

ARTICLE III Township Manager

§ 2-9. Appointment by Council; term.

There shall be a Township Manager appointed by the Council. The Manager shall hold office for an indefinite term and may be removed by majority vote of the Council, pursuant to N.J.S.A. 40:69A-93, as amended and supplemented. The Manager may designate a qualified administrative officer of the municipality to perform the duties of the Manager during his/her temporary absence or disability. In the event of his/her failure to make such designation, the Council may by resolution appoint an administrative officer of the municipality to perform the duties of the Manager during such absence or disability until the Manager shall return or his/her disability shall cease.

§ 2-10. Qualifications.

The Township Manager shall be appointed on the basis of his/her executive and administrative qualifications with special reference to his/her actual experience in, or his/her knowledge of, accepted practice in respect to the duties of his/her office as a municipal manager. At the time of his/her appointment, he/she need not be a resident of the Township or New Jersey but during his/her tenure of office he/she may reside outside the Township, only with approval of the Council.

§ 2-11. Salary.

The Manager shall receive as salary such sums as may be fixed and adopted by the Council in the Township Salary Ordinance.

§ 2-12. Responsibilities.

The Manager shall be the Chief Executive Officer of the Township and at all times be responsible to the Council for all actions relative to the duties and responsibilities of the office, to the extent not prohibited by law. The Manager shall be responsible to the Council for carrying out all policies established by it and for the proper administration of all affairs of the Township within the jurisdiction of the Council.

§ 2-13. Powers and duties.

The Township Manager, for the purpose of carrying out his/her responsibilities, shall:

- A. Be the chief executive and administrative official of the Township.
- B. Execute all laws and ordinances of the Township.
- C. Appoint and remove a Deputy Manager if one be authorized by the Council, all department heads and all other officers, subordinates, and assistants, except that the Manager may authorize the head of a department to appoint and remove subordinates in such department, supervise and control his/her appointees, and report all appointments or removals at the next meeting thereafter of the Council. Pursuant to the Charter, any provision of general law conferring the appointing power or other power upon the Mayor or other executive head of

the municipality shall be construed as meaning the Township Manager, and the appointments or the power exercised by the Township Manager, in accordance with such provision, shall be classified and given the same force and effect as if executed by the official named therein, except that members of the Board of Education and of the Trustees of the public library, wherever required to be appointed by any such provision by any board or official of the municipality, shall be appointed by the Mayor. The Manager shall report all appointments and removals of personnel within the Township at the next meeting thereafter of the Council;

- D. Negotiate contracts for the Township subject to the approval of the Council, make recommendations concerning the nature and location of municipal improvements, and execute municipal improvements as determined by the Council.
- E. 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 violation call the same to the attention of the Council.
- F. Attend all meetings of the Council with the right to take part in the discussions, but without the right to vote.
- G. Recommend to the Council for adoption such measures as he/she may deem necessary or expedient, keep the Council advised of the financial condition of the Township, make reports to the Council as requested by it, and at least once a year make an annual report of his/her work for the benefit of the Council and the public.
- H. Investigate at any time the affairs of any officer or department of the Township.
- I. Perform such other duties as may be required of the Manager by ordinance or resolution of the Council.

§ 2-14. Personnel, budget and financial responsibilities.

The Manager shall:

- A. Pursuant to the Charter and § 2-13 of this chapter, appoint and remove all department heads and all other officers, subordinates and assistants other than Township officers, employees or positions for which appointment or removal is reserved elsewhere by statute. Except where otherwise expressly required by the Charter, general law or this chapter, all department heads and subordinate officers and employees subject to appointment by the Manager shall serve at the pleasure of the Manager, subject to suspension or removal by the Manager.
- B. Direct and supervise the administration of all departments of the Township government and be responsible for the maintenance of sound personnel policies and administrative practices.
- C. Approval all bills and vouchers for payment subject to preaudit and control as provided herein.
- D. Maintain a continuing review and analysis of budget operations, work programs, and costs of Township services.
- E. Establish working, personnel, vacation and sick leave schedules and appropriate records and reports.

- F. Approve or prescribe the internal organization of each department.
- G. Assign and transfer administrative functions, powers and duties among and within departments, subject to the Charter and this chapter.
- H. Delegate to department heads such of the Manager powers as he/she may deem necessary for efficient administration.

§ 2-15. Deputy Manager.

- A. Creation of position; compensation. There is hereby created and established the office of Deputy Manager whose compensation shall be as provided for in the Salary Ordinance of the Township, and who shall be appointed by the Manager.
- B. Duties. The Deputy Manager shall be under the authority and supervision of the Manager and shall perform the functions and duties assigned to him/her by the Manager. The Deputy Manager shall perform the duties of the Manager during the temporary absence or disability of the Manager and until the Manager shall return or his/her disability shall cease.

