

**AN ORDINANCE CREATING THE OFFICE
OF ADMINISTRATOR OF THE
TOWNSHIP (BOROUGH) OF _____, PRESCRIBING
THE TERM AND DUTIES THEREOF ,AND
PROVIDING FOR APPOINTMENTS THERETO
AND COMPENSATION THEREFORE**

WHEREAS throughout New Jersey, the responsibilities and operations of local government have grown in complexity due not only to the increasing density of development in the State but also due to the ever increasing rules and regulations set forth by various state and federal agencies; and

WHEREAS in order to provide assistance to elected officials in insuring the proper administration of the affairs of the municipality as well as providing for the efficient and effective administration and management of the resources of the municipal organization it is necessary to create the position of Township (Borough) Administrator and to assign to this position those duties, responsibilities and authority that are necessary to accomplish the proper administration of the affairs of the municipality.

NOW, THEREFORE, BE IT ORDAINED by the Township (Borough) of _____, County of _____, State of New Jersey that the Administrative Code of the Township (Borough) of _____ is hereby supplemented by the following Article:

ARTICLE XX: TOWNSHIP (BOROUGH) ADMINISTRATOR

SECTION 1. CREATION OF THE POSITION

Pursuant to N.J.S.A. 40A:9-136 et. Seq., there is hereby created the Office of Township (Borough) Administrator to serve at the pleasure of the Governing Body and to perform those duties as set forth in the statues of the State of New Jersey and this Article.

SECTION 2. APPOINTMENT

(Comment – the appointment process will vary slightly in accordance with the form of government, as indicated below. If the position is in existence and has an incumbent, then care must be taken to avoid having to reappoint this individual since this process could be in conflict with 40A-9-138)

(For the Borough form of government NJSA 40A:60):

The Borough Administrator shall be appointed by the Mayor with the advice and consent of the Borough Council. Said appointment shall be made within 120 days after this ordinance becomes effective unless this time is extended by resolution of the Borough Council. If the Mayor fails to make such appointment within said 120 days or agreed upon time frame, or if the Borough Council fails to consent to the appointment made by the Mayor within thirty (30) days after receiving the nomination, then after the expiration of thirty (30) days, the Borough Council shall appoint said Borough Administrator. Any vacancy which may occur in said position, whether the same occurs by death, resignation, or otherwise, shall be filled in the same manner. These time constraints shall be computed from the day the vacancy occurs. A vacancy shall be deemed to commence upon cessation of duties of the duly appointed Borough Administrator.

(For the Township form of government NJSA 40A:63):

The Township Administrator shall be appointed by a majority vote of the Township Committee.. Said appointment shall be made within 120 days after this ordinance becomes effective. Any vacancy which may occur in said position, whether the same occurs by death, resignation, or otherwise, shall be filled in the same manner. These time constraints shall be computed from the day the vacancy occurs. A vacancy shall be deemed to commence upon cessation of duties of the duly appointed Township Administrator.

SECTION 3 QUALIFICATIONS

A. The appointment of a Township (Borough) Administrator shall be solely based on the administrative qualifications of the appointee, with special regard as to his education, training and actual experience in governmental affairs.

(Comment - it is not unusual for the enabling ordinance to set forth detailed qualifications governing candidates for this office such as the requirements for a

bachelor's degree or a master's degree in government or a related field, and a prescribed number of years of direct experience in government.)

B. No elected member of the Governing Body shall be eligible for appointment as Township (Borough) Administrator during his term of office nor within one year after the expiration of said term.

