

**SENATE, No. 1129**

**STATE OF NEW JERSEY**  
**215th LEGISLATURE**

INTRODUCED JANUARY 23, 2012

**Sponsored by:**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**SYNOPSIS**

Requires municipal clerk to publish holiday and emergency information on Internet site or in local newspaper.

**CURRENT VERSION OF TEXT**

As introduced.



S1129 TURNER

2

1 AN ACT concerning the duties of a municipal clerk and amending  
2 N.J.S.40A:9-133.

3

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

6

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

8 40A:9-133. a. In every municipality there shall be a municipal  
9 clerk appointed for a three-year term by the governing body of the  
10 municipality. Commencing January 1 following the third  
11 anniversary of the effective date of P.L.1997, c.279 (C.40A:9-133.9  
12 et al.), no person shall be appointed or reappointed as a municipal  
13 clerk unless that person holds a registered municipal clerk  
14 certificate issued pursuant to section 3 or section 4 of P.L.1985,  
15 c.174 (C.40A:9-133.3 or C.40A:9-133.4).

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

26 c. Within 90 days of the occurrence of a vacancy in the office  
27 of municipal clerk by reason of the departure of a registered  
28 municipal clerk, the governing body may appoint a person who does  
29 not hold a registered municipal clerk certificate to serve as acting  
30 municipal clerk for a period not to exceed one year and  
31 commencing on the date of the vacancy. Any person so appointed  
32 may, with the approval of the Director of the Division of Local  
33 Government Services in the Department of Community Affairs, be  
34 reappointed as acting municipal clerk for a maximum of two  
35 subsequent one-year terms following the termination of the  
36 temporary appointment. No local unit shall fill the position of  
37 acting municipal clerk for more than three consecutive years. Time  
38 served as acting municipal clerk may be credited toward the  
39 experience authorized as a substitute for the college education  
40 requirement pursuant to section 2 of P.L.1985, c.174 (C.40A:9-  
41 133.2). Time served as acting municipal clerk may not be credited  
42 as time served as municipal clerk for the purpose of acquiring  
43 tenure pursuant to section 7 of P.L.1985, c.174 (C.40A:9-133.7).

44 d. (Deleted by amendment, P.L.1997,c.279).

45 e. The municipal clerk shall:

**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.**

S1129 TURNER

3

1 (1) act as secretary of the municipal corporation and custodian  
2 of the municipal seal and of all minutes, books, deeds, bonds,  
3 contracts, and archival records of the municipal corporation. The  
4 governing body may, however, provide by ordinance that any other  
5 specific officer shall have custody of any specific other class of  
6 record;

7 (2) (a) act as secretary to the governing body, prepare meeting  
8 agendas at the discretion of the governing body, be present at all  
9 meetings of the governing body, keep a journal of the proceedings  
10 of every meeting, retain the original copies of all ordinances and  
11 resolutions, and record the minutes of every meeting;

12 (b) Within seven days following the annual organization or  
13 reorganization meeting of the municipal governing body, or if there  
14 be no such organization or reorganization meeting in the year, then  
15 by not later than January 10 of each year, post on the municipality's  
16 Internet site the days on which the municipal offices will be closed  
17 during the year, the days on which the collection of garbage and  
18 recycled materials will be suspended or postponed during the year,  
19 and recommended emergency routes for inclement weather. In the  
20 case of a municipality that does not have a dedicated Internet site,  
21 the clerk shall publish the information along with the schedule of  
22 meetings pursuant to section 13 of P.L.1975, c.231 (C.10:4-18);

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

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

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

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

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

38 f. If a governing body fails or refuses to comply with  
39 subsection a., b. or c. of this section, the director may order the  
40 governing body to comply by a date certain which shall afford the  
41 governing body a reasonable time within which to comply.

42 (cf: P.L.1997, c.279, s.1)

43

44 2. This act shall take effect immediately.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15

STATEMENT

This bill provides that, within seven days following the annual organization or reorganization meeting of the municipal governing body, or if there is no such organization or reorganization meeting in the year, then by not later than January 10 of each year, the municipal clerk shall post on the municipality's Internet site the days on which the municipal offices will be closed during the year, the days on which the collection of garbage and recycled materials will be suspended or postponed during the year, and recommended emergency routes for inclement weather. In the case of a municipality that does not have a dedicated Internet site, the municipal clerk shall publish the information along with the schedule of meetings pursuant to section 13 of P.L.1975, c.231 (C.10:4-18).