

FIRST READING/
INTRODUCTION: March 11, 2020

SECOND READING/
PUBLIC HEARING/
ADOPTION: April 8, 2020

ORDINANCE

**BOROUGH OF EAST NEWARK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

**AN ORDINANCE AMENDING CHAPTER II ENTITLED
“ADMINISTRATION”, ARTICLE II, “OFFICES CREATED” BY
CREATING THE POSITION OF BOROUGH ADMINISTRATOR IN THE
BOROUGH OF EAST NEWARK, IN THE COUNTY OF HUDSON, STATE
OF NEW JERSEY.**

WHEREAS, the Mayor and Council of the Borough of East Newark have deemed it necessary to create and establish the position of Borough Administrator for the Borough of East Newark; and

WHEREAS, the Mayor and Council have determined that the creation and establishment of this position, along with a subsequent appointment shall be in the best interests of the residents of East Newark while at the same time producing a minimal financial and budgetary impact upon the residents and taxpayers.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of East Newark, County of Hudson and State of New Jersey, as follows:

Section 1.

Chapter 2 (Administration), Article II (“Offices Created”), is hereby amended and restated as follows:

2-7 ~~RESERVED.~~ BOROUGH ADMINISTRATOR.

2-7.1 Position Created.

There is hereby created the position of Borough Administrator pursuant to N.J.S.A. 40A:9-136.

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Underlines are additions

2-7.2 Appointment and Term of Office.

The Borough Administrator shall be appointed by the Mayor with the advice and consent of the Borough Council pursuant to N.J.S.A. 40A:9-137. The term of office of the Borough Administrator shall be at the pleasure of the Mayor and Borough Council. The Borough Administrator may serve as a full-time or part-time employee to be determined by the Mayor at the time of appointment.

2-7.3 Removal from Office.

The Borough Administrator may be removed by a two-thirds (2/3) vote of the Borough Council. The resolution of removal shall become effective three (3) months after its adoption by the Borough Council, which may provide that the resolution shall have immediate effect; provided, however, that the Governing Body shall cause to be paid to the Administrator forthwith any unpaid balance of his/her salary for the next three (3) calendar months following adoption of the resolution.

2-7.4 Assistant Borough Administrator/Acting Borough Administrator.

a. The Borough Clerk shall without compensation, serve as the Assistant Borough Administrator, to assist the Borough Administrator, and to serve as Acting Borough Administrator performing the duties of the Administrator's office during his absence or disability of less than ten (10) days.

b. On removal or resignation of the Borough Administrator, the Borough Clerk shall appoint the Borough Clerk as the Acting Borough Administrator to serve for ninety (90) days or until an Administrator is appointed, pursuant to subsection 2-7.2 above, whichever is sooner.

2-7.5 Compensation.

a. The Borough Administrator shall receive such salary as may be fixed and adopted by the Salary Ordinance of the Borough of East Newark. He/she shall receive no additional compensation for other positions whose titles he/she may hold, but shall be reimbursed for all necessary expenses incurred in the performance of his/her office.

b. Unless otherwise provided, no Acting Borough Administrator shall be paid more than his/her regular salary while serving in that capacity, but he shall be reimbursed for all necessary expenses incurred in the performance of his/her office. If the Mayor and Council, by resolution, increases the compensation of the Acting Borough Administrator during his/her term, such increased compensation shall not exceed the minimum established in the Salary Ordinance for the position of Borough Administrator.

2-7.6 Qualifications; Residency.

a. The Borough Administrator shall be appointed on the basis of executive and administrative abilities and qualifications. Previous responsible, successful experience in local government is required, and at a minimum, possession of a B.A. or B.S. degree in government, public or business administration or municipal management or a related field of study from an accredited institution of higher education is required.

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b. At the time of appointment, the Borough Administrator need not be a resident of the Borough of East Newark.

2-7.7 Powers and Duties.

