

**BOROUGH OF RED BANK
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

ORDINANCE NO. 2022-02

**ORDINANCE AMENDING ARTICLE II: "OFFICE OF THE MAYOR" OF CHAPTER 85:
"MAYOR AND COUNCIL" AND ARTICLE VI: "BOROUGH ADMINISTRATOR" OF
CHAPTER 90: "OFFICERS AND EMPLOYEES" OF THE REVISED GENERAL
ORDINANCES OF THE BOROUGH OF RED BANK**

BE IT ORDAINED by the Mayor and Council of the Borough of Red Bank, County of Monmouth, State of New Jersey, that the Borough's Revised General Ordinances are hereby amended at Section 85-3: "Powers of Mayor" under Article II: "Office of the Mayor" of Chapter 85: "Mayor & Council" as follows (~~stricken~~ text deleted; underlined text added):

CHAPTER 85: MAYOR AND COUNCIL.

* * *

§ 85-3 Powers of Mayor.

- A. Mayor shall be the head of the municipal government.
- B. The Mayor shall have all those powers designated by general law.
- C. The Mayor shall preside at meetings of the Council and may vote to break a tie.
- D. Every ordinance adopted by the Council shall, within five days after its passage, Sundays excepted, be presented to the Mayor by the Borough Clerk. The Mayor shall, within 10 days after receiving the ordinance, Sundays excepted, either approve the ordinance by affixing his signature thereto or return it to the Council by delivering it to the Clerk together with a statement setting forth his objections thereto or any item or part thereof. No ordinance or any item or part thereof shall take effect without the Mayor's approval, unless the Mayor fails to return the ordinance to the Council, as prescribed above, or unless the Council, upon consideration of the ordinance following its return, shall, by a vote of 2/3 of all the members of Council, resolve to override the veto.
- E. No ordinance shall be passed, or appointment of any subordinate officer of the Borough be confirmed, except by a vote of a majority of the members of the Council present at the meeting, provided that at least three affirmative votes shall be required for such purpose, the Mayor voting only in the case of a tie.
- F. If any ordinance contains more than one distinct section, clause or item, the Mayor may approve one or more thereof and veto the rest.
- G. The Mayor shall nominate and, with the advice and consent of Council, appoint all subordinate officers of the Borough, unless the specific terms of the general law clearly require a different appointment procedure. ~~"Subordinate officers" are those persons holding titles specifically established by or in New Jersey State statutes.~~ The Mayor shall make such nomination of any such officer within 30 days of that office becoming vacant. ~~All other positions and employments shall be filled and hired by the Business Administrator pursuant to Chapter 90, Article VI, § 90-28D, unless the specific terms of a state statute provide otherwise, and subject to available appropriations.~~
- H. The Mayor shall see to it that the laws of the state and the ordinances of the Borough are faithfully executed. He shall recommend to the Council such measures as he may deem necessary or expedient for the welfare of the Borough. He shall maintain peace and good order and have the power to suppress all riots and tumultuous assemblies of the Borough. (N.J.S.A. 40A:60-5)

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Red Bank, County of Monmouth, State of New Jersey, that the Borough's Revised General Ordinances are

hereby amended at Article VI: "Borough Administrator" of Chapter 90: "Officers and Employees" as follows (~~stricken text deleted~~; underlined text added):

CHAPTER 90: EMPLOYEES AND OFFICERS.

* * *

ARTICLE VI: Business Administrator.

§ 90-25 Preamble Office Established.

The office of borough administrator is created and established pursuant to the provisions of N.J.S.A. 40A:9- 136 et seq. The borough administrator shall have such powers as are granted by statute and the provisions of this chapter.

