

NOTICE OF PENDING ORDINANCE

ORDINANCE NO. 10-1288

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey, held on January 5, 2010. This Ordinance will be further considered for adoption, after the public hearing is held thereon, at a meeting of the Borough Council to be held on Tuesday, January 19, 2010, in the Municipal Center, 556 Tinton Avenue, Tinton Falls, NJ beginning at 7:30 o'clock P.M. During the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available in the Clerk's Office to the members of the general public who shall request the same.

KAREN MOUNT-TAYLOR, RMC, CMC

ORDINANCE IMPLEMENTING THE CITIZEN SERVICE ACT

WHEREAS, on October 19, 2009, the Citizen Service Act ("the Act") was signed into law (P.L. 2009, c.141), which empowers municipalities to establish strict absentee policies for members of authorities, boards and commissions established by the municipality in order to better enable these entities to function; and

WHEREAS, the Act requires municipal clerks to compile and maintain a roster of its local authorities, boards and commissions in order to provide more easily accessible information for residents interested in serving their municipality; and

WHEREAS, the Act provides for a model one-page "Citizen Leadership Form" to be provided by the Borough Clerk to any person interested in serving on a municipal authority, board or commission, which statutorily protects their home address, phone number and email address from public disclosure under OPRA; and

WHEREAS, the Act allows municipalities to determine, by ordinance, when a position becomes vacant due to unexcused absences, within statutory limits; and

WHEREAS, an appointment to a Borough authority, board or commission could only be deemed vacant after a required period of unexcused absences, which a majority of applicable body may excuse for good cause; and

WHEREAS, the Borough Council of the Borough of Tinton Falls believes it is in the best interests of the taxpayers of the Borough to foster the openness of government and provide citizens with information and opportunities to serve on the various appointed municipal positions that exist within the Borough of Tinton Falls.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth State of New Jersey, that the Revised General Ordinances of the Borough of Tinton Falls be amended or supplemented accordingly to include the following:

SECTION 1 - DEFINITIONS

The following terms as used in this ordinance shall have the meaning set forth below unless the context within which the term is used clearly provides for a different meaning:

APPOINTING AUTHORITY - The official or body that by virtue of statutory law or by ordinance or resolution is given the authority to appoint a person to hold a particular appointed municipal position.

APPOINTED MUNICIPAL POSITION - Any appointed position within the Borough, which is created either by statutory law or by ordinance or resolution. Examples of such positions are a member of any board, commission, agency, council or committee of the municipality.

SECTION 2 - REGISTRY OF APPOINTED MUNICIPAL POSITIONS

The Borough Clerk shall cause a Register of Appointed Municipal Positions to be prepared and maintained in conformance with N.J.S.A. 40A:9-9.2a. Such Register shall be made available on the Borough's website and at the Borough Clerk's Office.

SECTION 3 - CITIZEN LEADERSHIP FORM

The Borough Clerk shall maintain an application form to be completed by any eligible person interested in serving in an Appointed Municipal Position in conformance with the provisions of N.J.S.A. 40A:9-9.2b(2).

SECTION 4 - MAINTAINING CITIZEN LEADERSHIP FORMS

The Borough Clerk shall maintain all filed Citizen Leadership Forms in a file, binder, or accessible electronic format segregated for each authority, board or commission for a period not to exceed three (3) years, or pursuant to applicable records retention statutes and regulations.

SECTION 5 - VACANCY BY UNEXCUSED ABSENCE

- a. A vacancy shall be determined to exist on any Borough board, committee, commission, authority or other applicable municipal agency, whenever a member, without being excused by a majority of the authorized members of such body, fails to attend and participate at meetings of such body for a period of six (6) consecutive weeks, or for three (3) consecutive regular meetings, whichever shall be of longer duration.
- b. The applicable body upon which such a vacancy has been determined to have occurred shall notify the Appointing Authority in writing of such determination; provided, however, that such vacancy is not due to a legitimate illness.
- c. Whenever a vacancy shall be deemed to have occurred pursuant to the reasons set forth under N.J.S.A. 40A:9-12.1 or pursuant to the terms of this ordinance, the Appointing Authority shall forthwith fill the office for the unexpired term in the manner prescribed by law, ordinance or resolution.

SECTION 6 - REPEALER

All ordinances, or parts thereof, deemed to be inconsistent herewith are hereby repealed.

SECTION 7 - SEVERABILITY

If any sentence, paragraph or section of this ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this ordinance.

SECTION 8 - EFFECTIVE DATE

This ordinance shall become effective on July 1, 2010.