



BOROUGH OF ROSELLE PARK
COUNTY OF UNION
STATE OF NEW JERSEY

NEWLY ELECTED OFFICIALS HANDBOOK

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PREAMBLE

Introduction:

This guide is established as a “How to do...” and “What to know...” for new, or even experienced members of the governing body. Elected officials are not expected to be an expert in all matters of municipal government. This can be hard to understand especially as most are expected, almost immediately, to make final and often important decisions on behalf of the thousands of constituents. This guide is intended to provide a working understanding of the array of information needed to represent and serve the municipality.

Many areas of Municipal Government in New Jersey are governed by State Laws, or statutes, that are subject to period modifications by the Legislature. Additionally, the State Department and agencies from time to time promulgate or review regulations affect local government.

Among the State Departments that frequently have an impact on local affairs are the Department of Community Affairs (DCA), the Department of Environmental Protection (DEP), and the Department of Transportation (DOT).

The Division of Local Government Services (DLGS) or “The Division” in the Department of Community Affairs is charged with overseeing many local government functions, most notably finance, budgeting and terms and qualifications for certain offices.

The State, the New Jersey State League of Municipalities and Local Government Office work continuously to keep elected officials advised of changes in statute and regulation as they occur.

Foreword:

The New Jersey State League of Municipalities represents the interests of municipalities to the State government and disseminates to its member communities information of interest to local officials. The League publishes a magazine (available electronically and in hard-copy) entitled *New Jersey Municipalities* which reports up-to-the-minute information on municipal administration and procedures by practical examples, news notes and new laws. In addition to the magazine, other League services include: Bureau of Municipal Information; Classified Advertisements; Ordinances and Codes; Research; Legislative Analysis; Legislative Bulletins; New Laws; Contracts, In-Service training; Personal Consultation; Instructional Seminars and Research Publications.

The League offers new officials periodic comprehensive courses on the powers, responsibilities and limitations of local government.

For further guidance on specific matters, officials should turn to their local expert advisors: the Municipal Attorney for interpretation of laws; the Clerk, whose office records and length of experience can constitute an important resource for local government.

The League website www.njslom.com is an enormous resource for every elected and appointed official.

THE BASICS

Acronyms:

There are many acronyms used in both local and State government that are useful for elected officials to know. Some of the most utilized one are outlined below:

ABC	Alcoholic Beverage Control
AGO	Attorney General's Opinion
BOE	Board of Education
BPU	Board of Public Utilities
CAO	Chief Administrative Officer
CDBG	Community Development Block Grant
CEU	Continuing Education Unit
CFO	Chief Financial Officer
CMFO	Certified Municipal Finance Officer
CMC	Certified Municipal Clerk
COAH	Council on Affordable Housing
CY	Calendar Year
DCA	Department of Community Affairs
DLGS	Division of Local Government Services
FY	Fiscal Year
GRC	Government Records Council
IPMC	International Property Maintenance Code
LGCCC	Legalized Games of Chance Control Commission
LOSAP	Length of Service Awards Program
LPCL	Local Public Contracts Law
MLUL	Municipal Land Use Law
N.J.A.C.	N.J. Administrative Code
NJDOT	N.J. Department of Transportation
N.J.S.A.	N.J. Statutes Annotated
OPMA	Open Public Meetings Act
OPRA	Open Public Records Act
OSHA	Occupational Safety & Health Administration
PAL	Peer Alliance for Learning
PERC	Public Employment Relations Commission
PERS	Public Employees' Retirement System
PFRS	Police & Firemen's Retirement System
P.L.	Public Law
QPA	Qualified Purchasing Agent
RFP	Request for Proposal
RMC	Registered Municipal Clerk
RTK	Right to Know
SFY	State Fiscal Year
UCC	Uniform Construction Code

WHO'S WHO IN LOCAL GOVERNMENT: PERSONNEL

Certified Municipal Officials

The State of New Jersey has mandated certain municipal posts be filled by staff holding appropriate certifications, achieved through State-supervised courses of study and qualifying examinations. State law fixes the terms of appointment for many such officers and provides tenure of office for some.

Following is a list of the names of, and positions held by local officials in the Borough of Roselle Park. Not all of them necessarily work fulltime. Some of them may now be or may later become tenured in office.

Position	Name	Phone Number & E-Mail Address
Municipal Clerk	Andrew J. Casais, RMC	908-245-6222 acasais@rosellepark.net
Chief Financial Officer	Kenneth P. Blum, Jr., CMFO	908-245-0819 kblum@rosellepark.net
Construction Official	Frank Genova	908-245-2721 fegenova@rosellepark.net
Superintendent of Public Works _____		908-245-7676 _____@rosellepark.net
Tax Collector	M. Dina Pereira, CTC	908-245-0819 dpereira@rosellepark.net
Tax Assessor	Gail Scaglione, CTA	908-245-2540 taxassessor@rosellepark.net

Public Safety

The Borough of Roselle Park has four (4) main Departments of public safety, including: The Roselle Park Police Department, the Roselle Park Office of Emergency Management (OEM), the Roselle Park Fire Department, and Emergency Medical Services (EMS).

The Police Chief serves as the head of the Police Department as well as the head of the Office of Emergency Management. The Fire Chief serves as the head of the Fire Department. Currently, the Borough of Roselle Park has a shared service agreement with the County of Union for around the clock borough-wide EMS coverage. The head of Union County EMS is the Director of the Union County Division of Emergency Services.