- A. ~~The business transacted by the Borough Council of the Borough of Red Bank, County of Monmouth and State of New Jersey, has increased greatly in recent years, in both volume and complexity; and the Borough of Red Bank, because of its continued and expected future growth, should coordinate the activities of the various departments for their more efficient and economical operation.~~
- B. ~~The residents and taxpayers of the Borough of Red Bank can better be served by the creation of the position of Business Administrator; and the Borough Council deems it desirable and necessary to create the position of Borough Administrator in order to assist the Borough Council and its members in the continued efficient operation of the Borough.~~

§ 90-26 Created Appointment and Term of Office.

The borough administrator shall be appointed by the mayor with the advice and consent of the borough council. The borough administrator shall serve at the pleasure of the governing body. The borough administrator may be removed from office by a two-thirds vote of the governing body. The resolution of removal shall become effective three months after its adoption by the governing body. The governing body may provide that the resolution shall take effect immediately, provided, however, that the governing body shall cause to be paid to the administrator any unpaid balance of his or her salary and his or her salary for the next three calendar months following the adoption of the resolution of removal.

- A. ~~The position of Business Administrator is hereby created and established pursuant to the provisions of this section and the provisions of N.J.S.A. 40A:9- 136 et seq. The Business Administrator is also referred to herein as the "Administrator."~~
- B. ~~Gender neutral. Wherever used herein, a pronoun in the masculine gender shall be considered as including the feminine gender unless the context clearly indicates otherwise.~~

§ 90-27 Appointment Compensation.

The borough administrator shall receive such compensation as shall be fixed by the governing body of the borough.

- A. ~~The Administrator shall be appointed by the Mayor with the advice and consent of the Borough Council. The term of office of the Administrator shall be at the pleasure of the Borough Council.~~
- B. ~~The Administrator shall receive such compensation as shall be fixed by the general salary ordinance of the Borough of Red Bank. He shall be reimbursed for all reasonable expenses.~~
- C. ~~The Administrator may be removed by a 2/3 vote of the full membership of the Borough Council. The resolution of removal shall become effective 90 days after its adoption by the Borough Council, and the Borough Council shall cause to be paid to the Administrator any unpaid balance of his salary.~~

- ~~D. The Administrator shall be appointed on the basis of his executive, administrative and technical qualifications, with special reference to education and experience in local government. He shall have a college degree. No elective member of the Borough Council may receive such appointment, either during his term of office or within one year after the expiration of his term.~~
- ~~E. At the time of his appointment and during the term thereof, the Administrator need not be a resident of the Borough.~~
- ~~F. The Administrator shall devote full time to his position.~~

§ 90-28 Powers and Duties Qualifications.

- A. The borough administrator shall be appointed on the basis of his or her executive, administrative and technical qualifications with special reference to education and experience in local government. The borough administrator must possess a baccalaureate degree from an accredited college. The borough administrator need not be a resident of the borough at the time of his or her initial employment. Within six months of the date of his employment, unless that time period is extended by resolution of the mayor and council, the business administrator must become a resident of the borough.
- ~~A. The executive responsibilities of the Borough are hereby delegated to the Business Administrator pursuant to N.J.S.A. 40A:60-7a.~~
- ~~B. The Administrator shall be responsible for the proper and efficient management of business affairs of the Borough and shall have all such management powers and perform all such management duties, other than those specifically required by statute to be exercised only by the Borough Council or only by another officer or body or department of the Borough.~~
- ~~C. The Administrator shall supervise and direct the management of all departments, officers, employees and agents of the Borough and shall issue any regulations or directives necessary to that end unless otherwise provided by law or by this section.~~
- ~~D. The Administrator shall have executive responsibility for the appointment, hiring, promotion, and discipline of all employees, except as follows: i) the appointment of a "subordinate officer" of the Borough, defined as a person holding a title established by or in New Jersey State statutes, in which case said appointments shall be made by the Mayor with the advice and consent of Council; ii) the appointment of a department head of the Borough, whether full-time or part-time, when such department has been specifically established as a department by ordinance and the title of Director of the department has been established by ordinance, in which case, said appointments shall be made by the Business Administrator with the advice and consent of Council; and iii) the appointment, hiring, promotion, and/or discipline of employees when such authority has been specifically reserved by statute to another official of the municipality, such as the authority of the Chief of Police over members of the Police Department. Any employee whose position is not in a labor bargaining unit and who is aggrieved by a decision of the Administrator that adversely affects his or her employment shall have the right of appeal to the Borough Council, provided he or she has given 10 days' written notice of same to the Council, except that disciplinary actions that do not involve a loss in pay or termination of employment are not subject to such appeal.~~
- ~~E. The Administrator shall have the authority to establish lines of communication to and from Borough staff based on sound management principles and objectives. Statutory officers who have lines of reporting for statutorily specified duties shall, for all other duties and responsibilities, such as administrative, personnel, financial, and budgetary, report to the Business Administrator and take direction from the Business Administrator. All other employees shall take direction through the Business Administrator and their department heads and supervisors and shall not take direction from any other persons acting as individuals, including elected officials of the Borough, except when the Mayor and Council has acted as a body by formal resolution or ordinance.~~
- ~~F. The Administrator shall have the authority for all purchasing by the Borough and shall~~