§ 2-16. Purchasing procedures.

All materials, supplies and equipment, work and labor under contract required by any department, office or agency of the Township shall be purchased by or under the direction of the Manager.

- A. Purchasing agent. The Manager shall be the purchasing agent for the Township and may designate an administrative officer of the Township to serve in that capacity.
- B. Purchase controls. Purchases shall be authorized only upon requisition of a department head which shall be made to the Manager at such times in such form as the Manager may prescribe or approve. All purchases made and contracts awarded for any supplies, materials or equipment or contractual services shall be pursuant to a written requisition from the head of the department against which the appropriation will be charged and the certification of the Chief Financial Officer that a sufficient balance of appropriation is available to pay therefor. All such purchase contracts shall conform with the applicable requirements of state statutes for competitive bidding. Except as the Manager may specifically authorize in case of emergency, no purchase shall be made and no bill, claim or voucher shall be approved, unless the procedures prescribed by or pursuant to this chapter have been followed. The Manager may at his/her option in cases where competitive bidding is not required, submit a proposed purchase to competitive bidding, open the bids obtained, and award contracts.
- C. Award of contracts; execution. Where contracts are by law required to be let to competitive public bidding, the Council may, upon recommendation of the Manager, let the contract in the manner prescribed by law. The Mayor or, in the event of the Mayor's absence or his/her disability or inability to act, the Deputy Mayor shall execute and sign contracts let and authorized pursuant to the Charter and ordinances, and their respective signatures shall be attested by the Clerk.
- D. Standards and tests. The purchasing agent shall establish and approve uniform standards for requisitions and purchases; shall control the delivery of all supplies, materials and equipment and other items purchased; and shall make or cause to be made proper tests, checks and

inspections thereof. He/she shall ascertain whether the supplies, materials, equipment and other items purchased comply with the specifications and shall cause laboratory or other tests to be made whenever in his/her opinion it is necessary to determine whether the materials or supplies furnished are of the quality and standard required, and shall accept or reject the deliveries in accordance with the results of the inspection.

- E. Storerooms. The purchasing agent shall control any general storerooms or stockrooms which the Council may authorize. The purchasing agent may make transfers of supplies, material and equipment between departments, officers and agencies; sell surplus, obsolete, unused supplies, material and equipment; and make any other sales authorized by the Council.

§ 2-17. Township budget

- A. Preparation of the budget. The Township budget shall be prepared by the Manager.
- B. Budget requests. During the month of November in each year, the Manager shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before the Manager at such meetings as the Manager deems necessary on the various requests pursuant to law.
- C. Budget document. Upon the basis of the departmental requests, the budget hearings, his/her analysis of the needs and resources of the Township, and such policy guides as may be prescribed by resolution of the Council, the Manager shall prepare his/her recommended budget in the form required by general law for Township budgets. On or before January 15 in each year, the Manager shall present to the Council the budget document consisting of:
 - (1) The recommended budget; and
 - (2) A budget message.
- D. Budget message. The budget message shall consist of such explanatory comments, exhibits, and schedules concerning the budget as the Manager may deem desirable, together with:
 - (1) An outline of the proposed financial policies for the ensuing budget year, including explanations of the important features of the budget, and of any major changes in policy.
 - (2) An analysis of revenue and costs and of work performance contemplated by the budget so far as appropriate units of measurement may have been developed and installed.
 - (3) A statement of pending capital projects and proposed new capital projects, relating the amounts required for capital purposes to the down payments and other expenditures financed from current appropriations and to the amount of bonds to be issued during the budget year.
 - (4) A capital program of proposed capital projects for the budget year and the next five years, which may be prepared by the Township Planning Board, together with the Manager's comments thereon and estimates of cost.
- E. Budget operation. The Manager shall control the expenditure programs of each department through the application of work programs and periodic allotments of budgeted appropriations. No department shall incur any expenditure in excess of the amount so

allotted. Whenever it shall appear to the Manager that the amount appropriated for any department, or for any purpose within a department, is in excess of the amount required to be expended to provide the quantity and quality of services authorized by the budget, the Manager may, by administrative order with the approval of the Council, reduce the amount available for expenditure by any department during the remainder of any year. If at any time during the budget year the Manager shall ascertain that the Township government is faced with the probability of incurring a cash deficit for the current year, the Manager shall reconsider the work programs and allotments of the several departments. Upon such reconsideration, he/she may by administrative order with the approval of the Council revise budget allotments so as to forestall, so far as possible, the making of commitments and expenditures in excess of the revenues to be realized during the fiscal year.

§ 2-18. Economic Development Advisory Committee.

