

ORDINANCE NO. 21-10

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT VOLUME I, CHAPTER II, SECTION 2-10 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "POLICE DEPARTMENT"

BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey that the general ordinances of the Neptune Township, and in particular, Chapter II, Article II, Section 2-10.1, entitled, "Police Department," "Department Established" shall be amended as follows:

§2-10.1 Department Established.

There is hereby created in and for the Township of Neptune Police Department, which shall consist of such employees and officers as shall be deemed necessary by the Township Committee and may include a Police Chief in accordance with N.J.S.A. 40A:14-118. The Township Committee shall, from time to time determine the number of employees and officers of the Police Department together with their compensation. The structure of the Police Department will include at a maximum one (1) Police Chief; one (1) Deputy Police Chief; three (3) Captains, seven (7) Lieutenants, fourteen (14) Sergeants and fifty-two (52) Police Officers. The Township Committee shall also appoint a Police Committee composed of up to six (6) members, but at a minimum, two (2) Township Committeepersons and the Township Administrator shall be members. The remaining three (3) possible members shall be non-employee residents of the Township of Neptune, appointed at the discretion of the Township Committee, subject to the language below. One (1) of the Township Committeepersons shall be designated as the Chairperson of the Police Committee by the Police Committee members. The Township Administrator shall be a non-voting, but participating member. In the event of a tie amongst the Police Committee as to any action of members of the Police Committee, the matter shall be referred to the entire Township Committee for their review and consideration. The Township Committee will endeavor, within six (6) months of the adoption of the Ordinance, to fill one (1) or more of the remaining Police Committee membership, other than the two (2) Committeepersons and the Township Administrator.

§2-10.2 Designation of Appropriate Authority.

In accordance with the provisions of N.J.S.A. 40A:14-118 and all rules, regulations and Court decisions as to same, the Police Committee is hereby designated as the Appropriate Authority, subject to the ultimate and final approval of its actions/recommendations by the Township Committee.

§2-10.3 Responsibilities of Police Department, Police Committee and Chief of Police.

- a. Police Department: The Police Department shall preserve the public peace; protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Township of Neptune; direct and control traffic; provide attendance and protection during emergencies; provide appearances in court; cooperate with all other law enforcement agencies; provide training for the efficiency of its members and officers.

b. Police Committee:

1. To ensure increased public trust in the Neptune Township Police Department, the Police Committee shall seek greater transparency and oversight so as to meet the needs of both the Police Department and the citizens of the Township of Neptune, subject to limitations placed upon the Police Committee by statute and law. The Police Committee shall report to the Township Committee and shall be responsible to review the performance of the Police Department and report such to the Township Committee. It shall serve as the administrative and oversight body of the Police Department. It shall review and recommend to the Township Committee for its approval all proposed and promulgated rules and regulations for the government of the Police Department and for the discipline of its employees. The Police Committee's duties include, but are not limited to:
 - (a) Establishing the procedures to be followed by the Chief of Police and other subordinate officers for the purchase of equipment and supplies. Such procedures may include the requirement that the Police Committee review all expenditures with regard to the equipment and supplies and recommend actions as to same by the Township Committee.
 - (b) The Police Department and Chief financial Officer shall keep a record of all business transacted by the Police Department and recommend approval of all bills for the expenses of the Police Department to the Township Committee after review and approval of the Police Committee.
 - (c) The Police Department shall keep and maintain accurate records and submit an annual report to the Township Committee, on or before January 31, which shall assess the operations of the Police Department, and its personnel, equipment and property.
 - (d) The Police Department shall keep and maintain all records, reports, documents and other data required to be kept and maintained by the Federal and/or State government, with the Police Committee's right of review to the extent allowed by law, after a decision of the majority of the Police Committee at a meeting of same to conduct such review.
 - (e) The Police Department shall keep and maintain a record of all appointments, dismissals, removals, resignations and deaths of officers and other department employees as they take place, with such other information as may be necessary, with the Police Committee's right of review to the extent allowed by law, after a decision of the majority of the Police Committee at a meeting of same to conduct such review.