The points of contact for each of the public safety departments are as follows:

Position	Name	Phone Number & E-Mail Address
Police Chief/ OEM Coordinator	Paul W. Morrison	908-245-2300 pmorrison@roselleparkpd.org
Fire Chief	Joseph Signorello, Jr.	908-721-6488 jsignorello@rosellepark.net
Director of U.C. Division of Emergency Services	Christopher Scaturo	908-654-9881 cscaturo@ucnj.org

General Personnel Provisions:

Local Ordinances (laws) and other regulations may also govern personnel practice. In addition to the Borough Code, the Borough has a Personnel Policies and Procedures Manual, individual employment agreements for management employees, as well as Collective Bargaining Agreements for unionized employees.

The organized Collective Bargaining Units that cover many Borough employees are as follows:

- 1. The Clerical Bargaining Unit
- 2. Dispatchers Bargaining Unit
- 3. Public Works Bargaining Unit
- 4. Police Benevolent Association
- 5. Police Superior Officers Associations

The Borough of Roselle Park also recognizes the following as a group for the purpose of negotiations:

- 1. School Crossing Guard Group

Staff Compensation:

Compensation, whether arrived at by union negotiations or unilaterally fixed by the governing body, is authorized by the Salary Ordinance adopted by the governing body. The Salary Ordinance fixes ranges for each position.

Except for the Registered Municipal Accountant (Auditor), who is always an independent consultant, the following qualified professionals may work in either a staff or contracted capacity as a vendor. The Borough of Roselle Park mainly utilizes these positions in a contracted capacity with a Professional Service Vendor. The names and employment status of this municipality’s current advisors are given below:

Service (Position)	Name / Firm	Status	Term of Office
Borough Attorney	Triarsi, Betancourt, Wukovits & Dugan, LLC	Vendor	1 Year
Borough Prosecutor	Richard D. Huxford, Esq.	Vendor	1 Year
Public Defender	Fruchter, Weiss & Associates	Vendor	1 Year
Auditor	Samuel Klein and Company	Vendor	1 Year
Bond Attorney	Gibbons, P.C.	Vendor	1 Year
COAH Attorney	Jeffrey R. Surenian and Associates, LLC	Vendor	1 Year
Labor Attorney	Cleary, Giacobbi, Alfieri, Jacobs LLC	Vendor	1 Year
Redevelopment Atty.	Savo Schalk, Gillespie, O'Grodnick & Fisher, P.A.	Vendor	1 Year
Risk Manager & Broker	Business & Governmental Insurance Agency	Vendor	1 Year
Tax Appeal Attorney	Palumbo Renaud & DeAppolonio, LLC	Vendor	1 Year
Engineer	Neglia Engineering Associates	Vendor	3 Year

Uncertified Staff:

Even uncertified and/or unlicensed positions may be affected by such forces outside local control as new State statutes, union contracts, and Civil Service regulations. Any of these may prevent local elected officials from freely altering terms and conditions of employment of municipal staff.

TYPES AND FORMS OF NEW JERSEY MUNICIPAL GOVERNMENT

Type: All 565 New Jersey municipalities, regardless of type, can be classified as belonging to one of five types of municipal government:

- 1) Borough
- 2) Township
- 3) City
- 4) Town
- 5) Village

All 565 New Jersey municipalities, regardless of type, can be classified under one of the 12 forms of government:

- 1) City
- 2) Borough
- 3) Township
- 4) Town
- 5) Village
- 6) Commission
- 7) Special Charter
- 8) Municipal Manager
- 9) OMCL -Mayor-Council-Administrator
- 10) OMCL – Mayor-Council (Strong Mayor)
- 11) OMCL – Council Manager Plan
- 12) OMCL – Small Municipalities Plan

Note: OMCL stands for “Optional Municipal Charter Law”

The first five forms are associated with a particular type of municipality. Each of these five types has a unique form of government historically associated with it. The next seven forms are “optional” forms of government available for adoption, with the exception of Optional Municipal Charter Law “OMCL” Small Municipality Plan (*which is available only to municipalities with a population of under 12,000*).

The Borough of Roselle Park is a Borough Form of Government. Roselle Park is somewhat unique in that the Borough form of government utilized is grandfathered by the State of New Jersey, with only one other municipality having the exact same form of government (the Borough of Roselle).

The Borough Form of government (N.J.S.A. 40A:60-1) remains the single most popular form of local government in New Jersey. This form dates back to the Borough Act of 1878 and was revised in 1987 and by the Borough Act of 1987. The typical Borough form has a Mayor elected at-large to a four-year term and six council members elected at-large to staggered three-year terms.

However, as noted above, Roselle Park’s form of government is somewhat unique, and of a modified Borough form. To this point, Roselle Park elects a Mayor at-large to a four-year term, and six council members; one council member is elected at-large, and the remaining five are elected from Wards, all for three-year staggered terms.

The Borough form is often referred to as a “weak mayor-strong council” form. The mayor retains all general law authority, presides over council meetings and can vote in the case of a tie. The mayor appoints, with the advice and consent of council, all subordinate officers of the municipality. The council is the legislative body of the Borough. All executive responsibilities not placed in the office of the Mayor by general law or the Borough law, remain with the council.

