

HUDSON COUNTY NEW JERSEY



ADMINISTRATIVE CODE

AS AMENDED, APRIL 13, 2000

AN ORDINANCE amending, supplementing and codifying the Administrative Code for the County of Hudson pursuant to the County Executive Plan for the Optional County Charter Law. (Law of 1972, ch. 154, as amended)

BE IT ORDAINED by the Board of Chosen Freeholders of the County of Hudson that the Hudson County Administrative Code is amended to read as follows:

ARTICLE 1

SHORT TITLE, DEFINITIONS AND CONSTRUCTION

Section 1.1. Short Title. This Ordinance shall be known and may be referred to as the "Hudson County Administrative Code (1976)", as amended and supplemented.

Section 1.2. Definitions. For the purpose of this Ordinance and in the interpretation and application of all other ordinances and resolutions heretofore or hereafter adopted by the County, except as the context may otherwise require:

(a) "Board" shall mean the Board of Chosen Freeholders.

(b) "Bureau" shall mean a sub-organization unit or group of organization units of a division of the County government established by or designated as a bureau by the Code.

(c) "Bureau Chief" shall mean the administrative head of a bureau regardless of title.

(d) "Code" shall mean the Hudson County Administrative Code 1976), as amended or supplemented.

(e) "Charter" shall mean the Optional County Charter Law (L. 1972, ch. 154) as amended and supplemented, as applicable to Hudson County by its adoption of the County Executive Plan and any and all general laws as therein defined which are or may be applicable to the County.

(f) "County" shall mean the County of Hudson, State of New Jersey.

(g) "County Executive" shall mean the officer by that title duly elected and serving pursuant to the Charter.

(h) "Department" shall mean a primary organization unit or group of organization units of the County government, established by and designated as a department by the Code.

(I) "Department Director" shall mean the administrative head of a department, and its subdivisions, regardless of his title.

(j) "Division" shall mean a sub-organization unit or group of organization units of a Department of the County government established by or designated as a division by the Code.

(k) "Division Chief" shall mean the administrative head of a division, regardless of his title.

(l) "Office" shall mean a unit of County government within a department or under the direct jurisdiction of the County Executive or Administrator, whose interaction with other governments or agencies requires a distinct organizational structure. An office shall not be considered a "Department" or "Division" as defined above.

(m) "Staff" shall mean all personnel of any type of any department, division or bureau except such personnel who would perform services which are provided by any other department, division or bureau.

Section 1.3. Rules for Construction and Application. For the purposes of the Code and any other ordinances, resolutions, rules, regulations and any actions related thereto heretofore or hereafter adopted, except as the context may otherwise require:

(a) the tenses shall be interchangeable when the context so requires;

(b) the masculine, feminine and neuter genders shall be interchangeable terms;

(c) the singular number includes the plural and the plural the singular;

(d) the time within which an act is to be done shall be computed by excluding the first and including the last day and, if the last day be a Sunday or a legal holiday, that day shall be excluded;

(e) "writing" and "written" shall include handwriting, printing, typewriting, duplicating and any other visual mode of communicating words or figures;

(f) "year", "month", "week" and "day" shall be the calendar periods unless otherwise specifically provided; and

(g) "person" shall mean any individual, corporation, firm, partnership, association, organization or other entity.

Section 1.4. Legislative Intent; Separation of Powers.

(a) It is the intent of the Board in enacting the Code to exercise fully, according to its terms, the powers delegated by the Optional County Charter Law (L. 1972 ch. 154) as

amended and supplemented, to organize and reorganize County government; and the provisions of the Code shall be construed liberally toward that end.

(b) Nothing in the Code shall be construed to impair or diminish or infringe on the powers and duties of municipalities units of government under the general law of the State.

(c) The Code shall be interpreted and administered so as to maintain the separation of legislative and executive powers as provided in the Charter.

Section 1.5. Penalties. A violation of this Code or of any ordinance for which no penal sanction is otherwise provided, shall be punishable by imprisonment in the County Jail for a term not exceeding 90 days or by a fine not exceeding \$500.00 or both.

