

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, Nos. 1224 and 1226

STATE OF NEW JERSEY

ADOPTED DECEMBER 5, 1996

Sponsored by Assemblymen AUGUSTINE and ARNONE

1 AN ACT concerning municipal administrators and managers and  
2 amending N.J.S.40A:9-138 and P.L.1950, c.210.

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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:9-138 is amended to read as follows:

8 40A:9-138. The municipal administrator may be removed by a 2/3  
9 vote of the governing body. The resolution of removal shall become  
10 effective 3 months after its adoption by the governing body. The  
11 governing body may provide that the resolution shall have immediate  
12 effect; provided, however, that the governing body shall cause to be  
13 paid to the administrator forthwith any unpaid balance of his salary and  
14 his salary for a minimum of the next 3 calendar months following  
15 adoption of the resolution.

16 (cf: N.J.S.40A:9-138)

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18 2. Section 9-13 of P.L.1950, c.210 (C.40:69A-93) is amended to  
19 read as follows:

20 9-13. The municipal manager shall hold office for an indefinite  
21 term and may be removed by a [majority] two-thirds vote of the  
22 council. At least 30 days before such removal shall become effective,  
23 the council shall by a [majority] two-thirds vote of its members adopt  
24 a preliminary resolution stating the reasons for his removal. The  
25 manager may reply in writing and may request a public hearing, which  
26 shall be held not earlier than 20 days nor later than 30 days after the  
27 filing of such request. After such public hearing, if one be requested,  
28 and after full consideration, the council by [majority] two-thirds vote  
29 of its members may adopt a final resolution of removal. By the  
30 preliminary resolution the council may suspend the manager from duty,  
31 but shall in any case cause to be paid him forthwith any unpaid balance  
32 of his salary and his salary for a minimum of the next 3 calendar

**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 months following adoption of the preliminary resolution unless he is  
2 removed for good cause. For the purposes of this section, "good  
3 cause" shall mean conviction of a crime or offense involving moral  
4 turpitude, the violation of the provisions of section 17-14, 17-15,  
5 17-16, 17-17 or 17-18 of P.L.1950, c.210 (C. 40:69A-163 through  
6 40:69A-167), or the violation of any code of ethics in effect within the  
7 municipality.

8 (cf: P.L.1981, c.465, s.27)

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10 3. This act shall take effect immediately.

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15 Concerns removal of, and severance pay for, certain local personnel.