Like the other traditional forms, a Borough may appoint an administrator and delegate all or a portion of the executive responsibilities to him/her. The council may also adopt an administrative code, prescribing how the council shall perform its duties. As of 2006, 218 New Jersey municipalities operate under this form.

Roselle Park Summary

Type of Municipality:	Borough
Form of Government:	Borough (grandfathered with Wards)
Elected Officials:	Mayor – 4 Year Term Council – 3 Year Staggered Terms (1 member at-large, 5 from Wards)

MEETINGS

By law, with only a few permissible exceptions, meeting of public bodies must be open to the public at all times. N.J.S.A. 10:4-6, New Jersey's Open Public Meetings Act, known as "The Sunshine Law", is designed to ensure that decision-making government bodies in the state conduct their businesses in public except in specific circumstances where exclusion of the public is needed to protect the privacy of individuals, the safety of the public or the effectiveness of government in such areas as negotiations or investigations.

In general, gatherings of enough members to constitute a quorum of a governing body or any other public board or commission are prohibited when no public notice has been given. Some exceptions are allowed for events that clearly constitute purely social gatherings and for political party meetings.

Meetings of the governing body, as it relates to order and procedure, are governed by the By-Laws of the Mayor and Council of the Borough of Roselle Park. These By-Laws may be periodically amended at the discretion of the governing body as a whole, and are on file in the Office of the Borough Clerk.

Regular Meetings:

Annual public notices set forth the dates, times and location of all regularly scheduled meetings of a public body for the ensuing year.

Although additional meetings may be scheduled and meeting dates or places may be changed if necessary, State law requires public notice to at least two newspapers, at least 48 hours in advance, giving the date, place and time of any meeting of a public body, or any changes in such meetings.

Special Meetings:

At times, a governing body must take prompt action on a specific matter. This can be done at a Special Meeting called for this specific purpose.

With exceptions for properly declared emergencies, notice of Special Meetings must be given at least 48 hours in advance, and must specify the items to be considered at the Special Meeting to the extent known.

Closed or "Executive" Sessions

The law sets forth a handful of reasons that are legally valid for barring the public from a meeting of the governing body. When a governing body moves to go into closed session, it is usually for deliberating on one of the following permissible matters:

- Negotiation of terms of a collective bargaining agreement
- Pending or anticipated litigation in which the governing body is or may become involved
- Matters falling within the attorney-client privilege if the attorney deems confidentiality required to exercise his ethical duty as a lawyer
- Personnel matters involving employment, appointment, termination, performance, promotion or discipline, provided specifically affected employees have received proper notice (Rice Notice) and have not asked for discussion in an open public meeting.

The governing body members should consult with their Municipal Attorney for advice on specific applications of the Sunshine Law and the requirements of Closed / "Executive" Session.

A Resolution authorizing Closed / "Executive" Session must be adopted by the governing body before it can proceed to exclude members of the general public. A sample Resolution used by the Borough of Roselle Park can be found, on the following page...

RESOLUTION – CLOSED SESSION

WHEREAS, the Mayor and Council of the Borough of Roselle Park wish to discuss matters which are described in the New Jersey Open Public Meeting Act “Sunshine Law” N.J.S.A. 10:4-12; and

WHEREAS, the matters to be discussed include the following:

WHEREAS, the time when the circumstances under which the items discussed in closed session can be disclosed to the public are at a future time.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park adjourn the open portion of the meeting and open a closed portion of the meeting to discuss the above item(s).

Meeting Agendas:

An agenda sets forth the orders of the day, including what is to be considered and discussed by the governing body. Every meeting must have an agenda. Each agenda is created by the governing body with assistance and support of Borough professionals. The agenda is organized by the Clerk and kept as a permanent, public record.

Note: The Borough of Roselle Park has an established procedure and understanding that the deadline for agenda items is the close of Borough business on the Monday prior to a Regular Meeting (Thursday). There are some exceptions to this that are important to know and understand:

The final deadline for agenda items is subject to adjustment for the following matters:

- (1) Matters that are of an immediate or overriding financial nature
- (2) Matters that if not considered immediately would risk the Borough’s receipt of grant funds
- (3) Matters that are of an immediate concern to the public’s health, safety, and welfare

Reorganization Meeting & Oath of Office:

The first meeting of the year of any local governing body is often called the “Reorganization Meeting” and is held pursuant to the provisions set by State Statute N.J.S.A. 40:45A-1. The Reorganization Meeting is held at 12:00 p.m. (Noon) on January 1st, or at some other hour on any day during the first week in January.

The following are examples of items of business conducted at the Reorganization Meeting:

- a. Appointment of Council President, Municipal Attorney and other Municipal Officials whose terms of office have expired.
- b. Appointments to expired or vacated terms on all municipal boards, commissions and committees;
- c. Adoption of rules for the conduct of meetings (Roberts Rules of Order);
- d. Adoption of annual meeting calendar;
- e. Establishment of depositories for municipal funds.

In addition to the above referenced items, the oath of office is administered to officials elected in the preceding General Election held in November. Before assuming office, every person elected or appointed shall take and subscribe to an oath of office. All oaths must be administered by the Municipal Clerk (or other official as permitted by law) and filed with the office of the Municipal Clerk.

