

BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE CODE OF
THE BOROUGH OF EATONTOWN, IN MONMOUTH COUNTY

WHEREAS, after careful study and consideration, including retaining advice and assistance from expert consultants in municipal government, the governing body of the Borough of Eatontown has found and determined that it is in the best interests of good government and effective management of the Borough to delegate executive responsibilities to a professional manager in the position of Business Administrator for the Borough, as provided for in the Borough's charter pursuant to NJSA 40A:60-7.a; and

WHEREAS, it is additionally found and determined that the amendments set forth herein will enable the Borough to more effectively serve its residents and stakeholders and deal with modern issues confronting the Borough;

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Eatontown, in the County of Monmouth and State of New Jersey, that Chapter 19 of the Borough Code is hereby repealed in its entirety and replaced as follows:

19-1. Preamble; Department Established; Department Director.

- 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 known as and referred to herein as the "Administrator."
- B. The Department of Administration of the Borough of Eatontown is hereby created and the Administrator shall be the Department Director.
- C. Whenever used herein, a pronoun in one gender shall be considered all-inclusive, unless the context clearly indicates otherwise.
- D. The business transacted by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey, has increased greatly in recent years, in both volume and complexity; and the Borough of Eatontown, because of its continued and expected future growth, should coordinate the activities of the various departments for their more efficient and economical operation.
- E. The residents and taxpayers of the Borough of Eatontown 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 Administrator in order to assist the Borough Council and its members in the continued efficient operation of the Borough.

19-2. Appointment.

- A. The Administrator shall be appointed by the Mayor with the advice and consent of the Borough Council pursuant to law. 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 Eatontown. He or she 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 or her executive, administrative and technical qualifications with special reference to education and experience in local government. He or she 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. The Administrator shall not engage in any outside activities that, in the judgement of the governing body, interfere with or conflict with his full-time service to Eatontown.
- F. At the time of his appointment and during the term thereof, the Administrator need not be a resident of the Borough.
- G. The Administrator shall devote full time to the position.

19-3. Powers and duties.

- A. The executive responsibilities of the Borough are hereby delegated to the Business Administrator pursuant to NJSA 40A: 60-7(a).
- 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, vendors, 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. The Administrator shall oversee any volunteer organization or other organization established by the Borough and shall ensure that they operate in compliance with Borough ordinances and policies and State statutes. The Administrator shall, in coordination with the governing body, oversee the Borough's economic development and redevelopment efforts. The Administrator shall be kept informed and advised by tax officials and counsel of the Borough's handling of all tax appeals and shall have the right to make recommendations to the Borough Council regarding same.
- D. With the exception of the Borough Attorney and the Auditor, all legal counsel and other professionals retained by the Borough shall work at the direction of the Business Administrator and the Borough Council, when it acts as a body, and shall not render advice or services unless approved by the Business Administrator or the Borough Council acting as a body, or approved by a person, persons, or committee officially authorized by the Business Administrator or the Borough Council acting as a body to obtain said advice or services. Only the Business Administrator or Borough Council may authorize individual elected officials or committees of the governing body to engage professionals for advice or any other billable service.
- E. 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 the Mayor and 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 their employment shall have the right of appeal to a committee established by the Borough Council to hear such appeals, provided they have given written notice of same to the Council within ten calendar days of the Administrator's decision, except that disciplinary actions that do not involve a loss in pay equal in amount to ten days pay or termination of employment, such as reprimands or suspensions of less than ten days, are not subject to such appeal. The governing body shall be copied by the Administrator on any disciplinary action taken by, or as decided by

under labor contract procedures, involving loss of pay equal to more than ten days pay, or termination. The appointment authority of the Administrator shall also apply to temporary or acting capacity appointments to fill vacancies when they occur, subject to the aforesaid restrictions.

- F. The Administrator shall advise the governing body, in writing, of any and all new hires that do not require Council approval at least one week before such a hire becomes effective.
- G. 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 governing body has acted as a body by formal resolution or ordinance.
- H. 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.
- I. The Administrator shall have the authority to negotiate and execute all contracts on behalf of the Borough, subject to available appropriations and to approval by the Borough Council, and shall be responsible to ensure compliance with the Local Public Contracts Law of New Jersey and by applicable regulations issued by the State 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. The governing body shall be kept advised of, and approve, the payment of all bills via a bill list to be submitted to them at a public Council Meeting, at which they may approve by resolution of the Council the payment of bills, or hold for further questions or investigation any bill which may be a matter of concern to them.
- J. The Administrator shall be responsible for the upkeep and maintenance of all facilities, buildings, and properties owned, leased, or managed by the Borough, within available appropriations, and for the scheduling of the use of same, which responsibility he or she may delegate to other Borough officials or staff. He or she shall assign office space, furniture, telephone, computer and similar facilities, and other Borough resources among and within departments and offices.
- K. 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.
- L. The Administrator shall attend workshop, special and regular meetings of the Borough Council. He shall regularly keep the governing body 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.
- M. The Administrator shall prepare agenda for and arrange meetings of the Borough Council, and implement actions of the governing body by correspondence, review of minutes, personal conferences and administrative directions.
- N. The Administrator shall study the governmental and administrative operations and the needs of the Borough government as he or she 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 governing body and shall become Borough organizational policy unless specifically amended or rescinded by the governing body.

- O. 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, except that this right and authority shall not apply to investigations of conduct or performance that are pre-empted by State law or regulation, such as Internal Affairs investigations of the Police Department.
- P. The Administrator shall be the "appropriate authority" over the Police Department pursuant to 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 governing body shall be provided a copy of said rules and regulations and shall be kept advised by the Administrator of any actions taken by him or her in fulfilling this role. In the event that the Business Administrator is a former Police Officer, then and in that event a committee consisting of the Mayor, the Council President, and the Business Administrator shall be the "appropriate authority" and shall make all decisions by majority vote of the committee.
- Q. 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 or she shall explore, implement, and oversee, where appropriate and beneficial to the Borough, shared services agreements with other governmental units or entities.
- R. The Administrator shall perform such other duties as may be specifically assigned by resolution or ordinance adopted by the governing body.

19-4. Cooperation with Council Committees.

- A. The Administrator shall cooperate with the work of Council committees and Council-appointed liaison committees and shall review and consider the recommendations of said committees and advise the governing body as a whole regarding said recommendations. The Administrator shall implement said recommendations when and as so directed by the governing body acting as a body, within available appropriations. When requested to do so, the Administrator shall make a staff representative from the appropriate department available to attend meetings of these committees. The Administrator shall facilitate the ability of Council liaisons to communicate with the department head or heads of the department(s) they have been assigned to.

19-5. Limitation on duties and responsibilities.

- A. 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.

SHORT TITLE

This ordinance shall be known and may be cited as "the Business Administrator Ordinance."

SEVERABILITY CLAUSE

- A. 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.

REPEAL OF INCONSISTENCIES

- A. Chapter 48 and all ordinances or parts of ordinances or resolutions inconsistent with the provisions of this ordinance, are hereby repealed to the extent of their inconsistencies. Specific reference is hereby made to Chapter 18 of the Borough Code, which is hereby repealed as to all inconsistencies or conflicts with this ordinance.

EFFECTIVE DATE

A. This ordinance shall take effect immediately upon publication and final passage pursuant to law.

DATE INTRODUCED: March 13, 2019

DATE ADOPTED: April 10, 2019

APPROVED:



ANTHONY TALERICO, JR., MAYOR

4-11-2019

ATTEST:



JULIE MARTIN, MUNICIPAL CLERK

Date: 4-11-2019