(Comment - although not specifically required by state statute, it is recommended that the above provision be provided to insure that the appointment process is seen by the general public as being objective and based solely on the merits of the candidate)

C. The person appointed to the Office of Township (Borough) Administrator need not be a resident of the Township (Borough) at the time of their appointment and may reside outside of the municipality if agreed to by the Township Committee (Borough Council)

(Comment - it is not unusual for municipalities to want their Administrator to reside in the municipality. This is a valid goal; however the elected officials must give due consideration as to the housing market in their community and the restriction such a requirement may have on the pool of candidates available for consideration. A more reasonable approach is to consider a defined distance that a candidate may live from the community and still be accessible to the municipality for work and community involvement. NJSA:40A60-6(3) requires that the waiving of residency for officers of a Borough requires an ordinance.)

SECTION 4. TERM OF OFFICE –

(Township Form)

The Township Administrator shall serve at the pleasure of the Township Committee. During such term, the Administrator shall be subject to periodic review and evaluation of performance.

(Borough Form)

The Borough Administrator shall serve at the pleasure of the Mayor and Borough Council. During such term, the Administrator shall be subject to periodic review and evaluation of performance.

SECTION 5. REMOVAL

The Township (Borough) Administrator may be removed by a 2/3 vote of the Governing Body. The Resolution of Removal shall become effective 3 months after its adoption by the Governing Body. However, the Governing Body may provide that the Resolution have immediate effect, in which case, the Administrator shall be paid forthwith any unpaid balance of his salary and his salary for the next 3 calendar months following adoption of the Resolution.

(Comment - the above section is taken verbatim from the state statutes. It may be more appropriate to provide greater detail in this section as provided below:

1. The Township (Borough) Administrator shall only be removed after a determination by the governing body that just cause exists for removal

2. The governing body shall adopt a preliminary resolution stating the reasons for removal. Within 5 calendar days of passage of this resolution the Administrator shall reply in writing and may request a hearing before the governing body which shall be held within 15 days after the filing of such request.. After the five calendar day waiting period following passage of the preliminary resolution and the hearing, if requested by the administrator, and after full consideration, the governing body by two-thirds vote of its members may adopt a final resolution of removal.

3. The resolution shall become effective 90 days after its adoption. The governing body may provide that the final resolution shall become effective immediately provided that the governing body shall cause to be paid to the administrator forthwith any unpaid balances of the Administrator's salary and benefits for the next 90 day period.)

SECTION 6. TEMPORARY APPOINTMENT DURING ABSENCE OR DISABILITY

(Township Form)

During any approved absence or disability of the Township Administrator, the Township Committee may, by resolution, appoint another individual or any employee or officer of the Township to temporarily perform the duties and responsibilities of the Township Administrator. After three (3) months of such absence or disability, the position may be deemed vacant upon

adoption of a resolution of the Township Committee. Compensation, if any, for duties performed for an appointment under this section will be determined by the Township Committee. Section 2 of this Ordinance shall not apply to any appointment made pursuant to this Section .

(Borough Form)

During any approved absence or disability of the Borough Administrator, the Mayor may appoint, subject to confirmation by the Borough Council, another individual or any employee or officer of the Borough to temporarily perform the duties and responsibilities of the Borough Administrator. After three (3) months of such absence or disability, the position may be deemed vacant after recommendation by the Mayor and confirmed by a resolution of the Borough Council. Compensation, if any, for duties performed for an appointment under this section will be determined by the recommendation of the Mayor and approved by the Borough Council. Section 2 of this Ordinance shall not apply to any appointment made pursuant to this Section .

SECTION 7. COMPENSATION

The Township (Borough) Administrator shall receive such compensation as shall be prescribed by annual salary resolution or ordinance of the Township Committee (Council). The Township (Borough) Administrator shall be reimbursed for all reasonable expenses incurred in the performance of the office.

(Comment - in order to provide some protection to the individual serving as the Administrator, it would be appropriate to add a section to the above stipulating that the salary of an incumbent Administrator may not be reduced without the Administrator being advised of the reasons for the reduction and being afforded an opportunity to meet with the elected officials to respond to their concerns).