Parliamentary Procedure & Voting:

Parliamentary procedures are the rules and regulations utilized to conduct the business of each meeting of the governing body. Robert's Rules of Order are the general rules that govern procedure during meetings of the governing body. Some common procedures are as follows:

A. Motions

Motions are made by a member of the governing body to initiate an action of the whole. Most motions require a sufficient second by a member of the governing body, other than who made the motion, to be considered by the governing body.

→ Example:

Councilperson A: “Mayor, I make a motion to approve the minutes.”

Councilperson B: “Second.”

The structure of parliamentary procedure provides for several different kinds of motions and a ranking structure. Motions of a high rank take precedence over motion of a lower rank. The different motions and their ranking(s) are as follows:

1. **PRIVILEGED MOTIONS** – These motions do not relate to pending business, but instead to matters of immediate and overriding importance which, without debate, should be allowed to interrupt the consideration of anything else.

Examples: Fix time to which to adjourn (Set time for next meeting)

Adjourn

Recess

Question of Privilege

Orders of the day

2. MAIN MOTIONS - Proposals to commit the organization to action. It is a motion that stands alone and does not apply to another motion. There can be only one main motion on the floor at a time.
3. SUBSIDIARY MOTIONS - Change the wording, controls the discussion or disposes of a main motion without accepting or rejecting it.

Examples: Lay on the table
End debate
Limit or extend debate
Postpone to a definite time
Refer to committee
Amend
Postpone indefinitely

Beyond the three (3) primary categories of motions, there are two (2) other categories that stand to be utilized in conjunction or as a supplement to the others. They are as follows:

INCIDENTAL MOTIONS - Questions of procedure arising out of another pending motion or another motion or item of business.

Example(s): Division of Question
Division of the assembly
Withdraw or modify a motion
Object to consideration
Point of order
Parliamentary inquiry
Point of information
Appeal from decision of the Chair
Suspend a rule

SPECIAL MOTIONS - Motions to reopen matters previously voted upon.

Example(s): Take from the table
Rescind, repeal or annul/amend something previously adopted
Reconsider – Note: Can only be offered by a member who voted on the prevailing side. A second is required and may be made by any member.

B. Voting

There are several ways a governing body may vote on a motion. Some of the most common methods of voting are as follows:

1. Voice Vote

Also known as a “Vote of Acclamation,” and often used for routine non-controversial issues unless otherwise desired by a member of the body.

2. Roll Call

A vote in which the name of each member of the body is called by the Clerk individually for them to cast their vote. Each member is called alphabetically by last name, except the Chairperson who shall always be called last if applicable.

Note: The Borough of Roselle Park has established a procedure where members are called by seniority except for the Mayor, only voting in the event of a tie, who is called last. In the event two or more members are equally senior to the body, the determination of voting order amongst them shall be set by numerical ward with the at-large councilmember (if applicable) voting last.

3. Standing Vote / Show of Hands

A vote where members of the body are asked to raise or lower their hands, or, in the alternative, sit or stand when asked to respond to the vote on a motion.

4. Ballot Vote

Used sparingly in local government, but includes the use of paper or electronic balloting amongst the body's membership to determine the approval or disapproval of a motion.

5. Rule of Consent or Unanimous Consent

Used somewhat sparingly in local government, but is when the Chairperson deems the motion and the action referenced therein approved and ordered without an actual vote of the body. In this situation, it is incumbent on a matter of the body who objects to the motion's approval to voice their objection and request a vote in one of the designated forms.

Appropriate responses to a call for a vote are as follows:

“Aye” or “Yes” – This means the member consents, endorses, and agrees with the motion and the actions taken therein.

“Nay” or “No” – This means the member does *not* consent, endorse, or agree with the motion and the actions taken therein.

“Abstain” or “Present” – This means that the member chooses not to vote on the motion. This response is not counted toward the general tally, but is noted in the meeting minutes.

The passage or failure of a motion is only determined based on the tally of affirmative votes versus the tally of negative votes.

After voting has concluded the vote must be formally announced and is at that point finalized.

➔ Example of Voice Vote Procedure:

Councilperson A: “Mayor, I make a motion to approve the minutes.”

Councilperson B: “Second.”

Mayor: “There is a motion and a second; is there any discussion? Hearing none, all those in favor say ‘aye’.”

All Borough Council: “Aye”

Mayor: “All those opposed please say ‘nay’.”

Mayor: “All in the affirmative, the motion carries.”

➔ Example of Roll-Call Vote Procedure:

Councilperson A: "Mayor, I make a motion to approve the minutes."

Councilperson B: "Second."

Mayor: "There is a motion and a second; is there any discussion? Hearing none, Mr. Clerk please call the roll."

Clerk: "Councilperson A...B...C...D...E...F..."

Councilperson A-F: "Aye...Aye...Aye...Aye...Aye...Aye..."

Clerk: "Six votes in the affirmative, Mayor."

Mayor: "The motion carries."

