

Note to the Township Council members:

Mayor Conti has requested that we provide the Council with the structure and statutory workings of the Optional Municipal Charter Law, which provides the statutory guidance under which the Township operates.

The purpose of this presentation is to make the Council more familiar with the operational components of our Local Government and the vital roll each of the elected Officials play in the Administration and Legislation of our Local Government.

Optional Municipal Charter Law
N.J.S.A. 40:69A-1 et seq.

TOWNSHIP OF LITTLE FALLS

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November 4, 2003 –Referendum Approved by the Voters to change form of Government to Faulkner Act Mayor and Council Plan .

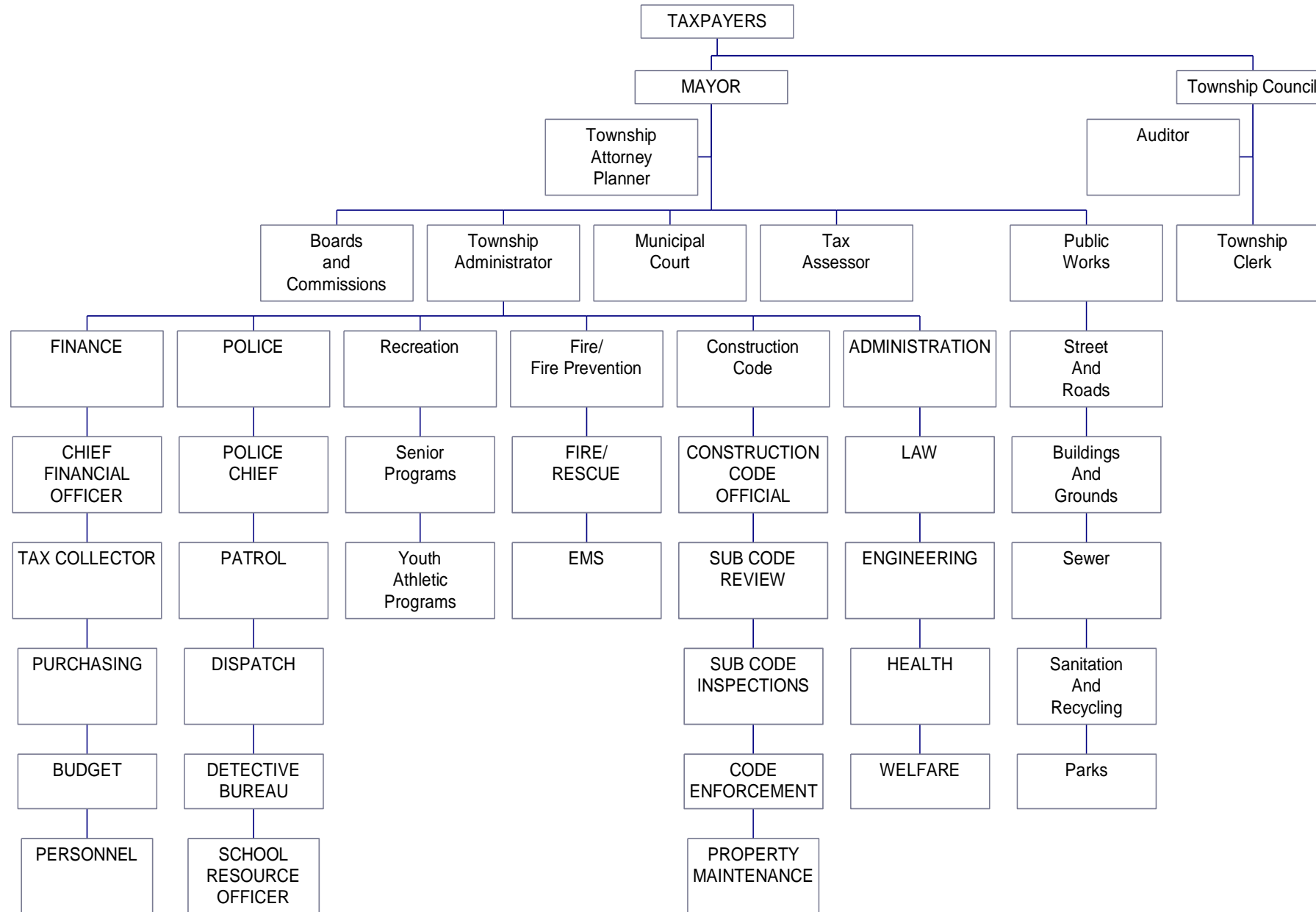
Re-Organized Government consists of a Mayor and five (5) at-large Council members to serve as the governing body.