SECTION 8. FULL TIME POSITION

The Administrator shall perform the duties hereinafter enumerated and such other duties as may be assigned by the Township Committee (Mayor and Borough Council). The Administrator's entire time and effort shall be devoted to the performance of the duties and functions of the position of Administrator and the Administrator shall not engage in any other

occupation or employment while employed by the Township (Borough), except as approved by the Township Committee (Mayor).

SECTION 9. POLITICAL ACTIVITY

The Township (Borough) Administrator shall not engage in any political activity, nor shall make any financial or other contributions to any local political campaign, nor lobby the elected officials on behalf of a political party or campaign. However, nothing contained herein shall be deemed to prohibit the Township (Borough) Administrator from providing recommendations to the elected officials of the municipality on issues of concern to the municipality or from appearing before any other governmental body on behalf of the Township (Borough) when authorized or directed to do so.

SECTION 10 DUTIES AND RESPONSIBILITIES

The Township (Borough) Administrator shall act as the chief administrative officer of the Township (Borough). Duties shall include the development of rules and regulations for administrative procedures governing purchasing practices, operation of all departments, personnel management and general coordination of departments, offices, boards and agencies of the municipality, all for the purpose of increasing the effectiveness and efficiency of the municipal government and promoting its economic operation. All rules and regulations promulgated and implemented by the Township (Borough) Administrator shall be filed with the Township Committee (Mayor and Borough Council) and shall become Township (Borough) organizational policy unless specifically amended or rescinded by the Township Committee (Mayor and Borough Council).

The Township (Borough) Administrator shall perform the duties hereinafter enumerated and such other duties as may be assigned by the Township Committee (Mayor and Borough Council).

The Township (Borough) Administrator shall report annually to the Township Committee (Mayor and Borough Council) on the progress of each department; shall initiate goals and objectives to be reviewed on an annual basis with special emphasis on critical problems and deterrents to the achievement thereof.

The Township (Borough) Administrator shall be responsible for the organization and management of the work, personnel and programs in all departments; for the development and operation of a personnel program for all employees; and he (she) shall be accountable for the planning, organization, delegation, staffing, operation control, evaluation and correction in all departments to achieve maximum results.

The Township (Borough) Administrator is given broad authority with the approval of the Township Committee (Mayor and Borough Council) to combine or eliminate functions, to redesign and reorganize work effort and to assign personnel to achieve maximum productivity.

The Township (Borough) Administrator shall make assessments of municipal programs and operations reporting to the Township Committee (Mayor and Council) on his (her) findings, setting forth a remediation action plan if necessary or required changes in Township (Borough) ordinances and procedures.

Subsection 10.1 PERSONNEL

(Comment - this section may be modified to recognize local tradition and the role of the Mayor. For example, the appointment, removal etc. of all "officers" of the Borough remains the Mayor's and Council prerogative. This could be extended to all department heads or even supervisory employees assuming that these positions are properly identified in the ordinance. In addition it is not unusual for the Mayor and Council to want to be involved in promotions or the appointment of law enforcement personnel. It must be emphasized that in any modification of this section, it is very important that the Administrator play an active role in the recruitment, hiring and discipline / removal processes so as to provide his knowledge and expertise to the elected officials).

For Township form:

The Township Administrator shall:

- a. Supervise all personnel of the Township through the respective department heads unless otherwise provided for by law or this ordinance.
- b. Advise the Township Committee on all matters of personnel administration and organization and assign personnel to the performance of all duties in all departments.
- c. Study, recommend, implement and enforce personnel organization and policy of the Township and implement personnel leave policies as established by the Township Committee for all departments, except as otherwise provided by law for

Police and Fire Departments.

d. Maintain comprehensive personnel files and evaluation systems of job performance and duties.

e. Administer and negotiate on behalf of the Township all labor contracts.

f.. Serve as the personnel officer of the Township with the authority to hire, evaluate, transfer, promote, discipline and/or discharge all employees to the extent not prohibited by law or provided for elsewhere in the ordinances of the Township. In those instances where the final authority rests with another agency, the Township Administrator shall assist that agency by recommending personnel actions which are consistent with those applied to other Township employees

g, Investigate the affairs of any employee, officer, department, agency or authority of the Township when necessary or when directed by the Township Committee and submit a report relating thereto.