There shall exist within the office of the Township Manager an Economic Development Advisory Committee. The Economic Development Advisory Committee as heretofore established and/or governed under Subsection 2-3.10, Paragraphs a through g, herein of Chapter II (Administration) of the Revised General Ordinances of the Township of Howell, New Jersey,¹ is hereby continued to the extent that it is not inconsistent with the Charter and this chapter. The members of the Economic Development Advisory Committee, notwithstanding anything to the contrary in prior ordinances, shall be appointed by the Township Council.

- A. Establishment. There is hereby created and established in the Township of Howell a committee to be known as the "Howell Township Economic Development Advisory Committee."
- B. Purpose. The Economic Development Committee (hereinafter to be known as the "Economic Development Advisory Committee") shall assist and advise the Township Council in implementing a construction program for sustained and selective economic growth for the Township with particular emphasis upon an enlightened and responsible program to encourage commercial and industrial development and location within Howell Township in furtherance and in accordance with the Master Plan and Chapter 188, Land Use.
- C. Authority. The Committee shall have the authority to employ such staff and expend such sums of money in furtherance of its programs as shall from time to time be authorized and budgeted by the Township Council.
- D. Appointment of Commissioners; qualifications. The Howell Township Economic Development Advisory Committee shall consist of nine members to be appointed by majority vote of the Township Council. All members of the Economic Development Advisory Committee shall be residents of the Township and shall be chosen with a special view to his or her qualification and fitness for service on the Committee. Vacancies in membership shall be filled by majority vote of the Township Council.
- E. Terms and vacancies.

1. Editor's Note: Subsection 2-6.3, Paragraphs a through g, were previously codified as Subsections 2-26.1 through 2-26.7 of the Revised General Ordinances of the Township of Howell.

- (1) There presently exists an Economic Development Advisory Committee in the Township established by resolution of the former Township Committee and whose members and Chair were appointed on January 1, 1981. The members of this Committee shall continue to serve the functions set forth in this section until the expiration of their terms on December 31, 1981. At the time of the reorganization meeting of the former Township Committee in January of 1982, the members of the Economic Development Advisory Committee shall be appointed for the following terms:
 - (a) Three members for a three year term ending December 31, 1984.
 - (b) Three members for a two year term ending December 31, 1983.
 - (c) Three members for a one year term ending December 31, 1982.
 - (2) Thereafter, at the conclusion of the respective terms of the members thereby appointed, each new member shall be appointed for a term of three years, it being the intention of this subsection to distribute the expiration of terms upon the Economic Development Advisory Committee evenly over succeeding years. Any vacancies shall be filled by appointment of the Township Council to complete the unexpired term.
- F. Appointment of Chair. The Chair of the Economic Development Advisory Committee shall be chosen by majority vote of the Township Council and shall serve for a term of one year expiring December 31 of the year in which he or she is appointed.
- G. Procedures. The Economic Development Advisory Committee is authorized and directed to adopt bylaws to govern its procedures and shall keep records of its meetings and activities and shall submit to the Township Council, on or before December 1 of each year, a comprehensive and detailed report concerning its activities and operations.

§ 2-18.1. Serious incident notification. [Added 12-10-2013 by Ord. No. O-13-39]

- A. Purpose. The purpose of this section is to establish policy and procedures regarding the notification of the Township Council by the Township Manager in a timely manner whenever specified incidents occur within the Township of Howell. This policy is in conjunction with, and in further support of, the general order in place within the Howell Township Police Department.
- B. Council notification of significant incidents. To ensure the Mayor and Township Council are aware of significant public safety incidents, the following incidents may be briefed to the Township Council by the Manager or his/her designee within 24 hours of such incident. It is further understood that all information is confidential until such time as the need for confidentiality no longer exists or when disclosure of same would not violate any local, state or federal law.
- (1) Major injury or death of a Township employee.
 - (2) Officer-involved shooting.
 - (3) Traffic collision involving a Township vehicle resulting in a serious injury requiring hospitalization.

- (4) Hostage or barricaded subject.
 - (5) Riot or other major disturbance.
 - (6) Township participation in disaster response to other jurisdictions.
 - (7) Homicide or any unusual event leading to death.
 - (8) Major or serious fire.
 - (9) Serious hazardous materials spill/release.
 - (10) Any event that garners media attention.
 - (11) A substantial school-related incident.
 - (12) Felony arrest of any Township employee or elected official.
 - (13) Any public safety event involving an elected official, Manager, department head that comes to the attention of the Manager.
 - (14) Activation of the Township's Emergency Operations Center.
- C. Requirements in existing law (e.g., juvenile information, notification of immediate family members) or the need to protect crime victims may restrict the ability to provide information. This policy is not intended to circumvent legal limits to law enforcement restricted information. Notification of such incidents described herein shall comply with existing local, state and federal laws.