COMMITTEES

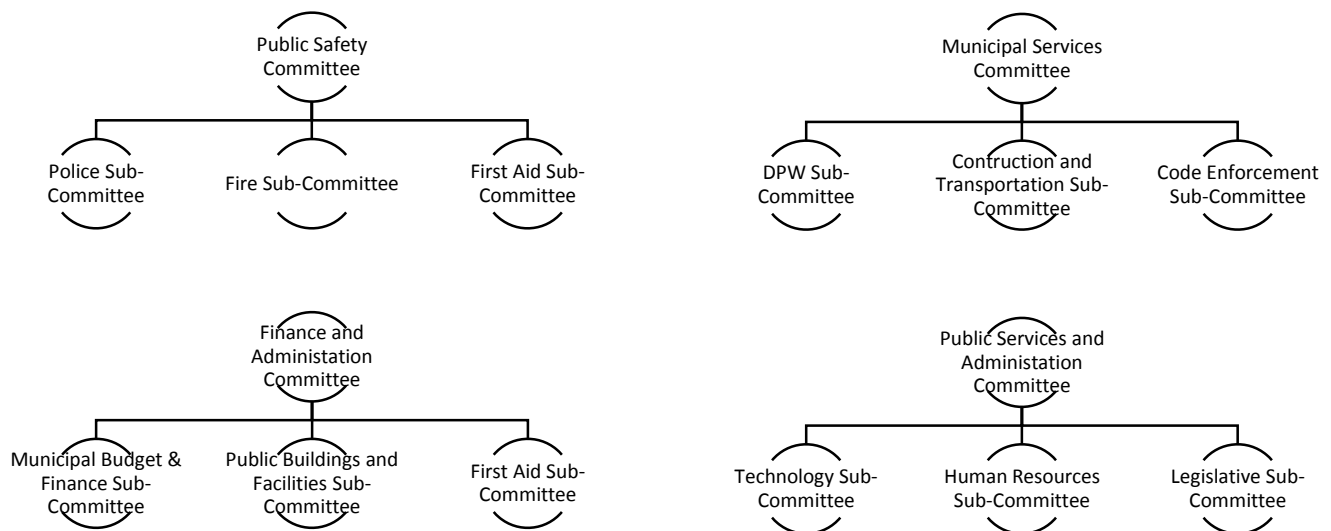
The vast amount of committee appointments are made at the annual Reorganization Meeting of the governing body. However, it is important to understand that all committees are not the same. The Borough of Roselle Park has a variety of “citizen committees” that are in place to encourage public participation in government. This also assists the governing body gain insight, in an organized manner, on specialized matters. Citizen committees within the Borough of Roselle Park include the: Arts Committee, Diversity Committee, Community Center Committee, and Recreation Committee among others.

In contrast to citizen committees as described above, the Mayor, and in some cases the governing body as a whole, assigns duties to individual members of the governing body. There are three (3) main types of committee assignments that a member of the Roselle Park may experience during their tenure: serving on a Committee of Council/Standing Committee, serving as a “liaison” to a group or citizen committee, and serving on a special/ad-hoc committee.

Committees of Council

The operation and function of Committees of Council, sometimes referred to as “Standing Committees” are set forth in the By-Laws of Mayor and Council. There are four (4) of such committees assigned amongst the members of the Roselle Park governing body, including: Public Safety, Municipal Services, Finance and Administration, and Public Services and Administration. Assignments to Committees of Council are solely made by the Mayor.

Each Committee of Council is made up of three (3) subcommittees. The Chairman of each sub-committee is sometimes informally referred to as a “liaison” or “commissioner.” All subcommittees report to the Committee as a whole, and then to Mayor and Council as a whole. The structure of such committees are illustrated below:



Liaisons

Liaison assignments are made by the Mayor with or without the advice and consent of the Council (depending on the position). Liaison positions are sometimes codified, but are sometimes simply appointed and used as a matter of past or continuing practice. All Liaisons are utilized by the governing body as a messenger on important matters to and from the group.

Examples of Liaison appointments include: Board of Education Liaison, Arts Committee Council Representative, Diversity Committee Council Representative, Community Center Liaison, Clean Communities Liaison, among others.

Ad-Hoc Committees

Ad-Hoc Committees, sometimes referred to as Special Committees, are those which are organized and informally appointed by the governing body. Usually as a matter of unanimous consent, these committees are designed to review particular matters. Such a committee may include up to three (3) members of the governing body and Borough professionals as deemed appropriate and necessary.

These Committees meet their objective by reviewing particular matters and reporting back to the governing body for final action. An Ad-Hoc Committee is disbanded once the initiating matter is reviewed and resolved.

LEGISLATION

As an elected official in the State of New Jersey one of one's main responsibility is making local law and policy. Local law is established mainly in three ways: (1) the adoption of a Resolution, (2) the adoption of an Ordinance. Or (3) the adoption of a Motion. While the effect is generally the same, there are some key differences that elected officials should be aware of.

Motions:

Actions that do not create municipal laws spend money or commit and funds may be taken by simple motion. Minutes can be approved by motion; municipal staff may be directed by motion to perform a task; the Chair may call for a motion to open or close a meeting to public comments and questions, or to adjourn. A typical motion is: "I move that we do/ authorize/ request/ direct such and such."

Resolutions:

A Resolution is any act or regulation of the Governing Body that is required to be reduced to writing, but which may be finally passed at the meeting at which it is introduced. Resolutions *do not* require legal publication prior to, or after adoption. Some resolutions require affirmation votes by two-thirds of the governing body for approval, rather than simple majority. Depending on the Municipal Attorney's advice, certain Resolutions may also need to be re-adopted in subsequent years to remain in effect.