For the Borough form:

The Borough Administrator shall:

a. Supervise all personnel of the Borough through the respective department heads unless otherwise provided for by law or this ordinance.

b. Advise the Mayor and Council on all matters of personnel administration, and organization and assign personnel to the performance of all duties in all departments.

c. Study, recommend, implement and enforce personnel organization and policy of the Borough and implement personnel leave policies as established by the Mayor and Council for all departments, except as otherwise provided by law for Police and Fire Departments.

d. Maintain comprehensive personnel files and evaluation systems of job performance and duties.

e. Administer and negotiate on behalf of the Borough all labor contracts.

f. Serve as the personnel officer of the Borough and, with the concurrence of the Mayor, have the authority to hire, evaluate, transfer, promote, discipline and/or discharge all employees to the extent not prohibited by law or provided for elsewhere in the ordinances of the Borough. In those instances where the final authority rests with another agency, the Borough Administrator shall assist that agency by recommending

personnel actions which are consistent with those applied to other Borough employees
g, Investigate the affairs of any employee, officer, department, agency or authority of the Borough when necessary or directed by the Mayor or Council and submit a report relating thereto.

Subsection 10.2 BUDGET

The Township (Borough) Administrator shall

- a. Prepare the temporary budget for presentation in accordance with state statutes
- b. Prepare the annual capital and operating budget to be presented to the Township Committee (Mayor and Council) for adoption. In preparing these budgets, the Administrator or an officer designated by the Administrator shall obtain from the head of each department, committee, board, commission, agency, officer or authority estimates of anticipated expenditures and supporting data as requested.
- c. Prepare and compile budget studies, analysis and schedules; assist in the conduct of public, departmental, board, committee, and commission budget hearings; and in conjunction with the Chief Financial Officer, shall assist the Township Committee (Mayor and Council) in such manner as they shall require in the review of and adoption of the annual budget.
- d. Prepare and submit to the Township Committee (Mayor and Council) an explanatory budget message, including a comparison of prior years revenues, appropriations and expenditures as well as an analysis of the proposed revenues and expenditures.

Subsection 10.3 Fiscal Affairs

The Township (Borough) Administrator shall:

- a. Upon the adoption of the budget, insure that current accounts of the expenditures shall be kept on a monthly basis based upon the supplemental detail of the adopted budget.
- b. Administer the budget after its adoption by the governing body, shall maintain a continuing review and analysis of the budget operation, work progress and costs of municipal services; and shall assess the attainment of the Township's (Borough's)

budget and service goals, reporting the same regularly to the Township Committee (Mayor and Council).

c. See that all money owed the Township (Borough) is promptly paid, and that proper proceedings are taken for the security and collection of all Township (Borough) claims.

d. Study, recommend, implement, and enforce the financial procedures and policy of the Township (Borough) and its departments, after consultation with department heads and approval of the governing body.

e. Supervise the disbursement of all Township (Borough) funds and review all purchases, vouchers and bills before submitting same to the Township Committee (Mayor and Council) for final approval.

f. Be responsible for the cash needs of the Township (Borough) and for the conduct of a sound investment and debt management program subject to governing board policy and report such actions and results to the governing body semi-annually or more frequently when directed.

Subsection 10.3 Collective Bargaining and Employee Contracts

The Township (Borough) Administrator shall be responsible for the negotiation of collective bargaining contracts with agencies representing Township (Borough) employees, subject to the approval of the Township Committee (Mayor and Council), and for the administration and enforcement of such contracts and the Personnel Policies and Procedures of the Township (Borough).

