

ASSEMBLY, No. 2536

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Assemblyman JON M. BRAMNICK

District 21 (Morris, Somerset and Union)

SYNOPSIS

Provides for payment of balance of salary to municipal administrator to be withheld if removed immediately for “good cause.”

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning the removal of a municipal administrator from
2 office and amending N.J.S.40A:9-138 and P.L.1981, c.465.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. N.J.S.40A:9-138 is amended to read as follows:

8 40A:9-138. The municipal administrator may be removed by a
9 2/3 vote of the governing body. The resolution of removal shall
10 become effective 3 months after its adoption by the governing body.
11 The governing body may provide that the resolution shall have
12 immediate effect; provided, however, that the governing body shall
13 cause to be paid to the administrator forthwith any unpaid balance
14 of **【his】** the administrator's salary, and **【his】** the administrator's
15 salary for the next 3 calendar months following adoption of the
16 resolution unless the administrator is removed for good cause. For
17 the purposes of this section, "good cause" means accusation of a
18 crime or offense involving moral turpitude or the violation of any
19 code of ethics in effect within the municipality.

20 In the case of removal for good cause, payment only shall be
21 made if a court of competent jurisdiction renders its final
22 adjudication and finds that no crime or offense was committed. If the
23 act upon which removal for good cause is based does not warrant
24 intervention by the court, payment only shall be made following a
25 finding of no wrongdoing issued as the result of an investigation by
26 a competent and disinterested party.

27 (cf: N.J.S.40A:9-138)

28
29 2. Section 36 (16A-9) of P.L.1981, c.465 (C.40:69A-149.9) is
30 amended to read as follows:

31 16A-9. The municipal administrator shall administer the business
32 affairs of the municipality and shall, as provided by ordinance, have
33 such powers and perform such duties which are not required by this
34 article or general law to be exercised by the mayor, council or other
35 officer, board or body. The administrator shall receive such
36 compensation as may be provided by ordinance. The municipal
37 administrator shall serve during the term of office of the mayor, but
38 may be removed by a vote of at least two-thirds of the members of
39 the council. The resolution of removal shall become effective three
40 months after its adoption. The council may provide that the
41 resolution shall have immediate effect, but in that case the council
42 shall cause to be paid to the administrator forthwith any unpaid
43 balance of **【his】** the administrator's, salary and **【his】** the
44 administrator's, salary for the next three calendar months following
45 adoption of the resolution unless he is removed for good cause. For

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 the purposes of this section, "good cause" **【shall mean conviction】**
2 means accusation of a crime or offense involving moral turpitude,
3 the violation of the provisions of section 17-14, 17-15, 17-16, 17-17
4 or 17-18 of P.L. 1950, c. 210 (C. 40:69A-163 through 40:69A-167),
5 or the violation of any code of ethics in effect within the
6 municipality.

7 In the case of removal for good cause, payment only shall be
8 made if a court of competent jurisdiction renders its final
9 adjudication and finds that no crime or offense was committed. If
10 the act upon which removal for good cause is based does not
11 warrant intervention by the court, payment only shall be made
12 following a finding of no wrongdoing issued as the result of an
13 investigation by a competent and disinterested party.

14 (cf: P.L.1985, c.458, s.2)

15
16 3. This act shall take effect immediately.

17 18 19 STATEMENT

20
21 This bill amends N.J.S.40A:9-138 and provides that in the case
22 of immediate removal of a municipal administrator by means of a
23 resolution passed by at least two-thirds of the governing body, any
24 unpaid balance of the administrator's salary, and the administrator's
25 salary for the next three calendar months may be withheld following
26 adoption of the resolution provided that the municipal administrator
27 was removed for "good cause." This bill defines "good cause" as an
28 accusation of a crime or offense involving moral turpitude or the
29 violation of any code of ethics in effect within the municipality.

30 This bill also amends P.L.1981, c.465 and defines "good cause"
31 as an accusation of a crime or offense involving moral turpitude, the
32 violation of the provisions of section 17-14, 17-15, 17-16, 17-17 or
33 17-18 of P.L. 1950, c. 210 (C. 40:69A-163 through 40:69A-167), or
34 the violation of any code of ethics in effect within the municipality.

35 In the event of immediate removal of the municipal administrator
36 this bill provides that payment shall be made when a court of
37 competent jurisdiction renders its final adjudication and finds that
38 no crime or offense was committed. If the act upon which removal
39 for good cause is based does not warrant intervention by the court,
40 payment shall only be made following a finding of no wrongdoing
41 issued as the result of an investigation by a competent and
42 disinterested party.