Resolutions are appropriate for action involving appropriation, expenditure or commitment of funds, for example:

- Introducing and adopting the municipal budget
- Making emergency appropriations;
- Authorizing payment of bills;
- Fixing interest rates on past-due taxes;
- Refunding tax overpayment;
- Awarding contracts;
- Making transfers between appropriation accounts or reserves

Note: The practice of the Borough of Roselle Park is to number Resolutions in sequential order as determined by the Borough Clerk followed by the current year. For example, the first Resolution considered in the year 2017 was Resolution 1-2017. Resolutions are given an abbreviated title that are published on the final meeting agenda and kept in a running ledger of all Resolutions adopted in a given year.

Ordinances:

Generally, an Ordinance is any act or regulation of the Governing Body required to be reduced to writing and read at more than one meeting and published. Ordinances do not require legal publication prior to introduction, but do require legal publication, by title, after introduction, and before second reading and public hearing. Ordinances do further require that a notice of adoption be legally published should it be adopted by the governing body after the second reading and public hearing.

Ordinances, regulate traffic, authorize debt, fix annual salaries or salary ranges for municipal employees, establish zoning, create municipal positions and departments, govern construction of new buildings and regulate business licensing, among other functions. Once enacted, they usually remain permanently in effect unless and until a rescinding ordinance is enacted.

The following is the adoption procedure for general Ordinances:

- 1) Ordinance is written and sequenced by number.
- 2) Ordinance is read by title and read at an open public meeting. The Ordinance is assigned a public hearing date at least ten (10) days after first reading. The governing body votes on introduction of the Ordinance.
- 3) The Clerk arranges the Ordinance be published in a legal newspaper at least one (1) week prior to the scheduled public hearing date. The Clerk arranges that the Ordinance be posted in a prominent place in the Municipal Building, and to have copies made available for the public.
- 4) Upon meeting all legal prerequisites, the public hearing is held where all persons are given an opportunity to be heard concerning the Ordinance. No time limit may be imposed on individuals speaking during a public hearing on an Ordinance.
- 5) The governing body votes to take final action on the Ordinance. The governing body may vote to adopt, reject, or table/postpone the Ordinance for a vote at a later date.
- 6) When the Ordinance is adopted: The Clerk arranges a notice of final adoption be advertised in a legal newspaper.

Note: The practice of the Borough of Roselle Park is to number Ordinances in sequential order utilizing the next available number. For example, if the last Ordinance adopted was Ordinance 1000, the next Ordinance would be 1001.

PUBLIC RECORDS

Public records are, most generally, written / typed records that evidence the transaction of public business. The New Jersey Open Public Records Act (OPRA), compiled in N.J.S.A. 47:1A-1 et seq. and adjusted based on Case Law, governs the public's access to government records. It is important for elected officials to understand that their formal actions, written (e-mail, text message, etc...) conversations that involve government business are, generally and with certain exceptions, subject to disclosure pursuant to OPRA.

The New Jersey Government Records Council (GRC) is the regulatory body for matters relating directly with public records disclosure in the State of New Jersey. The GRC has published the document, *A Citizen's Guide to the Open Public Records Act*, which can be helpful for newly elected officials who seek to understand the scope and importance of public records, the management thereof, and how they are disclosed to or restricted from the public-at-large. In addition to the disclosure of public documents, each municipality is tasked with the maintenance and retention of these records.

The Borough Clerk is in the officer responsible for the dissemination and management of all public records. Both prior to and post-certification, the Borough Clerk receives extensive training as it relates to the proper procedures and protocols for the disclosure and keeping of records. Such training is essential as regulations often change due to the evolution of technology systems and Case Law adjudication.

MUNICIPAL FINANCE

Borrowing in General:

Municipalities may borrow either relatively long-term, to fund capital projects; or, if necessary, relatively short-term, to meet current expenses.

Bond Ordinances are adopted by governing bodies to authorize borrowing for capital projects with a minimum useful life of five years, such as construction of roads, sewers, and public buildings, or purchase of fire trucks and other items of heavy municipal equipment. Adopted by an affirmative vote of two-thirds of the entire governing body, bond ordinances must be supported by a Supplemental Debt Statement demonstrating that the proposed borrowing will not exceed the municipality's State-imposed debt limit.

Bond Anticipation Notes (B.A.N.'s) are short-term debt instruments. With maturities of one year or less, that allows municipalities to realize cash from bond ordinances while postponing the expense of a bond sale until interest rates are favorable or economies of scale can be achieved.

Bond Sales permanently finance municipal capital projects. Municipal bonds in a sale will mature and be paid off on a staggered basis over a period up to 20 years from the date of issue.

Tax Anticipation Notes (T.A.N.'s) are short-term debt instruments usually maturing in days or months, that permit the municipality to borrow to meet current expenditure needs for itself, the County and school system when tax collections lag behind expenses. Neither the county nor the school system is required to help pay the interest on such debt.

Local Finance Board

5:30-5.1 General Authority

- (a) This chapter shall apply to all government agencies subject to the authority of the Local Finance Board pursuant to the Local Budget Law (NJSA 40A:4-1 et seq.) or the Local Authorities Fiscal Control Act (NJSA 40A:5A-1 et seq.). For the purpose of this subchapter, such government agencies shall be referred to as local units.
- (b) Every governing body and chief executive office shall take reasonable steps as necessary so that all officials and employees responsible for the administration of public contracts are aware of and are able to comply with the requirements of the law and these rules.

