

**TOWNSHIP OF LEBANON
HUNTERDON COUNTY, NEW JERSEY**

ORDINANCE NO. 2019-06

**AN ORDINANCE CREATING THE OFFICE
OF ADMINISTRATOR OF THE TOWNSHIP OF LEBANON,
PRESCRIBING THE TERM AND DUTIES THEREOF,
AND PROVIDING FOR APPOINTMENTS THERETO
AND COMPENSATION THEREFORE**

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 ensuring 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 Township 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.

NOW, THEREFORE, BE IT ORDAINED by the Township of Lebanon, County of Hunterdon, State of New Jersey that the Administrative Code of the Township of Lebanon is hereby supplemented by the following Article:

ARTICLE XX: TOWNSHIP ADMINISTRATOR

SECTION 1. CREATION OF THE POSITION

Pursuant to N.J.S.A. 40A:9-136, et. seq., there is hereby created the Office of Township

Administrator to serve at the pleasure of the Governing Body and to perform those duties as set forth in the statutes of the State of New Jersey and this Article.

SECTION 2. APPOINTMENT

The Township Administrator shall be appointed by a majority vote of the Township Committee or via the adoption of a Shared Service Agreement for the services of a Township Administrator approved by a majority vote of the Township Committee. Any vacancy which may occur in said position, whether the same occurs by death, resignation, or otherwise, shall be filled in the same manner. A vacancy shall be deemed to commence upon cessation of duties of the duly appointed Township Administrator.

SECTION 3. QUALIFICATIONS

A. The appointment of a Township Administrator shall be solely based on the administrative qualifications of the appointee, with special regard as to the appointee's education, training and actual experience in governmental affairs.

B. No elected member of the Governing Body shall be eligible for appointment as Township Administrator during the member's term of office nor within one year after the expiration of said term.

C. The person appointed to the Office of Township Administrator need not be a resident of the Township at the time of their appointment and may reside outside the municipality if agreed to by the Township Committee.

SECTION 4. TERM OF OFFICE

The Township Administrator shall serve at the pleasure of the Township Committee. During such term, the Administrator shall be subject to periodic review and evaluation of performance.

SECTION 5. REMOVAL

A. The Township Administrator, if appointed directly by the Township Committee, may be removed by a 2/3 vote of the Governing Body. The Resolution of Removal shall become effective 3 months after its adoption by the Governing Body. However, the Governing Body may provide that the Resolution have immediate effect, in which case, the Administrator shall be paid forthwith any unpaid balance of the Administrator's salary and the Administrator's salary for the next 3 calendar months following adoption of the Resolution.

B. The Township Committee by way of majority vote shall be entitled to terminate the Shared Service Agreement for the position of Administrator in accordance with the terms of said agreement.

SECTION 6. TEMPORARY APPOINTMENT DURING ABSENCE OR DISABILITY

During any approved absence or disability of the Township Administrator, the Township Committee may, by resolution, appoint another individual or any employee or officer of the Township to temporarily perform the duties and responsibilities of the Township Administrator. After three (3) months of such absence or disability, the position may be deemed vacant upon adoption of a resolution of the Township Committee. Compensation, if any, for duties performed for an appointment under this section will be determined by the Township Committee. Section 2 of this Ordinance shall not apply to any appointment made pursuant to this Section. No current member of the Township Committee shall be eligible to serve under this provision.

SECTION 7. COMPENSATION

The Township Administrator shall receive such compensation as shall be prescribed by annual salary resolution or ordinance of the Township Committee. The Township Administrator shall be reimbursed as prescribed in Township policies for all reasonable expenses incurred in

the performance of the office.

SECTION 8. DUTIES AND RESPONSIBILITIES

The Township Administrator shall act as the Chief Administrative Officer of the Township. Duties shall include 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 (including, but not limited to, the Planning Board, the Zoning Board of Adjustment and the Board of Health and agencies, including volunteer Committees and Commissions, 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 Township Administrator shall be approved by the Township Committee and shall become Township organizational policy unless specifically amended or rescinded by the Township Committee.

The Township Administrator shall perform the duties hereinafter enumerated and such other duties as may be assigned by the Township Committee.

The Township Administrator shall report annually to the Township Committee on the progress of each department; shall initiate goals and objectives to be reviewed on an annual basis with special emphasis on critical problems and deterrents to the achievement thereof.

The Township Administrator shall be responsible for the organization and management of the work, personnel and programs in all departments; for the development and operation of a personnel program for all employees; and the Administrator shall be accountable for the planning, organization, delegation, staffing, operation control, evaluation and correction in all departments to achieve maximum results.

The Township Administrator is given broad authority with the approval of the Township

Committee to combine or eliminate functions, to redesign and reorganize work effort and to assign personnel through department heads to achieve maximum productivity.

