies therefor.

18 (cf: P.L.1979, c.302, s.1)

19

20 6. This act shall take effect immediately; except that subsections
21 a. and b. of section 3 shall remain inoperative until the first day of
22 the fifth month next following enactment.

23

24

25 STATEMENT

26

27 This bill is intended to permit municipalities to establish strict
28 absentee policies for members of authorities, boards and
29 commissions established by the municipality in order to better
30 maintain full functionality of these entities. Under the provisions of
31 this bill, every municipality would be required to create and
32 maintain a public directory of positions and vacancies on its
33 authorities, boards and commissions in order to provide information
34 for citizens interested in serving their municipality. The bill also
35 establishes a universal, one-page standard application form for
36 persons wishing to perform public service as a member of a
37 municipal authority, board or commission. A municipality would
38 have the option to supplement the application form if it requires the
39 disclosure of additional information by an applicant.

40 Under the bill, newly appointed members to a municipal
41 authority, board, or commission would be sworn in by an elected
42 official, the chairperson of the respective entity, or any other person
43 authorized to administer oaths. The bill also requires ethics training
44 for members serving on municipal authorities, boards and
45 commissions that perform functions other than of a purely advisory
46 nature. The ethics training provision would not be operational until
47 at least 120 days after enactment, and could be satisfied by
48 materials prepared by the New Jersey State League of

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6

- 1 Municipalities, Rutgers, the State University, a not-for-profit and
- 2 non-partisan civic organization, or by any municipal attorney
- 3 qualified by having at least 10 years of experience serving as a
- 4 municipal attorney or a diplomate in municipal.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1426

STATE OF NEW JERSEY

DATED: OCTOBER 2, 2008

The Senate Community and Urban Affairs Committee reports favorably a Senate Committee Substitute for Senate Bill No. 1426.

This Senate Committee Substitute is intended to permit municipalities to establish strict absentee policies for members of authorities, boards and commissions established by the municipality in order to better enable these entities to function. The committee substitute would require municipalities to compile and maintain a roster of its local authorities, boards and commissions in order to provide information for citizens interested in serving their municipality. The committee substitute sets forth a model form for municipalities to provide to persons who are interested in serving on a municipal authority, board or commission.

The committee substitute would authorize a municipal authority, board, and commission chairperson to administer oaths of office to newly appointed members and require new members to be sworn in.

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR

SENATE, No. 1426

with Senate Floor Amendments
(Proposed By Senator WHELAN)

ADOPTED: FEBRUARY 23, 2009

This floor amendment prohibits a municipal appointing authority from adopting an ordinance authorizing the removal of a member of a municipal authority, board, or commission if the member has not missed a minimum of six consecutive weeks, or three consecutive regular meetings, which ever is longer, without being excused, within the member's term of office.

STATEMENT TO

[First Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 1426

with Senate Floor Amendments
(Proposed by Senator WHELAN)

ADOPTED:

This floor amendment makes minor technical changes to the bill to make it identical to A-2784 ACS. The amendments correct a citation in section 1 of the bill, add language to subsection g. of section 3 of the bill, and makes changes to the title of the bill.