Encumbrance Accounting

The state is serious about requiring balanced budgets for its municipalities. The State has required municipal accounting systems to "encumber," or earmark and set aside, the cost of each proposed purchase as soon as it is authorized. For this reason, most municipal purchasing procedures mandate prior approval from the Finance Office before an employee may order any goods or services.

Additionally, a formal "Certification of the Availability of Funds" is usually required from the Finance office for the protection of the governing body before it votes to authorize any expenditure, such as awarding a contract. Generally, the Municipal Clerk ensures that the Chief Financial Officer certifies the availability of funds for each Resolution where specific fund expenditures are authorized.

Purchasing

The Local Public Contracts Law (N.J.S.A. 40A:11) regulates municipal buying of goods and services. In general, the higher the expense, the more restrictive the purchasing procedures become. The State decrees that municipality must aggregate, or lump together, the cost of all similar goods or services brought or expected to be brought in a single year to determine which procedures and restriction apply.

Purchasing Categories:

With certain exceptions, all municipal purchasing falls into three cost-dependent financial categories. Although the dollar amounts governing the three categories are periodically adjusted, they are differentiated as follows:

1. Requisition: Used for contracts, good, or services that are less than fifteen percent (15%) of the bid threshold; or other amount lower than 15% as authorized by the contracting unit.
2. Quotes: Used for contracts below the bid threshold, but fifteen percent (15%) or more of that amount. The Borough of Roselle Park, however, has designated the lower amount of \$2,000.00,
3. Sealed Bids: Used for contracts above the bid threshold, and must be awarded by Resolution of the governing body. Certain exemptions to the solicitation of sealed bids are authorized by the State of New Jersey and Local Public Contracts Law, including: the cost of professional services (governed by State of New Jersey and Local Pay-to Play Regulations), election expenses, cost for preparation of tax maps, cost for printing of bonds, and cost of legal notices.

Bid Thresholds are adjusted every five (5) years by the Governor in consultation with the New Jersey Department of the Treasury. Pursuant to Statute, Thresholds vary depending on whether a municipality employs a Qualified Purchasing Agent (QPA). At this time, the Borough of Roselle Park does not employ a QPA.

Current Thresholds are as follows:

	With a QPA	Without a QPA	Borough of Roselle Park
Bid Threshold	\$ 40,000.00	\$ 17,500.00	\$ 17,500.00
Quote Threshold	\$ 6,000.00	\$ 2,625.00	\$ 2,000.00*
<i>* Reflects the Borough of Roselle Park's more restrictive Quote Threshold</i>			

Group Purchasing:

Two additional procedures also modify the requirements of the Local Public Contract Law:

1. "Joint Purchasing" by duly authorized inter-governmental groups, in which one member entity acts as "lead agency" to advertise and receive bids on behalf of all members of the group (sometimes referred to as "Cooperative Pricing").
2. Purchasing of items for which the State has awarded a contract that extends the bid price to other governmental entities (sometimes and more commonly referenced as using a "State Contract").

THE BUDGET

The Director of the Division of Local Government Services within the Department of Community Affairs (hereafter referred to as “Director”) and the policy-making Local Finance Board possess very broad powers over local government finance. The Local Budget Law [*N.J.S.A. 40A:4-1 et seq.*] deals with state regulation of local budget matters.

The primary purpose of the official budget is to provide an orderly system of financial control. It is the basis for limitations and controls on local government financial operations. New Jersey statutes mandate a “cash basis” budget; that is, every municipality must budget sufficient income (revenue) to meet the total authorized expenditures (appropriations).

Although the main focus of budgeting is on setting appropriations, there is the revenue aspect of the budget as well. Various revenues (e.g. franchise and gross receipts taxes, construction fees and permits, federal and state grants, etc.) are examined and estimated for the ensuing budget. These revenues are used to support spending.

The difference between the total appropriations and the miscellaneous revenues represents the amount to be raised through taxation for municipal purposes. Adoption of the budget constitutes the legal authorization to levy taxes and to spend funds. These taxes shall be assessed, levied and collected by the municipality.

Municipalities are prohibited from increasing their tax levy by more than two percent (2%). Exceptions may be subtracted from any increase to the levy. A complete listing of exceptions is noted in N.J.S.A. 40A:4-5.3. However, the most frequently reference are: debt service, increases in health insurance, and emergency appropriations.

Temporary Budget Provisions:

Because the budget is not available at the beginning of the fiscal year, each municipality adopts a Temporary Budget to 26.25% of the prior year’s total budget expenses, or “appropriations.” Within the total, funds may be allocated as needed to pay the first-quarter expenses actually anticipated for the New Year. The Director may permit additional temporary budget appropriations where budget dates are extended.

Emergency Temporary Appropriations:

If a municipality’s budget adoption is delayed until after the end of the first quarter, or if its expenses before adoption exceed the standard 26.25% appropriation amount, the State permits it to make ends meet by adopting one or more Emergency Temporary Appropriation Resolutions. A copy of any Emergency Temporary Appropriation Resolution must be sent to the Division of local Government Services. Although State approval of these is not required, DLGS makes note of them to be sure the municipality funds them in full in the permanent budget, as mandated by State law.

Permanent Budget:

State law (N.J.S.A. 40A:4 et seq.) mandates balanced operating budgets for all municipalities and generally required municipal budget to show that provable income sources support proposed expenditures.