Section 1.6. Severability. If any Article, Section or part of this Code shall be declared to be unconstitutional, invalid or inoperative, in whole or in part, by a Court of competent jurisdiction, such Article, Section or parts shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect; no such determination shall be deemed to invalidate the remaining Articles, Sections or parts of this Code.

Section 1.7. Repealer. This Code, adopted by Ordinance the 25th day of February, 1988, supersedes all other prior codes and ordinances amending said prior codes.

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ARTICLE 2

THE BOARD OF CHOSEN FREEHOLDERS

Section 2.1. Legislative Power. The legislative power of the County shall be vested in and exercised by the Board pursuant to law. Such legislative power shall be exercised by ordinance, except for the exercise of the following powers which are required to be, or are permitted to be, exercised by resolution:

- (a) establishment of a municipal advisory council pursuant to N.J.S.A. 40:41A-29;
- (b) conduct of an inquiry or investigation pursuant to N.J.S.A. 40:41A-86;
- (c) expression or disapproval of the suspension or dismissal of officers or employees pursuant to N.J.S.A. 40:41A-87;
- (d) exercise of the power of advice and consent to actions of the Executive pursuant to N.J.S.A. 40:41A-41(a);
- (e) override of a veto of the County Executive pursuant to N.J.S.A. 40:41A-41(f);
- (f) adoption of rules for the Board pursuant to N.J.S.A. 40:41A-100;

(g) establishment of times and places for Board meetings pursuant to N.J.S.A. 40:41A-99,

(h) establishment of the Board as a committee of the whole and the delegation of any number of its members as an ad hoc committee, both pursuant to N.J.S.A. 40:41A-86;

(I) declaration of emergencies pursuant to N.J.S.A. 40:41A-101(c);

(j) identification of emergency situations pursuant to N.J.S.A. 40:41A-128;

(k) application for a county department of civil service pursuant to N.J.S.A. 40:41A-13;

(l) designation of qualified newspapers pursuant to N.J.S.A. 40:41A-142;

(m) appointment and removal of such officers and employees as the board is permitted by law;

(n) approval of contracts presented by the County Executive;

(o) actions specified as resolutions in the local budget

(p) consent to municipal ordinances or resolutions regulating traffic or parking on county roads pursuant to Section 1 of P.L. 1957, C. 69 (C. 39:4-197.2), except that the resolution of consent shall be subject to the approval or veto of the County Executive, as provided for in the case of ordinances by Subsection G. of Section 37 of P.L. 1972, C. 154 (C. 40:41A-37(g)), and to the requirements set forth therein for overriding a veto;

(q) expression of such Board policies or opinions as require no formal action by the governing body.

Section 2.2. Board Powers. The Board of Freeholders:

(a) shall advise and consent to all appointments by the Executive for which Board confirmation is specified in N.J.S.A. 40:41A-37;

(b) shall pass in accordance with this act whatever ordinances and resolutions it deems necessary and proper for the good governance of the county;

(c) may pass a resolution of disapproval or dismissal, subject to the provisions of N.J.S.A. 40:41A-87(b);

(d) may override a veto of the County Executive by a two-thirds vote of its full

membership; and

(e) shall approve the annual operating and capital budgets pursuant to the local budget law.

Section 2.3. Organization. The Board will organize in the first week of January in each year at the Hudson County Administration Building on such day and at such time as the Board shall by resolution determine. Newly elected members may take and subscribe the oath of office at or before the annual organization meeting of the Board. Upon so qualifying, a member shall be entitled to take his seat and assume the duties of the office.

Section 2.4. Composition of the Board. The Board shall be comprised of nine members who shall be elected for concurrent terms.

Section 2.5. Board Vacancies.

(a) Whenever a vacancy occurs in the membership of the Board for any reason other than the expiration of a term, it shall be filled for the unexpired term at the next general election occurring not less than 60 days from the date of such vacancy; provided, however, that if the vacancy occurs at any time after 60 days prior to the general election occurring in the next to the last year in the term of office, the vacancy may be filled by appointment for the remainder of

the unexpired term in the same manner as hereinafter provided for temporary appointments.

Nominations and elections for the filling of a vacancy for the unexpired term shall be made in accordance with the pertinent provision of Title 19 of the Revised Statutes and the "Optional County Charter Law" (P.L. 1972, c. 154).

