

ASSEMBLY, No. 1226

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen AUGUSTINE and ARNONE

1 **AN ACT** concerning the removal of a municipal manager and amending
2 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. Section 9-13 of P.L.1950, c.210 (C.40:69A-93) is amended to
8 read as follows:

9 9-13. The municipal manager shall hold office for an indefinite term
10 and may be removed by a [majority] two-thirds vote of the council.
11 At least 30 days before such removal shall become effective, the
12 council shall by a [majority] two-thirds vote of its members adopt a
13 preliminary resolution stating the reasons for his removal. The
14 manager may reply in writing and may request a public hearing, which
15 shall be held not earlier than 20 days nor later than 30 days after the
16 filing of such request. After such public hearing, if one be requested,
17 and after full consideration, the council by [majority] two-thirds vote
18 of its members may adopt a final resolution of removal. By the
19 preliminary resolution the council may suspend the manager from duty,
20 but shall in any case cause to be paid him forthwith any unpaid balance
21 of his salary and his salary for a minimum of the next 3 calendar
22 months following adoption of the preliminary resolution unless he is
23 removed for good cause. For the purposes of this section, "good
24 cause" shall mean conviction of a crime or offense involving moral
25 turpitude, the violation of the provisions of section 17-14, 17-15,
26 17-16, 17-17 or 17-18 of P.L.1950, c.210 (C. 40:69A-163 through
27 40:69A-167), or the violation of any code of ethics in effect within the
28 municipality.

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

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

Matter underlined thus is new matter.

1 2. This act shall take effect immediately.

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STATEMENT

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6 This bill would require a two-thirds vote of the entire membership
7 of the municipal governing body to remove a municipal manager under
8 the "Optional Municipal Charter Law," P.L.1950, c.210 (C.40:69A-1
9 et seq.). Under current law a majority vote is required. This
10 amendment would make the law consistent with the laws regarding the
11 removal of municipal administrators. The bill also would provide the
12 municipal governing body with the discretion to pay a municipal
13 manager severance of more than three months' salary when a removal
14 is without good cause.

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19 Requires two-thirds governing body vote to remove municipal
20 manager and permits more than three months' severance pay.