The governing body formally considers the municipal budget twice: Initially, when the drafted budget is introduced; and again after the public hearing, when it finally adopts the budget by affirmative vote of a majority.

Dates for introduction and adoption of the budget are mandated by State law, although exceptions often occur. Municipalities must pay to advertise the proposed budget in full in a newspaper in general local circulation, together with the scheduled date of the Public Hearing on the budget.

A municipality may not alter its budget, once adopted, except to the extent allowed by State law. Even if revenues exceed expectations, a municipality may generally not spend more than is specified in the appropriations of its adopted budget, except in a few very restricted cases.

Formal action by the governing body and State approval are both required to make the following permissible changes in the adopted budget:

- Amendment of the budget to add a special item of revenue and appropriation (usually based on a newly-received grant).
- Emergency appropriations for items or expenses that could not reasonably have been foreseen at the time of budget adoption.
- Transfer of funds between appropriations in the last two months of the budget year.
- Transfer of funds between prior years appropriation reserves during the first three months of the New Year (to pay prior years bills).

The adopted budget must include, in addition to current operation expenses, a capital budget and a reserve for uncollected taxes.

Capital Budget:

The Capital Budget sets forth 5% down payment amounts for anticipated capital borrowings for the year as part of a multi-year capital expenditure plan. The governing body may amend it during the current fiscal year.

Reserve for Uncollected Taxes:

In addition to items of proposed expenditure, all municipal budgets must include a Reserve for Uncollected taxes. This highly technical, non-spendable, appropriation item acts like a business for bad debts. It plugs an amount into the budget to ensure the municipality will have enough tax money to fund its requirements, based on the prior year's rate of tax collection. (Collections rarely run to 100% of taxes billed; collection rates in the vicinity of 95% are quite normal, and in hard times may fall lower still).

Fund Balance / Surplus:

Because of "cap" limitations and the inflexibility of budget, municipalities may sometimes receive revenue that the law does not allow them to spend. The unappropriated cash balance is called "surplus".

No municipality may expend surplus in the same year in which it is generated. However, surplus may legally be invested to generate interest income until the next year, when the governing body is free to use it in the new budget.

The governing body decides how much of the prior year's surplus to use as revenue in the new budget. Financial officials generally recommend retaining a portion of it in case of a cash shortage that might otherwise force a municipality to borrow funds to meet its day-to-day expenses.

ETHICS

Ethics Code

The statute permits municipalities to establish a local municipal ethics board; however, such local boards must adopt a local code of ethics that is either identical to the statutory code or even more restrictive. The Borough of Roselle Park relies on State Statute and the Local Finance Board that serves as the municipality's Local Ethics Board.

Financial Disclosures

The Local Government Ethics Law (40A:0-22.1 et. seq.), enacted in 1991, requires some officials to reveal personal financial information, and binds all local officials and employees to fulfill its ethical requirements.

The Local Government Ethics Law requires certain local officials to file an annual Financial Disclosure form showing sources, but not amounts, of annual income, using information drawn from the prior's year's income tax return. Information is required not only for local officials, but also for his or her spouse and dependent children living at home.

Initially, the State advised that Financial Disclosure forms were required from all municipal elected officials, the Municipal Clerk, the Police Chief, and members of the local Board of Health, Planning Board and Zoning Board.

Subsequent opinions of the State Attorney General have continued to specify additional local officials who must also file disclosure forms. Current information on who must file disclosure forms can be obtained from your Municipal Clerk.

ADOPTION OF HANDBOOK

The Mayor and Council of the Borough of Roselle Park shall adopt the foregoing document by Resolution and, as necessary and appropriate, may amend and otherwise alter this handbook in the same manner. At a minimum, this document shall be readopted by the governing body at its annual Reorganization Meeting.

VALUABLE LINKS:

Office of the Governor- Homepage for NJ

www.state.nj.us/governor/

New Jersey State Legislature

www.njleg.state.nj.us/

Contact Your Legislator

www.njleg.state.nj.us/members/legsearch.asp

NJ State Departments & Agencies

www.nj.gov/nj/gov/deptserv/

Departments

- Agriculture
- Environmental Protection
- Health & senior Services
- Military & Veterans Affairs
- Labor & Workforce
- State
- Transportation
- Treasury

www.state.nj.us/agriculture/
www.state.nj.us/dep/index.html
www.state.nj.us/health/
www.state.nj.us/military/
<http://lwd.dol.state.nj.us/labor/>
www.state.nj.us/state/
www.nj.gov/transportation/
www.state.nj.us/treasury/index.shtml

Agencies

- Council on Local Mandates
- Election Law Enforcement
(Campaign and Lobbying Disclosure)
- Garden State Preservation Trust
- Government Records Council
- Council on Alcoholism & Drug Abuse
- Historic Trust (NJHT)
- Public Employment Relations Commission
- State Ethics Commission
- State Police, New Jersey
- Transit, New Jersey
- New Jersey State League of Municipalities

www.state.nj.us/localmandates/
www.elec.state.nj.us/
www.state.nj.us/gsppt/
www.nj.gov/grc/
www.state.nj.us/treasury/gcada/
www.njht.org/
www.state.nj.us/perc/
www.state.nj.us/ethics/
www.njsp.org/
www.njtransit.com
www.njslom.org