The Borough Administrator shall be the Chief Administrative Officer of the Borough, responsible to the Council for the administration of all Boroughs affairs. The powers and duties of the Borough Administrator shall include, but not be limited to:

a. Attending all meetings of the Mayor and Council and such other meetings as directed by the Mayor and Council.

b. Providing a liaison between the Mayor and Council and various municipal boards, agencies and departments of the Borough and its professional advisors.

c. Keeping the Mayor and Council currently informed on all matters assigned to him/her or otherwise within his/her jurisdiction.

d. Being responsible for the coordination of interdepartmental operations and managing the day-to-day operations of the Borough Hall by coordinating and supervising the activities of all employees.

e. Making studies and surveys of the municipal problems of the Borough as shall be assigned by the Mayor and Council, and preparing and submitting written reports of his/her findings and determinations to the Mayor and Council for its consideration and action.

f. Assisting the Mayor in having direct responsibility for policy formulation on overall problems and shall study continually present and future budgets, purchasing procedures and personnel organization and policies, making appropriate changes when necessary. He/she also shall make recommendations to the Mayor and Council relating thereto as he/she deems necessary.

g. Being responsible for continually improving communications between the various Borough personnel, departments, agencies, boards and the Mayor and Council.

h. Seeing that all terms and conditions imposed in favor of the Borough or its inhabitants in any Statute or contract are faithfully kept and performed and, upon knowledge of any violation, call the same to the attention of the Mayor and Borough Council.

i. Having the authority, as expressly designated by the Mayor and Council, to recommend the removal, discipline and appointment of all department heads and all employees, subject to the personnel policies of the Borough and subject to all rules and regulations of the New Jersey Civil Service Commission as presently exists or as may be promulgated in the future and, pursuant to the rules and regulations of the Civil Service Commission of the State of New Jersey, serve as the Appointing Authority. In addition, he/she shall have the authority to suspend any and all Borough employees immediately. In cases of suspension, it shall be his/her responsibility to notify two-thirds (2/3) of the Governing Body within twenty-four (24) hours.

j. Continually reviewing and supervising the Borough's insurance program.

k. Being responsible for the overall supervision and maintenance of the real property owned by the Borough of East Newark.

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l. Aiding and assisting any Borough official employed to procure funds for the Borough from various County, State and Federal agencies. If such official is no longer employed by the Borough, he/she shall assume those responsibilities and act as liaison between the Borough and the various County, State and Federal agencies, with respect to all applications for fund and/or services needed or required by the Borough of East Newark.

m. Reviewing daily any complaints concerning the function and obligations of the Borough of East Newark made by any of its residents and he/she shall have a permanent record of all complaints and the disposition made.

n. Making any recommendations which he may believe will increase the efficiency of the operation of the Borough.

o. Preparing and presenting to the Mayor and Council an annual report of the Borough affairs, which shall include a report from each department head.

p. Assisting the Mayor in being responsible for preparation of the operating and capital improvement budgets for presentation to the Mayor and Council and for administration of the budget approved by the Governing Body. In assisting the Mayor and Chief Financial Officer in preparing the proposed budget, he/she shall alert department heads to the submission of their portion thereof with supporting data he/she deems necessary and shall assist the individual Councilpersons and department heads in contributing their share of the responsibility for the municipal budget. He/she shall thoroughly review these requests and submit his/her recommendations with respect thereto to the Governing Body in a timely fashion.

q. Reviewing all requisitions from departments for materials, equipment, supplies and proof of purchase for the Council. He/she shall require the various departments to furnish an adequate inventory of all equipment, materials and supplies in stock and to recommend sale of any surplus, obsolete or unused equipment when authorized by the Mayor and Council.

r. Developing and administering a comprehensive personnel program, as provided by the Council or as provided under department or personnel, rules and regulations.

s. Implementing and enforcing the policies of the Mayor and Council with respect to the compiling and release of public information.

