

ASSEMBLY, No. 2014

STATE OF NEW JERSEY

INTRODUCED MAY 13, 1996

By Assemblyman ARNONE

1 AN ACT concerning the appointment and confirmation of certain
2 subordinate municipal officials and amending 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 13-6 of P.L.1950, c.210 (C.40:69A-120) is amended to
8 read as follows:

9 13-6. a. The legislative power of the municipality shall be
10 exercised by the council, except as may be otherwise provided by
11 general law. The mayor shall participate and vote as other council
12 members. A majority of the whole number of the governing body shall
13 constitute a quorum for the transaction of business but a smaller
14 number may meet and adjourn from time to time. The mayor shall
15 preside over all meetings of the council. The council shall select from
16 among its members a president of the council who shall serve in place
17 of the mayor in the event of his absence, disability or refusal to act.

18 b. The council, whenever it fails to confirm the nomination by the
19 mayor of any official to a subordinate office of the municipality within
20 30 days of being presented with such nomination, shall make the
21 appointment to that office, provided that at least the affirmative votes
22 of a majority of the whole number of the governing body shall be
23 required for such purpose, the mayor to have no vote thereon except
24 in the case of a tie.

25 (cf: P.L.1950, c.210, s.13-6)

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27 2. Section 13-10 of P.L.1950, c.210 (C.40:69A-124) is amended
28 to read as follows:

29 13-10. All officers and employees whose appointment or election
30 is not otherwise provided for in this article or by general law, and
31 whose position has been created by statute or ordinance, shall be
32 appointed by the mayor. If the municipality has not adopted the
33 provisions of Title [11] 11A, Civil Service, of the [Revised] New
34 Jersey Statutes [(Civil Service)], it shall be the duty of the mayor to

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 recruit, select and appoint persons qualified by training and
2 experience for their respective offices, positions and employments.
3 (cf: P.L.1950, c.210, s.13-10)

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5 3. This act shall take effect immediately.

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STATEMENT

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10 This bill provides a mechanism to prevent impasses with regard to
11 the confirmation of subordinate municipal officials in municipalities
12 operating under the small municipal form, Article 13 of the Optional
13 Municipal Charter Law, P.L.1950, c.210 (C.40:69A-115 et seq.). The
14 governing body of a municipality operating under the small
15 municipality form is composed of a mayor and an even number of
16 council members. Currently, the confirmation of subordinate officials,
17 nominated by the mayor, can be delayed indefinitely when there is a tie
18 among the municipal council members. This bill would allow the
19 council to appoint a subordinate officer if the mayor's nominee is not
20 confirmed within 30 days. The mayor would also have the power to
21 vote to break a tie in order to confirm a council nominee. This bill
22 also makes it clear that the mayor can appoint only to positions that
23 have been created by statute or ordinance.

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29 Permits appointment of subordinate official by small municipal form
council if mayor's nominee fails confirmation within 30 days.