January 1, 2005- The Township Form of Government is superseded and the Faulkner Act Mayor and Council Plan A is organized.

The Mayor- Elected directly by the Voters serves a 4 year term

The Council- Elected at-large directly by the Voters serve staggered 4 year terms

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40:69A-36. Legislative power-The legislative power of the municipality shall be exercised by the municipal council.

Legislative powers shall be exercised by ordinance, except for the exercise of those powers that, under this plan of government or general law, do not require action by the mayor as a condition of approval for the exercise thereof, and may, therefore, be exercised by resolution.

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40:69A-36. Legislative power

- a. The override of a veto of the mayor;
- b. The exercise of advice and consent to actions of the mayor;
- c. The conduct of a legislative inquiry or investigation;
- d. The expression of disapproval of the removal by the mayor of officers or employees;
- e. The removal of any municipal officer for cause;
- f. The adoption of rules for the council;
- g. The establishment of times and places for council meetings;

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40:69A-36. Legislative power

- h. The establishment of the council as a committee of the whole and the delegation of any number of its members as an ad hoc committee;
- i. The declaration of emergencies respecting the passage of ordinances;
- j. The election, appointment, setting of salaries and removal of officers and employees of the council, subject to any pertinent civil service requirements and any pertinent contractual obligations, and within the general limits of the municipal budget;
- k. Designation of official newspapers;
- l. Approval of contracts presented by the mayor;
- m. Actions specified as resolutions in the "Local Budget Law" (N.J.S. 40A:4-1 et seq.) and the "Local Fiscal Affairs Law" (N.J.S. 40A:5-1 et seq.); and
- n. The expression of council policies or opinions which require no formal action by the mayor.

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40:69A-37. Investigative, removal powers

The council, in addition to such other powers and duties as may be conferred upon it by this charter or otherwise by general law, may:

- (a) Require any municipal officer, in its discretion, to prepare and submit sworn statements regarding his official duties in the performance thereof, and otherwise to investigate the conduct of any department, office or agency of the municipal government;
- (b) Remove, by at least two-thirds vote of the whole number of the council, any municipal officer, other than the mayor or a member of council, for cause, upon notice and an opportunity to be heard.

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40:69A-37.1. Mayoral control of administration

In any municipality adopting the mayor-council plan of government, the municipal council shall deal with employees of the department of administration and other administrative departments solely through the mayor or his designee. All contact with the employees, and all actions and communications concerning the administration of the government and the provision of municipal services shall be through the mayor or his designee, except as otherwise provided by law.

In the Township of Little Falls- The Mayor has designated the Business Administrator to deal with employees, other departments and handle the provision of municipal services except as otherwise provided by law.

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40:69A-37.1. Mayoral control of administration

Nothing in this section shall be construed to prohibit the council's inquiry into any act or problem of the administration of the municipality. Any council member may, at any time, require a report on any aspect of the government of the municipality by making a written request to the mayor. The council may, by a majority vote of the whole number of its members, require the mayor or his designee to appear before the council sitting as a committee of the whole, and to bring before the council those records and reports, and officials and employees of the municipality as the council may determine necessary to ensure clarification of the matter under study. The council may further, by a majority of the whole number of its members, designate any number of its members as an ad hoc committee to consult with the mayor or his designee to study any matter and to report to the council thereon. It is the intent of the mayor-council plan of government to confer on the council general legislative powers, and such investigative powers as are germane to the exercise of its legislative powers, but to retain for the mayor full control over the municipal administration and over the administration of municipal services.

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40:69A-39. Executive power

The executive power of the municipality shall be exercised by the mayor, subject to the procedures set forth in this plan of government.