Subsection 10.5 CONTRACTS

The Township (Borough) Administrator shall:

a. See that the provisions of all franchises, leases, permits and privileges granted by the Township (Borough) are complied with and provide periodic reports of said compliance upon request.

b. Negotiate contracts for the Township (Borough) upon request of the governing body and subject to the approval of the governing body.

c. Attend to the letting of contracts, in due form of law and supervise their performance and faithful execution except insofar as such duties are expressly imposed upon some other Township (Borough) officer or official by statute.

d. See that all terms and conditions imposed in favor of the Township (Borough) or its inhabitants in any statute, public utility, franchise or other contract are faithfully kept and performed, and upon knowledge of any violations, call the same to the attention of the Township Committee (Mayor and Council).

e. Advise the Township Committee (Mayor and Council) if professional or other outside resources should be utilized .

Subsection 10.6 GRANTS

The Township (Borough) Administrator shall be responsible for researching, initiating action for, applying for and supervising the implementation of funding grants from various sources for the improvement and development of Township (Borough) capital projects and needs as well as for services to the Township (Borough) and its residents.

Subsection 10.7 ADMINISTRATION

The Township (Borough) Administrator shall:

a. Study the governmental and administrative operations and needs of the Township (Borough), and prepare and recommend to the governing body necessary and desirable plans and programs to meet present and foreseeable needs.

b. Develop, prescribe and enforce rules and regulations for the efficient management of the Township (Borough) for the avoidance of any duplication or overlapping effort among the departments or among the units within a department, and for the improvement of methods and procedures of administration.

c. Integrate and coordinate the functions of all departments, Boards, Agencies, Offices and Officials, and also maintain liaison with the Board of Education. The Administrator shall be responsible for continually improving communications among the various Township (Borough) personnel, departments, agencies, boards and the governing body.

d. Recommend the employment of experts and consultants to perform work and render advice in connection with Township (Borough) projects or services.

e. Make recommendations which may increase the efficiency of the operation of the Township.

f. Continually review and supervise the Township's (Borough's) insurance

program

g. Be responsible for the overall supervision and maintenance of real property owned by the Township (Borough), except as modified through delegation by the governing body or ordinance to autonomous boards or commissions.

h. Assign office space, furniture, telephone, computer and similar facilities, and other Township (Borough) resources among and within departments.

Subsection 10.8 COMMUNICATION AND COMPLAINTS

The Township (Borough) Administrator shall:

a. Study, recommend, implement and enforce procedures and policy of the Township (Borough) and its departments for receipt, dissemination and collation of responses to communications and requests for information, after consultation with department heads and receive, distribute and follow up requests for information and complaints from citizens and keep the Township Committee (Mayor and Council) informed on such matters.

b. The Administrator or an officer designated by the Administrator shall investigate and dispose of such complaints and the Administrator shall keep written record of such complaints and when and what action was taken in response thereto and provide the governing body a copy thereof when requested to do so.

Subsection 10.9 PUBLIC IMPROVEMENTS

The Township (Borough) Administrator shall make recommendations concerning the nature and location of public improvements and coordinate and expedite the execution of public improvements authorized by the Township Committee (Mayor and Council).

Subsection 10.10 OTHER DUTIES

The Township (Borough) Administrator shall:

a. Ensure that there is an up-to-date and coordinated filing system and records retention system for all Township (Borough) departments, offices, boards and agencies.

b. Represent the Township (Borough) and assert its proper interests in relation to Federal, State, County and other political subdivisions, and with respect to Township

(Borough) contracts, franchises and interests.

c. Monitor and evaluate state and federal legislation as to its impact on the Township (Borough) with recommendations for actions by the Township Committee (Mayor and Council). The Administrator must be prepared to testify on behalf of the Township (Borough) on issues affecting the community on behalf of the governing body.

d. Study the Public Utility rates and policies and evaluate same and recommend to the Township Committee (Mayor and Council) an appropriate course of action.