- (f) The Police Department and Chief Financial officer shall develop the annual budget for the Police Department, in conjunction with the Police Committee. The budget approval shall be done by the Township Committee. Review of all expenditures prior to same occurring shall be reviewed by the Police Committee and Chief Financial Officer with final approval by the Township Committee.
 - (g) The Police Chief shall analyze crime trends and statistics to ensure that the Police Department makes the best use of available funds, personnel, equipment and supplies, with the Police Committee's right of review to the extent allowed by law after a decision of the majority of the Police Committee at a meeting of same to conduct such review.
 - (h) The Police Committee and the Police Chief shall jointly evaluate the effectiveness of work program and procedures of all organizational components within the Police Department and developing effective work methods for subordinates.
 - (i) The Police Committee, in conjunction with the Police Chief or designee, shall undertake special studies pertaining to police functions and promoting close coordination of planning efforts.
 - (j) The Police Committee, in conjunction with the Police Chief or designee, shall establish and maintain helpful and cooperative relations with civic and business organizations, schools, and court offices, and with other groups and public authorities and other jurisdictions, and with others interested in the maintenance of law and order.
 - (k) The Police Committee shall prepare written minutes of their meetings to the same extent as the Township Committee does at its meetings and said minutes shall be distributed to the Township Committee within ten (10) days of each Police Committee Meeting.
2. The Chief of Police or highest ranking sworn law enforcement officer in the absence of the Chief shall report directly to the Police Committee and the Police Committee shall receive weekly or other periodic reports, as designated by the Police Committee, from the Chief of Police or highest ranking sworn law enforcement officer in the absence of the Chief.
 3. The Police Committee shall also be responsible for ensuring that all Police Officers and employees are compensated in accordance with State and Federal Wage and Hour requirements.
 4. (a) The Police Committee shall be appointed by the Township Committee. The members of the Police Committee shall serve on the Police Committee from the date of their appointment through and including December 31st of appointed calendar year, except

as set forth herein. At all times one (1) of the two (2) Township Committee persons appointed shall be the Mayor or the Mayor's Designee. The Township Administrator shall serve for the time he/she serves as Township Administrator and only the Township Administrator can replace the Township Administrator on the Police Committee.

- (b) Any member of the Police Committee, other than the Township Administrator, the Mayor or the Mayor's Designee, can be removed by the Township Committee, if the member fails to attend three (3) consecutive meetings of the Police Committee without being excused by a majority of the members of the Police Committee and when the absence is not due to a legitimate documented illness.
- (c) Any member of the Police Committee, other than the Township Administrator, the Mayor or the Mayor's Designee, may be removed by the Township Committee for cause, after a public hearing if the member being removed requests such, or after a private hearing if no such public hearing is requested. A vote of three (3) Township Committee members to remove is required. The Township Administrator or Mayor may only be replaced by a new Administrator or newly-appointed Mayor pursuant to Ordinance and/or State Statute.
- (d) The Mayor's Designee serves at the pleasure of the Mayor and may be removed or replaced by the Mayor at any time.

- 5. In addition to the two (2) members of the Township Committee appointed to the Police Committee, the Township Administrator and the other members of the Police Committee, the Township Committee may also authorize on its own, or after the Police Committee requests same, any professional needed to accomplish its duties, including the Township Labor Counsel, the Township Attorney, the Township Chief Financial Officer or any other consultant or professional necessary to assist the Police Committee in its functions.

c. Chief of Police:

- 1. If a Police Chief is appointed, he/she shall exercise any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police pursuant to N.J.S.A. 40A:14-118.
- 2. If a Police Chief is not appointed, any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police, pursuant to N.J.S.A. 40A:14-118 shall be delegated to a Chief Law Enforcement Officer, which shall be the highest ranking sworn law enforcement officer in the Police Department.

The term of all persons serving of the Police Committee at the time this Amended Ordinance is adopted, except the Business Administrator, shall immediately terminate upon the effective date of this Amended Ordinance.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

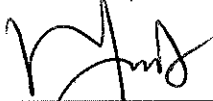
The amended Ordinance shall become effective immediately upon its final passage and publication as required by law.

APPROVED ON FIRST READING:

February 22, 2021

APPROVED, PASSED, AND ADOPTED:

March 8, 2021



Richard J. Guttrell,
Municipal Clerk



Dr. Michael Brantley,
Mayor