The Township Administrator shall make assessments of municipal programs and operations reporting to the Township Committee on the findings, setting forth a remediation action plan if necessary or required changes in Township ordinances and procedures.

SUBSECTION 8.1 PERSONNEL

The Township Administrator shall:

- a) Supervise all personnel of the Township through the respective department heads unless otherwise provided for by law or this ordinance.
- b) Advise the Township Committee on all matters of personnel administration and organization and through department heads assign personnel to the performance of all duties in all departments.
- c) Study, recommend, implement and enforce personnel organization and policy of the Township and implement personnel leave policies as established by the Township Committee for all departments, except as otherwise provided by law for Police and Fire Departments.
- d) Maintain comprehensive personnel files and evaluation systems of job performance and duties.
- e) Administer and negotiate on behalf of the Township all labor contracts.
- f) Serve as the personnel officer of the Township with the authority to evaluate, transfer, discipline all employees to the extent not prohibited by law or provided for elsewhere in the ordinances of the Township.
- g) Investigate the affairs of any employee, officer, department, agency or authority

of the Township when necessary or when directed by the Township Committee and submit a report relating thereto.

SUBSECTION 8.2 BUDGET

The Township Administrator shall coordinate with the Chief Financial Officer to:

- a) Prepare the temporary budget for presentation in accordance with State statutes
- b) Prepare the annual capital and operating budget to be presented to the Township Committee for adoption. In preparing these budgets, the Administrator or an officer designated by the Administrator shall obtain from the head of each department, committee, board, commission, agency, officer or authority estimates of anticipated expenditures and supporting data as requested.
- c) Prepare and compile budget studies, analysis and schedules; assist in the conduct of public, departmental, board, committee, and commission budget hearings; and in conjunction with the Chief Financial Officer, shall assist the Township Committee in such manner as they shall require in the review of and adoption of the annual budget.
- D) Prepare and submit to the Township Committee an explanatory budget message, including a comparison of prior year's revenues, appropriations and expenditures as well as an analysis of the proposed revenues and expenditures.

SUBSECTION 8.3 FISCAL AFFAIRS

The Township Administrator shall:

- a) Upon the adoption of the budget, ensure that current accounts of the expenditures shall be kept on a monthly basis based upon the supplemental detail of the adopted budget.

- b) Administer the budget after its adoption by the governing body; shall maintain a continuing review and analysis of the budget operation; work progress and costs of municipal services; and shall assess the attainment of the Township's budget and service goals, reporting the same regularly to the Township Committee.
- c) See that all money owed the Township is promptly paid, and that proper proceedings are taken for the security and collection of all Township claims.
- d) Study, recommend, implement, and enforce the financial procedures and policy of the Township and its departments, after consultation with department heads and approval of the governing body.
- e) Supervise the disbursement of all Township funds and review all purchases, vouchers and bills before submitting same to the Township Committee for final approval.
- f) Be responsible for the cash needs of the Township and for the conduct of a sound investment and debt management program subject to governing body policy and report such actions and results to the governing body semi-annually or more frequently when directed.

SUBSECTION 8.4 COLLECTIVE BARGAINING AND EMPLOYEE CONTRACTS

The Township Administrator shall be responsible for the negotiation of collective bargaining contracts with agencies representing Township employees, subject to the approval of the Township Committee, and for the administration and enforcement of such contracts and the Personnel Policies and Procedures of the Township.

SUBSECTION 8.5 CONTRACTS

The Township Administrator shall:

- a) See that the provisions of all franchises, leases, permits and privileges granted by the Township are complied with and provide periodic reports of said compliance upon request.
- b) Negotiate contracts for the Township upon request of the governing body and subject to the approval of the governing body.
- c) Attend to the letting of contracts, in due form of law and supervise their performance and faithful execution except insofar as such duties are expressly imposed upon some other Township officer or official by statute.
- d) See that all terms and conditions imposed in favor of the Township or its inhabitants in any statute, public utility, franchise or other contract are faithfully kept and performed, and upon knowledge of any violations, call the same to the attention of the Township Committee.
- e) Advise the Township Committee if professional or other outside resources should be utilized.

SUBSECTION 8.6 GRANTS

The Township Administrator shall be responsible for researching, initiating action for, applying for and supervising the implementation of funding grants from various sources for the improvement and development of Township capital projects and needs as well as for services to the Township and its residents.

SUBSECTION 8.7 ADMINISTRATION

The Township Administrator shall:

- a) Study the governmental and administrative operations and needs of the Township and prepare and recommend to the governing body necessary and desirable plans

and programs to meet present and foreseeable needs.