e. Attend all regular and work session meetings of the governing body, with the right to speak but not vote on agenda items, and attend other meetings as directed by the governing body. The Administrator shall receive notice of and may attend and participate in all regular and special meetings of the governing body and all advisory committees, boards, commissions, and other agencies of the Township (Borough);

f. Keep the governing body informed as to the conduct of the Township (Borough) affairs; submit periodic reports, either in writing or orally , on the condition of the Township (Borough) finances; and shall submit other reports, either in writing or orally, as deemed advisable or as the governing body shall request; and shall make recommendations to the governing body necessary and advisable for the welfare and safety of the Township (Borough).

g. Submit to the governing body as soon as possible after the close of the fiscal year, a complete written report of the administrative activities of the Township (Borough) for the preceding year .

h. Implement all policies formulated by the Township Committee (Mayor and Council) unless specifically directed otherwise by a formal action of the governing body.

i. Advise the Township Committee (Mayor and Council) on all background matters as an aid to the creation of policy and recommend to the governing body adoption such measures as may be deemed necessary or expedient.

k. Follow up acts of the Township Committee (Mayor and Council) by correspondence, review of minutes and personal conferences.

Subsection 10. 11 PURCHASING

The Township (Borough) Administrator shall:

a. Serve as the purchasing officer of the Township and shall purchase, or supervise the purchase of or delegate the purchase of, in accordance with the provisions of the governing statutes and sound purchasing practices, all materials, supplies and equipment of the various agencies, boards, departments and other offices of the Township. The Administrator shall keep or cause to be kept an account of all purchases and shall from time to time or when directed by the governing body make a full report thereof .

b. Establish rules, regulations, standards and specifications to control all purchases by the Township (Borough) and recommend to the governing body such standards as to quality, size and variety of articles, equipment and supplies used by the offices and departments of the Township (Borough), to make possible uniform purchasing practices; and act as purchasing agent in the purchase of such materials, equipment and supplies, and to issue or supervise the issuance of the necessary purchase orders for such materials, equipment and supplies for all departments without exception; ensure that all purchases are at the most favorable price to the Township (Borough) and see to it that the materials, equipment, services or supplies delivered are correct in number or amount and comply with the standards and specifications prescribed by the governing body as agreed to at the time of purchase.

c. Cause to be advertised proposals for the furnishing of work equipment and materials and receive bids therefore at the direction of the governing body.

d. Review, validate and recommend all bills and vouchers for payment prior to final approval by the governing body, and shall establish procedures associated with the voucher process.

e. Have no interest, directly or indirectly, in any contract job for work or materials, or the profits thereof, to be furnished to or performed for the Township.

f. Require the various departments, boards, commissions, agencies and programs to furnish annually a complete inventory of all fixed assets; and recommend the sale of any obsolete or surplus equipment, materials and supplies, and transfer to or between departments, offices and agencies and from or to central stores such supplies, material and equipment as need appears and arrange for the sale of surplus or obsolete items thereof .

SECTION 11 DEROGATION OF POWERS

Nothing in this chapter shall derogate from or authorize the Township (Borough) Administrator to exercise powers of the elected officials of the municipality,

SECTION 12 BOND

The Township (Borough) Administrator shall furnish a surety bond to be approved by the governing body, said bond to be conditioned upon the faithful performance of duties. The premium of said bond shall be paid by the Township (Borough).

SECTION 13 SHORT TITLE

This ordinance shall be known and may be cited as “the Township (Borough) Administrator Ordinance.”

SECTION 14 SEVERABILITY CLAUSE

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof .

SECTION 15 REPEAL OF INCONSISTENCIES

All ordinances or parts of ordinances or resolution inconsistent with the provisions of this ordinance, are hereby repealed to the extent of their inconsistencies.

SECTION 16 EFFECTIVE DATE

This ordinance shall take effect immediately upon publication and final passage pursuant to law.