

Mayor and Common Council

38 Park Avenue
Flemington, NJ 08822

Meeting: 01/11/21 07:30 PM
Department: Clerk of the Borough
Category: Council Ordinance
Prepared By: Sallie Graziano

Initiator: Sallie Graziano
Sponsors:

SCHEDULED

ORDINANCE 2021-1

DOC ID: 3403

**Creating the Position of Business Administrator in the
Borough of Flemington**

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 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.; and

WHEREAS, pursuant to N.J.S.A. 40A:60-7, the Mayor and Council of the Borough of Flemington may, by ordinance, create the position of Administrator; and

WHEREAS, the Mayor and Council desire to create such position and have entered into a Shared Service Agreement with the City of Lambertville for a joint administrator; and

WHEREAS, nothing herein obligates the Council to hire an Administrator and only creates the option to do so.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Flemington, the County of Hunterdon as follows:

SECTION 1. The Code of the Borough of Flemington is hereby amended by adding Section ____, entitled "Business Administrator," as follows:

A. Creation of Office of Business Administrator. Pursuant to N.J.S.A. 40A:9-136 et seq., there is hereby created the office of the Business Administrator. The Business Administrator shall be a person qualified by education, training and experience to perform the duties of his or her office. If this position is filled on a full-time basis, this individual shall devote his or her entire time to the duties of the office and shall hold no other office nor engage in any other employment, except with the permission of the Mayor and Council. This individual shall be under the direct supervision of the Mayor and Council.

B. Appointment. Pursuant to N.J.S.A. 40A:60-5(g) and 40A:60-6(d), 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: 60-6(d), 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, provided that at least three affirmative votes shall be required for such purpose, the mayor to have no vote thereon except in the case of a tie.

Any vacancy which may occur in the position of Borough Administrator, 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.

No elected member of the governing body shall be eligible for appointment as Business Administrator during his or her term of office nor within one year after the expiration of said term.

C. Term. The term of office of the Business Administrator shall be one year. The first six months of any such appointment to the position of the Business Administrator shall be for a probationary period. Prior to the completion of the six-month probationary period, the appointee to the position of Business Administrator may be removed from office by a vote of a majority of the full membership of the Mayor and Council.

D. Shared Service. Nothing herein shall prevent the Mayor and Council from entering into a share services agreement to provide the services of Business Administrator.

E. Office Hours. The hours of the Business Administrator shall be set by the Mayor and Council. The Business Administrator may be a full-time or part-time employee of the Borough.

F. Removal from office. After the probationary period, pursuant to N.J.S.A. 40A:9-138, the Business Administrator may be removed by a two-thirds vote of the Mayor and Council. The resolution of removal shall become effective three months after its adoption by the Mayor and Council. The Mayor and Council may provide that the resolution shall have immediate effect; provided, however, that the Mayor and Council shall cause to be paid to the Business Administrator forthwith any unpaid balance of salary and the salary for the next three calendar months following the adoption of the resolution. The Business Administrator shall not obtain or be granted any rights of tenure.

G. Temporary Absence or Disability of the Business Administrator. During the absence or disability of the Business Administrator, the Mayor may appoint, subject to confirmation of the Borough Council, an appointed official or employee of the Borough to temporarily perform the duties of Business Administrator during such absence or disability. Additionally, the Mayor and Council may, by resolution, contract with another municipality or private staffing firm in order to fill this position in the case of such an absence. In the event the Business Administrator is unexpectedly absent prior to a regularly scheduled Council meeting, the Mayor may appoint an appointed official or employee of the Borough to serve until the next regularly scheduled Council meeting. The absence or disability of the Business Administrator shall be limited to three continuous months, after which time the absence or disability may be deemed by resolution a vacancy by the Mayor and Council. Unless otherwise provided herein, no acting Business Administrator shall be paid more than his or her regular salary while serving in that capacity, but he or she shall be reimbursed for all necessary expenses incurred in the performance of that office.

H. Compensation. The compensation of the Business Administrator shall be as fixed in the Salary Ordinance of the Borough.

I. Residency Requirement. The Borough Administrator shall become a resident of the State of New Jersey within a reasonable period after his appointment and shall remain a resident of the State of New Jersey while so employed; provided, however, that the residency requirements of this subsection may be waived by the Borough Council when found to be in the best interest of the Borough.

