

N.J.M.M.A

New Jersey Municipal Management Association, Inc.

Municipal Administrator Model ordinance

Historical Background

The County and Municipal Government Study Commission was created by the New Jersey Legislature to study the structure and functions of county and municipal government and to determine whether these local governments had the capability to meet the present and future needs of the residents of the State. In a report by Dr. Ernest Reock and Raymond Bodnar of the Bureau of Government Research and Services of Rutgers University, dated January 1979 entitled Forms of Municipal Government in New Jersey, the authors note, while referring to the traditional forms of New Jersey local government (primarily Township and Borough): "None of the forms of local government associated with a particular type of municipality make any provision for a chief appointed officer (CAOO), since they were enacted many years before this concept gained general acceptance....As communities increased in population and government functions, however, the need for some such officer to coordinate the municipality's activities came to be recognized in a number of places. At first the need was met by designating some existing officer - the clerk, the collector or the engineer in most cases- to serve as coordinator of the municipal functions on an informal basis. Gradually municipalities began assigning this task more formally by ordinance or resolution, although no specific statutory authorization was available. By 1968 the trend had become so widespread that legislative authority was sought, and it was granted through the enactment of Chapter 367, laws of 1968". (Page 49)

This study was updated by these two authors in 1985 with the report entitled The Changing Structure of New Jersey Municipal Government. In this second report the authors note that there was a wide diversity in the scope of responsibilities given to ordinance administrators and there was some concern over the ability of a governing body in the traditional forms of government to delegate to the administrator many functions (pages 33 through 35).

In November 1985, Michael Pane in another report prepared for the County and Municipal Government Study Commission (Functional Fragmentation and the Traditional Forms of Municipal Government in New Jersey) in a section entitled "Role of the Ordinance Administrator" again noted the wide variation in the assignments given to administrators and the legal uncertainty of the authority of the administrator under the 1968 statute (amended slightly in 1971). In this report, the Commission specifically recommended "that every municipality, in its own interest, adopt an administrative code to clarify the administrative responsibilities of the mayor, the administrator, if any, the council or 'committee of the whole' committees of the governing body..." (page 37). The Report goes on to state: "The Commission believes that all municipalities should have professional administration available as needed. Elected officials should not be burdened with tasks which increase their day to day involvement with municipal administration and which, therefore, impinge on the time and energy available for policy making and legislative activities. Therefore the Commission recommends that the present statutes permitting the establishment of the office of ordinance administrator be strengthened to allow the municipal governing body to delegate all administrative powers to the administrator if it

wishes to do so." (page 37). This legislative amendment was enacted in 1989.

Current Status

As noted in these studies, the ordinances governing ordinance administrators in the traditional forms of local government in New Jersey vary significantly from jurisdiction to jurisdiction. In some respects the flexibility given to municipalities in the statute authorizing the position of ordinance administrator is one of its strengths. It allows locally elected officials to craft a local administrative structure that will fit what they perceive are their communities needs and "unique character".

Yet the responsibilities and demands being placed upon local government are similar throughout New Jersey (and most of the nation). It is the opinion of the New Jersey Municipal Management Association that there are certain basic management and administrative responsibilities which can best be delegated to a professional municipal administrator by local elected officials holding this office responsible for the proper operation of the municipality. The attached Model Administrator Ordinance is an advocate for this central administrative and management of the municipality placing in one location the responsibility to insure that the municipality is operating in the most effective, responsible and honest way as possible and giving that person holding this position the authority to establish and carry out the policies necessary to accomplish these goals. The ordinance is written to be adopted by either a Township or Borough form of government although the ordinance format and various sections can also be used in other traditional forms of government (such as Village, or Town) or in Special Districts where there is a need for centralized administration.

As noted above, the State Statute as amended in 1989 giving a governing body the power to establish the position of an administrator is broad in scope: "The governing body of any municipality, by ordinance, may create the office of municipal administrator and delegate to him all or a portion of the executive responsibilities of the municipality". (40A:9-136). The Model Ordinance in its annotations recognizes that this broad delegation of executive powers may not be acceptable to all municipalities and consequently it has noted where there may be variations concerning certain administrative activities in different communities. The ordinance is extensive in its listing of duties and responsibilities and all of the citations may not be appropriate for a specific jurisdiction. This detail is provided to serve as a listing of possibilities so that the entirety of an Administrator's potential duties and responsibilities can be seen.

The New Jersey Municipal Management Association (NJMMA) is an organization of professional local government administrators and assistants whose goal is to improve the quality of local government in New Jersey. The Association creates an information network offering the free flow of ideas thereby enhancing each member's ability to deal with the problems and pressures of government service. In addition the Association, through the experience of its members, is available to assist local elected officials in developing the administrative structure most suited for the locality. The professional conduct of the Association members is governed by the Code of Ethics of the International City Management Association which specifies 12 ethical principles of personal and professional conduct including complete dedication to good government. NJMMA members must demonstrate ethical and legal awareness in personal and professional relationships and be dedicated to the highest principles of honesty, integrity and excellence in government.. If you need assistance in improving the structure of your local municipal government please contact the Association.