40:69A-40. Mayoral duties

The mayor shall:

- a. Enforce the charter and ordinances of the municipality and all general laws applicable thereto;
- b. Report annually to the council and to the public on the state of the municipality, and the work of the previous year; he shall also recommend to the council whatever action or programs he deems necessary for the improvement of the municipality and the welfare of its residents. He may from time to time recommend any action or programs he deems necessary or desirable for the municipality to undertake;
- c. Supervise, direct and control all departments of the municipal government and shall require each department to make an annual and such other reports on its work as he may deem desirable;
- d. Require such reports and examine such accounts, records and operations of any board, commission or other agency of municipal government, as he deems necessary;

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40:69A-40. Mayoral duties- continued

The mayor shall:

- e. Prepare and submit to the council for its consideration and adoption an annual operating budget and a capital budget, establish the schedules and procedures to be followed by all municipal departments, offices and agencies in connection therewith, and supervise and administer all phases of the budgetary process;
- f. Supervise the care and custody of all municipal property, institutions and agencies, and make recommendations concerning the nature and location of municipal improvements and execute improvements determined by the governing body;
- g. Sign all contracts, bonds or other instruments requiring the consent of the municipality;

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40:69A-40. Mayoral duties

The mayor shall:

- h. Review, analyze and forecast trends of municipal services and finances and programs of all boards, commissions, agencies and other municipal bodies, and report and recommend thereon to the council;
- i. Supervise the development, installation and maintenance of centralized budgeting, personnel and purchasing procedures as may be authorized by ordinance;
- j. Negotiate contracts for the municipality, subject to council approval;
- k. Assure that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, franchise or other contract are faithfully kept and performed;
- l. Serve as an ex officio, nonvoting member of all appointive bodies in municipal government of which he is not an official voting member.

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40:69A-41. Approval or veto of ordinances; attending meetings

(a) Ordinances adopted by the council shall be submitted to the mayor, and he shall within ten days after receiving any ordinance, either approve the ordinance by affixing his signature thereto or return it to the council by delivering it to the municipal clerk together with a statement setting forth his objections thereto or to 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 an ordinance to the council within ten days after it has been presented to him, or unless council upon reconsideration thereof on or after the third day following its return by the mayor shall by a vote of two-thirds of the members resolve to override the mayor's veto.

(b) The mayor may attend meetings of council and may take part in discussions of council but shall have no vote except in the case of a tie on the question of filling a vacancy in the council, in which case he may cast the deciding vote.

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40:69A-43. Municipal departments, number

The municipality shall have a department of administration and such other departments, not less than two and not exceeding nine in number, as council may establish by ordinance. All of the administrative functions, powers and duties of the municipality, other than those vested in the offices of the municipal clerk and the municipal tax assessor, shall be allocated and assigned among and within such departments.

Each department shall be headed by a director, who shall be appointed by the mayor with the advice and consent of the council. Each department head shall serve during the term of office of the mayor appointing him, and until the appointment and qualification of his successor.

The Township of Little Falls Has three Departments: Administration- Finance –
Public Works

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40:69A-43a. Administrative department salaries

The mayor shall, subject to any pertinent civil service requirements and any pertinent contractual obligations, and within the general limits of the municipal budget, fix the amount of salary, wages or other compensation to be paid to employees of the administrative departments of the municipal government, except that the salary, wages or other compensation paid the director of each department shall be fixed by the council pursuant to subsection (c) of section 17-31 of P.L. 1950, c. 210 (C. 40:69A-180), and except that salaries of officers which are required by law to be fixed by ordinance shall be fixed by ordinance.

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40:69A-45. Preparation of budget

The municipal budget shall be prepared by the mayor with the assistance of the business administrator. During the month of November, the mayor shall require all department heads to submit requests for appropriations for the ensuing budget year.

40:69A-46. Budget submitted to council

The mayor shall submit to council his recommended budget together with such explanatory comment or statement as he may deem desirable. The budget shall be in such form as is required by law for municipal budgets, and shall in addition have appended thereto a detailed analysis of the various items of expenditure and revenue.

Council may reduce any item or items in the mayor's budget by a vote of a majority of the council, but an increase in any item or items therein shall become effective only upon an affirmative vote of two-thirds of the members of council.

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QUESTIONS