

SENATE, No. 1839

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1997

By Senator MacINNES

1 AN ACT concerning members of municipal governing bodies and
2 supplementing chapter 9 of Title 40A of the New Jersey Statutes
3 and amending P.L.1973, c.89.

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

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8 1. (New section) a. In addition to any other limitations provided
9 by law, no municipal governing body shall set the salary, wage or
10 compensation, or any combination thereof, paid to a member of the
11 governing body at a level in excess of \$52,000 per year.

12 b. In addition to any other limitations provided by law, no
13 municipal governing body shall award longevity pay to a member of
14 the governing body. For the purposes of this subsection, "longevity
15 pay" means monies paid above a base salary, wage or compensation
16 premised upon additional years of service.

17 c. In addition to any other limitations provided by law, a municipal
18 governing body shall pay the same salary, wage and compensation, as
19 the case may be, to each member of the governing body.

20 d. In addition to any other limitations provided by law, a municipal
21 governing body shall not increase the salary, wage or compensation of
22 members of the governing body except by adoption of an ordinance.

23 e. In addition to any other limitations provided by law, a municipal
24 governing body shall not authorize a member of the governing body to
25 use a motor vehicle owned or leased by the municipality for any
26 purpose other than official municipal business. For the purposes of
27 this subsection, "official municipal business" means any matter which
28 directly relates to the performance of the municipality's functions or
29 the performance of its business. It shall not include the use of an
30 automobile or other motor vehicle for any personal purpose including
31 commuting between a personal residence and a place of municipal
32 business or stopping at a commercial establishment except to use a
33 lavatory, purchase a meal or obtain fuel or repairs.

34 f. In addition to any other limitations provided by law, a municipal

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 governing body shall not authorize the payment of guaranteed
2 expenses or payments in lieu of expenses to governing body members.
3 Expenses shall be awarded only after appropriate review of receipts
4 and applications for reimbursements representing legitimate
5 expenditures directly related to the conduct and performance of the
6 municipal governing body member's duties.

7 g. All appropriations made for funding for the purposes of this
8 section shall be set forth in the municipal budget with sufficient
9 specificity as to allow the Director of the Division of Local
10 Government Services in the Department of Community Affairs to
11 review said items within the scope of the "Local Budget Law,"
12 N.J.S.40A:4-1 et seq.

13 h. The provisions of this section shall apply to every municipality
14 in this State.

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16 2. Section 1 of P.L.1973, c.89 (C.40:69A-60.5) is amended to read
17 as follows:

18 1. The municipal council of any municipality having a population
19 of more than 270,000 which, prior to January 9, 1982 had adopted the
20 form of government designated as "Mayor-Council Plan C" provided
21 for in article 5 of P.L.1950, c.210 (C.40:69A-55 et seq.), may appoint
22 an executive secretary and not more than four aides for each council
23 member, who shall serve, and be removable at the pleasure of the
24 council member, and who shall serve in the unclassified service of the
25 civil service of the city and shall receive such salary as shall be fixed
26 by ordinance, but said salary shall not exceed the salaries of persons
27 holding the positions of executive secretary or aide on April 26, 1985.
28 Persons appointed pursuant to this section may have their salaries
29 increased on a periodic basis in accordance with the recommendation
30 in an annual merit evaluation for each aide, to be filed with the
31 municipal clerk by the council members, but not in excess of the
32 average percentage increase granted to other municipal employees in
33 the same period. A council member shall be authorized to expend no
34 more than \$70,000 annually for the payment of salaries to that council
35 member's staff.

36 The municipal council of any municipality having a population of
37 more than 200,000, but less than 270,000, which, prior to January 9,
38 1982, had adopted the form of government designated as
39 "Mayor-Council Plan C" provided for in article 5 of P.L.1950, c.210
40 (C.40:69A-55 et seq.) may appoint not more than one aide for each
41 council member, who shall serve, and be removable at the pleasure of
42 the council member, and who shall serve in the unclassified service of
43 the civil service of the city and shall receive a salary as shall be fixed
44 by ordinance, except that the salary so fixed shall not exceed \$15,000.

1 No municipality shall adopt the provisions of this section on or after
2 October 26, 1985.

3 (cf: P.L.1994,c.116, s.1)

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5 3. This act shall take effect immediately.

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8 STATEMENT

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10 This bill would effectively "cap" municipal governing body member
11 salaries at \$52,000 per year. The bill would also require each member
12 of a governing body to be paid the same salary, wage and
13 compensation, as the case may be, and would specifically prohibit
14 municipalities from awarding longevity pay to governing body
15 members.

16 The bill specifies that salaries of municipal governing body members
17 may be increased only by adoption of an ordinance. This requirement
18 would effectively prohibit municipal governing bodies from including
19 an automatic cost of living adjustment to apply in perpetuity within
20 one year's salary ordinance.

21 The bill would prohibit municipal governing bodies from
22 authorizing the use of municipal motor vehicles by governing body
23 members for any purpose other than official municipal business. The
24 bill would also prohibit the practice of authorizing the prepayment of
25 expenses or payments in lieu of expenses by a municipal governing
26 body to its members. The bill states that all of these provisions would
27 apply to every municipality in the State.

28 Finally, the bill would prohibit each council member in a
29 municipality having a population of more than 270,000 which, prior to
30 January 9, 1982 had adopted the form of government designated as
31 "Mayor-Council Plan C" provided for in article 5 of P.L.1950, c.210
32 (C.40:69A-55 et seq.) from expending more than \$70,000 annually for
33 the payment of salaries to that council member's staff.

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38 Imposes certain limitations on municipal governing body members.