

**SENATE, No. 2658**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED JUNE 30, 2020

**Sponsored by:**

**Senator NICHOLAS P. SCUTARI**

**District 22 (Middlesex, Somerset and Union)**

**SYNOPSIS**

Limits investigatory powers of city councils over municipal officers and employees.

**CURRENT VERSION OF TEXT**

As introduced.



S2658 SCUTARI

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1 AN ACT concerning investigations by city councils and amending  
2 N.J.S.40A:61-5.

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

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7 1. N.J.S.40A:61-5 is amended to read as follows:

8 40A:61-5. a. The council shall be the legislative body of the  
9 municipality.

10 b. The council may, subject to general law and the provisions  
11 of this act:

12 (1) pass, adopt, amend and repeal any ordinance or, where  
13 permitted, any resolution for any purpose required for the  
14 government of the municipality or for the accomplishment of any  
15 public purpose for which the municipality is authorized to act under  
16 general law;

17 (2) control and regulate the finances of the municipality and  
18 raise money by borrowing or taxation;

19 (3) investigate any activity of the municipality, or any person  
20 serving as an executive officer or employee of the municipality on  
21 the date the council commences an investigation;

22 (4) override a veto of the mayor by a two-thirds majority of all  
23 the members of the council.

24 c. The council shall appoint the subordinate officials of the  
25 municipality, except as provided elsewhere by law. In any case  
26 where the council is unable to appoint an officer or fill a vacancy to  
27 any appointed position by reason of being equally divided in a vote  
28 therein, the mayor shall have the power to cast a vote to break a tie.  
29 (cf: N.J.S.40A:61-5)

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31 2. This act shall take effect immediately.

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STATEMENT

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36 This bill would clarify that a city council's investigatory powers  
37 over municipal officers and employees is limited to persons who are  
38 current officers and employees in the executive branch of the  
39 municipality. This would eliminate any ability of a city council to  
40 investigate its own members, or to investigate any former officers  
41 or employees of a city administration.

**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.