

NOTICE OF PENDING ORDINANCE

ORDINANCE NO. 10-1295

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 May 4, 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, May 18, 2010, located in the Municipal Building, 556 Tinton Avenue, Tinton Falls, New Jersey, 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

AN ORDINANCE ESTABLISHING THE TINTON FALLS BOROUGH MUNICIPAL ELECTIONS ON THE SAME DAY AS NOVEMBER GENERAL ELECTIONS HELD AND EXTENDING THE TERMS OF OFFICE FOR THE EXISTING MAYOR AND COUNCIL MEMBERS PURSUANT TO LAW

WHEREAS, since July 1, 1985, the Borough of Tinton Falls has operated under the non-partisan Mayor-Council Plan of the Optional Municipal Charter Law (N.J.S.A. 40:69A-31 et seq.) as adopted by the voters of the Borough on November 6, 1984; and

WHEREAS, non-partisan municipal elections were required to be conducted on the second Tuesday in May pursuant to the Uniform Nonpartisan Elections Law (N.J.S.A. 40:45-1 et seq.); and

WHEREAS, on January 14, 2010, Acting Governor Steven Sweeney signed P.L. 2009, c.196 into law to permit municipalities to adopt an ordinance to change the time of non-partisan elections to correspond with the November general elections; and

WHEREAS, P.L. 2009, c. 196 requires that the "term of any person in office on the date of the adoption of such an ordinance shall be extended until the beginning of the term of the person elected to that office on the day of the general election in November";

WHEREAS, the Borough Council of Tinton Falls believes that such a measure would result in substantial savings by eliminating separate and costly elections, while generating larger voter participation in municipal elections and aligning the terms of professional and other contracts with the Borough's fiscal year.

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 are hereby amended and supplemented as follows:

SECTION 1. Mayoral Election; Term of Office.

Pursuant to N.J.S.A. 40:45-7.1, the Mayor shall be elected by the voters of the Borough in a non-partisan election to be held at the time of the November general election and shall serve for a term of four years, beginning on January 1 following such election. Accordingly, the term of the Mayor holding office at the time of the adoption of this ordinance shall be extended until December 31 beyond the expiration date of the Mayor's present term.

SECTION 2. Borough Council Election; Terms of Office.

Pursuant to N.J.S.A. 40:45-7.1, the Borough Council shall consist of five members, elected at-large by the voters of the Borough at the regular non-partisan municipal election to be held at the time of the November general election. The terms of the members of the Council shall be four years, beginning January 1 following such election. Accordingly, the terms of the Council members holding office at the time of the adoption of this ordinance shall be extended until December 31 beyond the expiration of their present term of office.

SECTION 3. Repealer.

Any ordinances, or portions thereof, which are inconsistent with the provisions of this ordinance shall and are hereby repealed to the extent of any such inconsistency.

SECTION 4. Severability.

The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited to its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

SECTION 5. Effective Date.

This Ordinance shall be enacted twenty (20) days after action or inaction by the Mayor as approved by law or an override of a mayoral veto by the Council, whichever is applicable; and upon publication according to law, to be effective on January 1, 2011, as provided by P.L. 2009, c. 196.