~~purchase or approve the purchase of all goods and services for the Borough, subject to available appropriations and to the provisions of the Local Public Contracts Law of New Jersey.~~

- ~~G. The Administrator shall have the authority to negotiate all contracts on behalf of the Borough, subject to available appropriations and to approval by the governing body when so required by the Local Public Contracts Law of New Jersey. He shall be responsible to negotiate all labor contracts for the Borough, subject to approval by the governing body, and shall be responsible for administering same.~~
- ~~H. The Administrator shall be responsible for the upkeep and maintenance of all Borough facilities, buildings, and properties, within available appropriations, and for the scheduling of the use of same, which responsibility he may delegate to other Borough officials or staff. He shall assign office space, furniture, telephone, computer and similar facilities, and other Borough resources among and within departments and offices.~~
- ~~I. The Administrator shall annually submit to the Mayor and Council a budget recommended for introduction by the governing body and shall thereafter provide all requested assistance to the governing body for its official introduction and final adoption of the annual budget. After the adoption of the budget, the Administrator shall be responsible for the administration and implementation of the work programs contained in the budget.~~
- ~~J. The Administrator shall attend workshop, special and regular meetings of the Borough Council. He shall regularly keep the Mayor and Council informed, either orally or in writing, on the finances and business affairs of the Borough. As soon as possible after the end of each fiscal year, he shall prepare an annual report in writing to the Mayor and Council of the progress of each department of the Borough and including a review of the goals and objectives of the municipal government; of all capital projects; and of overall management of the Borough. 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 Borough.~~
- ~~K. The Administrator shall prepare the agenda for and arrange meetings of the Borough Council, and implement actions of the Mayor and Borough Council by correspondence, review of minutes, personal conferences and administrative directions.~~
- ~~L. The Administrator shall study the governmental and administrative operations and the needs of the Borough government as he may deem appropriate and prepare and recommend to the Borough Council the necessary and desirable plans and programs with respect to the Borough's operations and needs. He shall be responsible for 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 Administrator shall be filed with the Mayor and Borough Council and shall become Borough organizational policy unless specifically amended or rescinded by the governing body.~~
- ~~M. The Administrator shall have the right and the authority to investigate the conduct and/or performance of any employee, officer, department, agency or authority of the Borough when necessary or when directed by the governing body and submit a report relating thereto.~~
- ~~N. The Administrator, together with the Mayor and the President of the Borough Council, shall be a committee serving as the appropriate authority over the Police Department pursuant to N.J.S.A. 40A:14-118 and shall annually approve the rules and regulations of the Police Department and perform such other civilian oversight as required and permitted by statute. The Administrator shall arrange such meetings of the committee as necessary, and all decisions of the committee shall be by approval of the majority.~~
- ~~O. The Administrator shall advise the Borough with respect to the availability of grants, funds and/or services available from the federal, state and county governments. He shall explore, implement, and oversee, where appropriate and beneficial to the Borough, shared services agreements with other governmental units or entities.~~
- ~~P. The Administrator shall perform such other duties as may be specifically assigned by resolution or ordinance adopted by the governing body.~~

§ 90-29 ~~Limitation on~~ Duties and Responsibilities.