(b) The Board may, by majority vote of its remaining members, fill a vacancy temporarily by appointment until the election and qualification of a successor. If the Board shall fail to fill the vacancy within 30 days of its occurrence, the office shall remain vacant until the election and qualification of a person to fill the vacancy for the unexpired term or to fill a full new term, as the case may be.

Section 2.6. Presiding Officer. At its organization meeting, the Board will elect from among its members a Chairman, Vice-Chairman and Chairman Pro Tempore. Each shall serve for a term of 1 year and until the election and qualification of his successor. The Chairman, Vice-Chairman and Chairman Pro Tempore may be reelected. Election shall be by majority vote of the whole number of members of the Board. The Chairman shall preside over all meetings of the board, supervise the staff of the Board, appoint all committees of the Board, and by his signature thereto authenticate all ordinances and resolutions passed by the Board in his presence. In the absence or inability to serve of the Chairman, the Vice-Chairman shall act in his place and stead. In the absence or inability to serve of both the Chairman and Vice-Chairman, the Chairman Pro Tempore shall serve only so long as both the Chairman and

Vice-Chairman are absent or unable to serve. In the absence or inability to serve of the Chairman, the Vice-Chairman and Chairman Pro Tempore, the Board shall elect from among its members an acting Chairman Pro Tempore for the meeting to serve only so long as the Chairman, the Vice-Chairman and the Chairman Pro Tempore are absent or unable to serve. The Chairman, or in his absence or inability to serve, his designee, shall serve as an ex-officio nonvoting member of all appointive bodies in County government, during his term as Chairman and until his successor is duly elected and qualified.

Section 2.7, Regular and Special Meeting.

a) Regular meetings of the Board shall be held at the Freeholders' Chambers as required by the Optional County Charter Law, N.J.S.A. 40:41A-1 et seq. The Board of Freeholders shall by resolution designate the days and times for regular meetings and agenda conferences.

(b) The Chairman or the County Executive may, and upon written request of a majority of the members of the Board shall, call a special meeting of the Board. In the call he shall designate the purpose of the special meeting and no other business shall be considered at such meeting. The call for a special meeting shall comply with the "Open Public Meetings Act". The Clerk shall forthwith serve notice thereof upon each of the members of the Board by leaving a copy of the call at their respective places of residence and by telephone communication, if

possible, at such place as each member may, in writing, designate.

Section 2.8. Public Meetings; Conferences. All meetings of the Board shall be open to the public. Preceding each regular meeting, the Board may hold such agenda conferences as may be designated by the resolution promulgated pursuant to Section 2.

(a). The Board may also hold informal conferences at such times and places as it may determine. All such conferences shall be open to the public.

Section 2.9. Rules of Procedure. Except as hereinafter provided, rules of procedure shall be set forth in the by-laws adopted by resolution of the Board pursuant to the Charter. In addition thereto, the following rules of procedure shall apply:

(a) Presiding Officer: The Chairman, or in his absence the Vice-Chairman, or, in the absence of both the Chairman and the Vice-Chairman, the Chairman Pro Tempore, shall take the chair at the hour appointed for the meeting and shall immediately call the Board to order. In the absence of the Chairman, the Vice-Chairman and the Chairman Pro Tempore, the Clerk shall call the Board to order and shall determine whether a quorum is present. In the event a quorum is present, the Clerk shall call for the election of an acting Chairman Pro Tempore who shall be elected by a majority of those present. Upon the appearance of the Chairman, the Vice-Chairman or the Chairman Pro Tempore, the acting Chairman Pro Tempore shall

forthwith relinquish the chair upon the conclusion of the business immediately before the Board. When the Chairman Pro Tempore is presiding he must relinquish the chair upon the appearance of the Chairman or Vice-Chairman, and when the Vice-Chairman is presiding he shall likewise relinquish the chair upon the appearance of the Chairman;

(b) Roll Call: at the beginning of each meeting of the Board, the Clerk of the Board shall call the roll of the members in alphabetical order and the names of those present shall be entered in the minutes. If any member appears after the roll call, the Clerk shall enter in the minutes the time of attendance of such member;