t. Supervising the disbursement of all Borough funds and approving all vouchers and bills before submitting same to the Mayor and Council for final approval.

u. Acting as purchasing agent if required, subject to the provisions of Section 2-9.3.

v. Conducting annual evaluations of department heads and overseeing evaluation of personnel.

w. Performing such other duties as may be assigned to him/her from time to time by the Mayor and Council, which duties may be modified from time to time by resolution or the Mayor and Council.

x. The Administrator, at the request of the Mayor and Council, shall also serve as the Acting Borough Clerk when, and if, the current Borough Clerk shall resign or the position otherwise becomes vacant and there is no Deputy Borough Clerk serving pursuant to Section 2-8.6. Service by the Administrator as the Acting Borough Clerk shall become effective only upon appointment by the Mayor and Council pursuant to Statute.

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2-7.8 Outside Employment and Activities.

The Administrator, if employed by the Borough full-time, shall devote full time to the interests of the Borough and shall not hold any other employment, except that nothing herein shall prevent the Administrator from being appointed as another Borough Officer. The Administrator shall not engage in any political activities, nor make any financial or other contributions to any local political campaign, lobby effort or issue pending before the Governing Body, provided, however, that nothing contained herein shall be deemed to prohibit the Administrator from appearing before another Governmental Body on behalf of the Borough of East Newark when authorized or directed to do so.

Section 2.

Severability

If any section or provision of this ordinance is declared invalid for any reason whatsoever, same shall not affect the validity or constitutionality of any other part or portion of this ordinance.

Section 3.

Inconsistent Ordinances

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 4.

This ordinance shall take effect after its final passage by the Borough Council and approval by the Mayor at the time and manner provided for and required by law.

Section 5.

On passage this ordinance shall be codified.

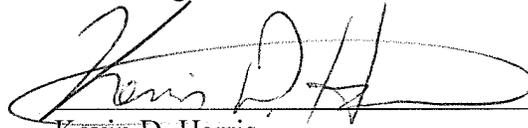
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Underlines are additions

Introduction – First Reading

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Diaz		X	X			
Evaristo			X			
Graham			X			
Lucas	X		X			
Tighe			X			
Zincavage						X

CERTIFICATION

I, Kevin D. Harris, Borough Clerk of the Borough of East Newark, County of Hudson, State of New Jersey, do hereby certify that this Ordinance was introduced on first reading by the Mayor and Borough Council at a public meeting of the Mayor and Borough Council held on March 11, 2020



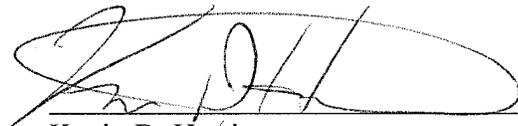
Kevin D. Harris
Borough Clerk

Adoption – Second Reading

Council Member	Motion	Second	Ayes	Nays	Abstain	Absent
Diaz			X			
Evaristo			X			
Graham			X			
Lucas		X	X			
Tighe	X		X			
Zincavage			X			

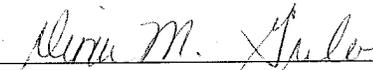
CERTIFICATION

I, Kevin D. Harris, Borough Clerk of the Borough of East Newark, County of Hudson, State of New Jersey, do hereby certify that this Ordinance was adopted on second reading after a public hearing, by the Mayor and Borough Council at a public meeting of the Mayor and Borough Council held on April 8, 2020



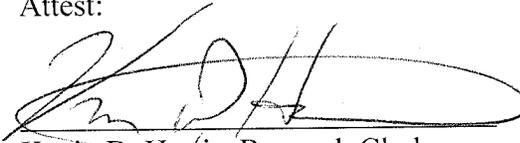
Kevin D. Harris
Borough Clerk

Adopted:



Dina M. Grilo, Mayor

Attest:



Kevin D. Harris, Borough Clerk