J. Duties and responsibilities. The Business Administrator shall be the chief administrative officer of the Borough of Flemington and shall be responsible to the Mayor and Council for the proper and efficient administration of the business affairs of the Borough. The Business Administrator's duties and responsibilities shall relate to the management of all the Borough's business, except those duties and responsibilities conferred upon other Borough officials by state statute, other applicable laws, rules and regulations promulgated by state, county or Borough ordinances or such duties as the Mayor and Council shall reserve or delegate onto itself or to others. The Business Administrator shall see that all ordinances, resolutions and policies of the Mayor and Council and all state and federal laws requiring municipal action are faithfully carried out by those persons responsible for doing so. For the purpose of carrying out the responsibilities of his or her office, the Business Administrator shall develop and promulgate for adoption by the Mayor and Council sound administrative, personnel and purchasing practices and procedures for all departments, offices, boards, commissions and agencies of the municipality, all for the purpose of increasing the effectiveness and efficiency of Borough government.

The Business Administrator shall perform all of the duties hereinafter enumerated and such other duties as may be assigned by the Mayor and Council. In addition, the Business Administrator shall be responsible for the following enumerated duties as assigned by the Mayor and Council:

(1) Daily operation. Implement all policies of the Borough necessary to carry out daily operations and activities of the Borough by correspondence, review of minutes and personal contact.

(2) Information and complaints. Inform the Mayor and Council and the residents of the municipality on all matters relating to the activities and operations of municipal government; receive and follow up on complaints on all matters and apprise the Mayor and Council thereof.

(3) Public information. Edit and compile public information for distribution to the Mayor and Council.

(4) Recommendations. Continuously study all activities and operations of municipal government and recommend changes for the purpose of increasing efficiency, economy and effectiveness; recommend such rules and regulations as shall be deemed necessary, with the approval of the Mayor and Council, for the conduct of administrative procedures.

(5) Advice. Advise the Mayor and Council with respect to all pertinent information necessary to assist it with the establishment of policies and decisions.

(6) Reports. Prepare and present to the Mayor and Council reports required from time to time on municipal affairs and prepare an annual report of the Business Administrator's work for the benefit of the Mayor and Council and the public.

(7) Attendance. Attend all regular meetings of the Mayor and Council with the right to speak, but not to vote, on all agenda items and attend other meetings as directed by the Mayor and Council or as necessary to carry out the duties of Business Administrator. Within the discretion of Mayor and Council

and subject to any employment agreement, the Borough Administrator may be excused from certain meetings. The Business Administrator shall receive notice of all special meetings of the Mayor and Council and all advisory committees, boards, commissions and other agencies of the Borough.

(8) Liaison. Serve as a liaison to all departments, advisory committees, boards, commissions and other agencies of the Borough.

(9) Borough Engineer. Consult with and act as a liaison between the Mayor and Council and the Borough Engineer regarding all operations and policy matters.

(10) Examine and inquire. Have the power to investigate, examine or inquire into the affairs or operations of any department, commission, office, board or agency of the municipal government, unless prohibited by law.

(11) Coordination of information. Integrate and coordinate the functions of all departments, commissions, boards, agencies, offices and officials and maintain liaison with the local school system and the regional high school system. The Business Administrator shall be responsible for continuously improving communications among the various Borough personnel, departments, commissions, agencies, boards and governing bodies.

(12) Recommendation of experts and consultants. Recommend the employment of experts and consultants to perform work and render advice in connection with Borough projects.

(13) Supervision of personnel. Subject to law, supervise all personnel of the Borough through the respective department heads and direct the business activities of all Borough departments, recommending to the Mayor and Council or its designated committees the employment and replacement of personnel as may be required in said departments within the limits prescribed by the budget. The Business Administrator shall have no authority over the operations of the Police Department delegated by law to the Chief of Police.

(14) Enforcement of law and contracts. Determine that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, public utility franchise or other contract regulation or ordinance are faithfully kept and performed and, upon learning of any violation thereof, apprise the Mayor and Council.

(15) Safety responsibilities. Develop and implement all necessary safety instructions and training for employees, Borough personnel and Borough officials.

(16) Grants. Investigate the availability of and report to the Mayor and Council the feasibility of obtaining grants from federal, state and private sources and apply for and administer such grants as are authorized by the Mayor and Council.

(17) Other duties. The Business Administrator shall perform such additional administrative duties and functions as may be from time to time assigned by the Mayor and Council.

K. Authority of the Mayor and Council. Nothing herein shall derogate or reduce the powers and duties of the Mayor and Council or authorize the Business Administrator to exercise the power and duties thereof except as authorized.

L. Nothing herein shall prohibit the Borough Administrator from holding another employment position with the Borough. However, in the event the Borough Administrator serves in multiple positions, the Mayor and Council shall by resolution (1) remove oversight of such positions from the Borough Administrator and place it in the Mayor and Council; and (2) reserve in the Mayor and Council any other duties of the Borough Administrator that reasonably present a conflict of interest.

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. 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 4. This Ordinance shall take effect upon final passage, publication, and filing, all in accordance with the law.

Introduced: January 11, 2021

Adopted:

Attest:

Betsy Driver, Mayor

Sallie Graziano, Borough Clerk