The borough administrator shall be the chief administrative officer of the borough and shall be responsible to the borough council for the proper and efficient administration of the business affairs of the borough. The borough administrator shall have the powers and perform such duties other than those required by law to be exercised by the borough council or other appointed officers, bodies or departments of the borough. The borough administrator's duties and responsibilities shall relate to the general management of all business.

The borough administrator shall supervise and direct the administration of all departments, officers, employees and agents of the borough and shall issue any directives or regulations necessary to that end unless otherwise provided by law or by this section. The borough administrator shall serve as liaison between the mayor and council of the borough and all department heads and departments of the borough.

- A. *Financial Planning.* The borough administrator shall be responsible for the development of the proposed budget and the administration of the budget after its adoption. In preparing the budget, the borough administrator shall obtain from the head of each department of the borough, agency, board or officer estimates of revenues and expenditures and other supporting data as may be necessary to prepare the budget. The administrator shall review the estimates and may revise them before submission to the governing body of the borough. The borough administrator shall render assistance and service to the borough council, boards and all departments of the borough as may be required.
- B. *Personnel Officer.* The borough administrator shall serve as the personnel officer and shall advise the mayor and council regarding the hiring, promotion and discharge of borough employees. The borough administrator shall also be responsible for the negotiations of all contracts between the Borough and duly organized bargaining units.
- C. *Purchasing Agent.* The borough administrator shall be the purchasing agent of the borough and shall perform such duties as are specified.
- D. *Meetings and Agendas.* The borough administrator shall attend all workshops, special and regular meetings of the borough council.
- E. *General Responsibilities.* The borough administrator shall study the governmental and administrative operations and needs of the borough and may make such recommendations to the mayor and council of the borough as he or she deems necessary and appropriate to improve governmental efficiency. The administrator shall be responsible for such grants, funds and/or services which from time to time may be available from federal, state and county governments. The administrator shall be responsible for the development and implementation of the Community Development Block Grant Program within the borough and shall be the borough's representative for this program. The borough administrator shall be responsible for receiving and disposing of all complaints regarding services of personnel of the borough. He, she, or an officer designated by him or her shall investigate and dispose of the complaints and shall keep a written record of each complaint and when and what action was taken in response thereto. The borough administrator shall be responsible for the coordination of all interdepartmental operations. The borough administrator shall take whatever steps necessary to insure the harmonious and efficient delivery of governmental services within the borough. The duties and responsibilities of the borough administrator shall be such that they shall not infringe upon such duties and responsibilities as are assigned by law to other borough officials.
- F. The administrator shall perform those duties assigned to the superintendent of public works when this position is vacant. The administrator shall act as the authorized designee of the engineer for the purpose of permit issuance and monitoring required.

~~The duties and responsibilities of the Administrator shall be such that they shall not infringe upon, in a way that violates statutes or legal rights, such duties and responsibilities as are assigned by statute to other Borough officials.~~

BE IT FURTHER ORDAINED by the Governing Body of the Borough of Red Bank that

any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

BE IT FURTHER ORDAINED by the Governing Body of the Borough of Red Bank that if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED by the Governing Body of the Borough of Red Bank that this Ordinance shall take effect immediately upon its passage and adoption according to law.

	Motion	Yes	No	Abstain	Absent
Councilwoman Sturdivant	M	X			
Councilwoman Triggiano			X		
Councilman Ballard	S	X			
VACANT	--	--	--	--	--
Councilman Zipprich		X			
Councilwoman Horgan			X		

Dated: January 26, 2022
Public Hearing/Adoption: February 9, 2022