(c) Quorum: a majority of the whole number of members of the Board shall constitute a quorum. Should no quorum attend within thirty minutes after the hour appointed for the meeting of the Board, the person presiding may thereupon adjourn to the next regular meeting, unless by unanimous agreement those members present select another hour or day. The names of the members present and their action at such meeting shall be recorded in the minutes by the Clerk;

(d) Order of Business: at each regular meeting of the Board the order of business shall be as follows:

- (1) the Clerk of the Board shall call the roll;
- (2) pledge of allegiance;

- (3) approval of the minutes of the previous meeting, which shall not be read at length unless three or more members request such reading;
- (4) communications and referral thereof by the Chairman for reply;
- (5) report from the County Executive;
- (6) report from the County Counsel;
- (7) reports of any special committees of the Board;
- (8) unfinished business;
- (9) new business;
- (10) introduction of ordinances on first reading;
- (11) public hearings;
- (12) consideration of ordinances for passage on second reading;
- (13) comments from the public;
- (14) adjournment;

(e) Rules of Order: the procedure for the conduct of the business of the Board shall be governed by Robert's Rules of Order Revised, except as otherwise provided by the Charter Code or the by-laws;

(f) the Chairman or such other member of the Board as may be presiding may move, second and debate from the chair and no member shall be deprived of any of the rights and privileges of a member of the Board by reason of his being the presiding officer;

(g) Voting: the vote upon every motion, resolution or ordinance shall be taken by roll call in alphabetical order except that the presiding officer shall be polled last; the yeas, nays and abstentions shall be entered upon the minutes. Upon the call of the roll no member shall discuss or explain his vote;

(h) Committees: there shall be no standing committees of the Board, other than the committee of the whole. Special committees of the Board for legislative or investigative purposes may be appointed by the Chairman pursuant to resolution; and

(i) Minutes: the Clerk of the board shall keep minutes of all meetings. The minute records generally shall contain formal action of the Board whether such action is presented by a motion, resolution or an ordinance.

Section 2.10. Clerk of the Board. The Board shall appoint a qualified person to serve at its pleasure, or for a term not to exceed three (3) years, as Clerk of the Board. The Clerk shall:

(a) attend all meetings and conferences of the Board;

(b) take and preserve the minutes of the Board, which shall record all actions and votes taken and the substance of discussions and debate relating thereto and of all other matters;

(c) keep and compile all ordinances, resolutions and minutes and retain in his custody for safekeeping all contracts, deeds, surety bonds, insurance policies and other official papers delivered to him;

(d) have custody of the County seal and may affix it to appropriate documents without charge;

(e) arrange for the clerical staff of the Board of Freeholders and provide secretarial services for Board members, expedite the handling of their correspondence and have such other and different powers and duties as may be provided by resolution of the board; and

(f) in the absence of the Clerk, the Chairman may appoint an acting clerk to perform such duties.

Section 2.11. Resolutions. Resolutions proposed by the executive branch shall be drafted and approved as to form and legality by the Department of Law. Resolutions proposed by the Freeholders shall be drafted and approved as to form and legality by the Counsel to the Board. Resolutions may be introduced by any member of the Board or proposed by the County Executive at any meeting, in the proper order of business. Each resolution shall thereupon be read in full by the Clerk, unless a copy thereof has been posted in a prominent place, reserved for such purpose or similar purpose, in the Administration Building, at least 24

hours prior to the meeting and no member requests said reading in which case it may be read by title.

A Consent Agenda is hereby implemented and may be utilized by the Board on all Resolutions unanimously acted upon by the Board at the preceding caucus.

Section 2.12. Ordinances.

(a) Ordinances proposed by the executive branch shall be drafted and approved as to form and legality the Department of Law. Ordinances proposed by the Freeholders shall be drafted and approved as to form and legality by the Counsel to the Board.

(b) An ordinance may be introduced by any member of the Board. The County Executive may propose to the Board any Ordinance consistent with Sec. 3.4. Ordinances shall be adopted strictly in accordance with the procedure set forth in N.J.S.A. 40:41A-101.

(c) Upon passage, every ordinance or its title together with a notice of the date of passage or approval, or both, shall be published and distributed in the manner provided by the Charter.