- b) Develop, prescribe and enforce rules and regulations for the efficient management of the Township for the avoidance of any duplication or overlapping effort among the departments or among the units within a department, and for the improvement of methods and procedures of administration.
- c) Integrate and coordinate the functions of all departments, Boards, Agencies, Offices and Officials, and also maintain liaison with the Boards of Education, including the local and regional High School Boards. The Administrator shall be responsible for continually improving communications among the various Township personnel, departments, agencies, boards and the governing body as well as communications with residents.
- d) Recommend the employment of experts and consultants to perform work and render advice in connection with Township projects or services.
- e) Make recommendations which may increase the efficiency of the operation of the Township.
- f) Continually review and supervise the Township's insurance program.
- g) Be responsible for the overall supervision and maintenance of real property owned by the Township, except as modified through delegation by the governing body or ordinance to autonomous boards or commissions.
- h) Assign office space, furniture, telephone, computer and similar facilities, and other Township resources among and within departments.

SUBSECTION 8.8 COMMUNICATION AND COMPLAINTS

The Township Administrator shall:

- a) Study, recommend, implement and enforce procedures and policy of the Township and its departments for receipt, dissemination and collation of responses to communications and requests for information, after consultation with department heads and receive, distribute and follow up requests for information and complaints from citizens and keep the Township Committee informed on such matters.
- b) The Administrator or an officer designated by the Administrator shall investigate and dispose of such complaints and the Administrator shall keep written record of such complaints and when and what action was taken in response thereto and provide the governing body a copy thereof when requested to do so.
- c) Oversee the electronic communications of the Township with residents.

SUBSECTION 8.9 PUBLIC IMPROVEMENTS

The Township Administrator shall make recommendations concerning the nature and location of public improvements and coordinate and expedite the execution of public improvements authorized by the Township Committee.

SUBSECTION 8.10 OTHER DUTIES

The Township Administrator shall:

- a) Represent the Township and assert its proper interests in relation to Federal, State, County and other political subdivisions, and with respect to Township contracts, franchises and interests.
- b) Monitor and evaluate State and Federal legislation as to its impact on the Township with recommendations for actions by the Township Committee. The Administrator must be prepared to testify on behalf of the Township on issues

affecting the community on behalf of the governing body.

- c) Attend all regular and work session meetings of the governing body, with the right to speak but not vote on agenda items and attend other meetings as directed by the governing body. 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 Township.
- d) Keep the governing body informed as to the conduct of the Township affairs; submit periodic reports, either in writing or orally, on the condition of the Township finances; and shall submit other reports, either in writing or orally, as deemed advisable or as the governing body shall request; and shall make recommendations to the governing body necessary and advisable for the welfare and safety of the Township .
- e) Submit to the governing body as soon as possible after the close of the fiscal year, a complete written report of the administrative activities of the Township for the preceding year.
- f) Implement all policies formulated by the Township Committee unless specifically directed otherwise by a formal action of the governing body.
- g) Advise the Township Committee on all background matters as an aid to the creation of policy and recommend to the governing body adoption such measures as may be deemed necessary or expedient.
- h) Follow up acts of the Township Committee by correspondence, review of minutes and personal conferences.
- i) Develop and enforce sound purchasing and personnel practices and procedures for

all departments, offices and agencies of the Township and assist the governing body in making of policy decisions which relate to the Township's physical development.

- j) Coordinate the volunteer Committees and Commissions of the Township to assist each in following the policies and procedures of the Township.

SECTION 9. DEROGATION OF POWERS

Nothing in this chapter shall derogate from or authorize the Township Administrator to exercise powers of the elected officials of the municipality.

SECTION 10. BOND

The Township Administrator shall furnish a surety bond to be approved by the governing body, said bond to be conditioned upon the faithful performance of duties. The premium of said bond shall be paid by the Township.

SECTION 11. SHORT TITLE

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

SECTION 12. SEVERABILITY CLAUSE

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 13. REPEAL OF INCONSISTENCIES

All ordinances or parts of ordinances or resolution inconsistent with the provisions of this ordinance, are hereby repealed to the extent of their inconsistencies.

SECTION 14. EFFECTIVE DATE

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

RECORD OF COMMITTEE VOTE: AYES: Laul, McKee, Schmidt NAYS: Wunder, Koehler

Mike Schmidt, Mayor

ATTEST:

Karen J. Sandorse, RMC/CMC/CMR
Township Clerk

Date of Introduction and First Reading: 07/17/2019

Date of Second Reading and final adoption: 08/07/2019

I certify that the foregoing Ordinance is a true and accurate copy of an Ordinance adopted by the Lebanon Township Committee on 08/07/2019.

Karen J. Sandorse, RMC/CMC/CMR
Township Clerk