(d) Upon passage of each ordinance the Clerk of the Board shall promptly deliver it to the County Executive. If he approves, he shall sign and return it to the Clerk. If he disapproves,

he shall return it to the Clerk within 10 days after its passage together with a statement of the reasons for disapproval. If he does not sign the ordinance within 10 days from the date of its passage or does not return it with a veto message within said period, the ordinance shall not take effect and shall be considered vetoed.

Section 2.13. Passage Over Veto. The Board may reconsider any ordinance vetoed by the County Executive, pursuant to the Charter. If two-thirds of the full membership of the Board, upon reconsideration of the measure, shall vote for it, the Executive's veto shall be overridden and the ordinance shall become law without the Executive's signature in accordance with the provisions of law.

Section 2.14. Effective Date. No ordinance shall take effect less than 20 days after its final passage by the Board and approval by the County Executive, unless the Board shall adopt a resolution declaring an emergency and at least two-thirds of all members of the Board vote in favor of such resolution.

Section 2.15. Maintenance of Minutes - Recording of Ordinances and Resolutions. The Clerk of the Board shall maintain minutes of all meetings of the Board and shall record all ordinances and resolutions of the Board and make distribution of same as required by law.

Section 2.16. Appointments.

(a) Where the charter requires that the power of appointment by the County Executive is subject to the advice and consent of the Board, the County Executive shall communicate to the Board, in writing, the name or names of his nominees for appointment together with pertinent information which shall thereupon be referred to the committee of the whole. Whenever more than one appointment is to be made to a board, commission or other multi-member body, the Board shall consider and vote upon each nominee separately. In the discretion of the Chair, a group of nominations may be considered together in one resolution where there is no objection by any member of the Board as to the nominees included in the group.

(b) With respect to appointments to be made by the Board, any member of the Board may nominate as many candidates as there are offices to be filled. The Board will consider such nominations in committee of the whole which will report to a regular meeting of the Board. Where there is more than one office to be filled to a board, commission or other multi-member body, the same procedure shall be followed with respect to each office separately until the total number of appointments to be made has been completed. In the discretion of the Chair, a group of nominations may be considered at once where there is no objection by an member of the Board as to the nominees included in the group.

(c) The Board shall act on all nominations for appointments presented by the County Executive within 30 days after receipt of the nomination unless the Board and the County Executive agree to a later time. Failure to act within such 30 day period shall constitute an

extension of the acting status of the acting officer (notwithstanding the provisions of Section 3.3(k) of this Code) until such time as the Board acts on such nomination. Prior thereto, the County Executive may designate any individual, including the nominee, to act in the capacity of the nominee, whose title shall include the word "Acting" until the nomination is confirmed. The County Executive may, but is not required to, designate the nominee as the person acting in the nominee's capacity.

Section 2.17. Counsel to the Board of Chosen Freeholders.

(a) The position of Counsel and Deputy Counsel to the Board of Chosen Freeholders be and are hereby created and continued pursuant to the provisions of N.J.S.A. 40:41A-41(d).

(b) Counsel and Deputy Counsel to the Board of Chosen Freeholders shall be appointed by resolution of the Board of Freeholders and shall serve at the pleasure of the Board.

Section 2.18. Duties of Counsel to the Board of Chosen Freeholders.

(a) Counsel to the Board of Chosen Freeholders shall advise and represent the Board, and in the discretion of the Board, represent the Board in any litigation wherein this Board is a party.

(b) Counsel to the Board of Chosen Freeholders shall:

(1) Attend meetings of the Board and give opinions and advice on questions which may arise at Board meetings and shall act as parliamentarian at Board meetings;

(2) advise the Board, its members, officers and employees, when requested to do so, with respect to their official responsibilities;

(c) anything stated to this section to the contrary notwithstanding, the powers of the County Counsel as granted by this Code and by law shall remain in full force and effect.

Section 2.19. Staff. In addition to clerical personnel appointed pursuant to this Article as above set forth, the Board may, within the limits of budgetary appropriations for such purposes, retain such other aides or staff as may be permitted by law.

Section 2.20. Compensation of the County Executive. The salary of the County Executive shall be fixed by ordinance of the Board. Such salary shall be reasonable and commensurate with the duties of the office and with the fact that the position of County Executive is and shall be a full-time position. The salary of the County Executive may not be lowered during his tenure in office.