SENATE, No. 1547

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Senator STEPHEN M. SWEENEY
District 3 (Cumberland, Gloucester and Salem)
Senator NICHOLAS P. SCUTARI
District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Permits appointment of alternate members for county improvement authorities; permits compensation for members of these authorities.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 6/1/2021)

AN ACT concerning the membership of county improvement authorities and amending P.L.1960, c.183.

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

1. Section 3 of P.L.1960, c.183 (C.40:37A-46) is amended to read as follows:

3. a. The governing body of a county may by ordinance or resolution, as appropriate, create a public body corporate and politic under and pursuant to **[**this act**]** P.L.1960, c.183 (C.40:37A-44 et seq.), under the name and style of "the county improvement authority," with all or any significant part of the name of said county inserted.

b. (1) Said body shall consist of the **[**5**]** five members thereof, who shall be residents of the county and be appointed by ordinance or resolution of said governing body as hereinafter provided, and it shall constitute the authority contemplated and provided for in **[**this act**]** P.L.1960, c.183 (C.40:37A-44 et seq.) and an agency or instrumentality of said county.

(2) The governing body of the county may provide, by ordinance or resolution, for not more than two alternate members, who shall be residents of the county. If two alternate members are appointed, the alternate members shall be designated as "Alternate No. 1" and "Alternate No. 2." The governing body of the county shall provide in the ordinance or resolution for the order in which an alternate member shall serve. An alternate member may participate in discussions of the proceedings of the authority but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member.

c. Copies of said ordinance or resolution for the creation of the authority, certified by the clerk of said governing body, shall be filed in the office of the Secretary of State and in the office of the Division of Local Government Services in the Department of Community Affairs. A copy of any such certified ordinance or resolution, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any action or proceeding and shall be conclusive evidence of due and proper adoption and filing thereof as aforesaid. After such filing in the office of the Secretary of State, a copy of said ordinance or resolution shall be published at least once in a newspaper published or circulating in the county, together with a notice stating the fact and date of its adoption and the date of the first publication of such notice. If no action questioning the validity of the creation or establishment of the

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.

authority shall be commenced within 45 days after the first publication of such notice, then said authority shall be conclusively deemed to have been validly created and established and authorized to transact business and exercise powers as a public body created pursuant to ⟦this act⟧ P.L.1960, c.183 (C.40:37A-44 et seq.).
(cf: P.L.1982, c.113, s.2)

2. Section 5 of P.L.1960, c.183 (C.40:37A-48) is amended to read as follows:

5. a. (1) After expiration of the period of 45 days following the first publication as provided in section 3 hereof of a notice regarding creation of an authority, ⟦5⟧ five persons shall be appointed as the members of the authority. The members first appointed shall, by the resolution of appointment, be designated to serve for terms respectively expiring on the first days of the first, second, third, fourth and fifth Februarys next ensuing after the date of their appointment. On or after January 1 in each year after such first appointments, one person shall be appointed as a member of the authority for a term commencing on or after February 1 in such year and expiring on February 1 in the fifth year after such year. Each member shall hold office for the term of appointment and until his successor shall have been appointed and qualified.

(2) The term of an alternate member shall be five years commencing on February 1 of the year of appointment; provided, however, that if two alternate members are appointed, the initial terms shall be four and five years respectively. The terms of the initial alternate members appointed shall commence on the day of their appointment and shall expire on the fourth or fifth January 31 next ensuing after the date of their appointments, as the case may be and as provided in the ordinance or resolution of appointment.

(3) An alternate member shall serve during the absence or disqualification of a regular member. Any vacancy in the membership of the authority during an unexpired term shall be filled by appointment of a person as member for the unexpired term.

(4) A copy of any resolution appointing any such members, certified by the clerk of the governing body, may be filed in the office of the Secretary of State. A copy of any such certified resolution, duly certified by or on behalf of the Secretary of State, shall be admissible in evidence in any action or proceeding and shall be conclusive evidence of due and proper adoption and filing thereof as aforesaid and, except in an action or proceeding seeking only exclusion of the appointee from office, shall be conclusive evidence of the due and proper appointment of the members named therein.

b. Notwithstanding the provisions of subsection a. of this section and section 3 of P.L.1960, c.183 (C.40:37A-46), whenever any county governed by the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.) shall proceed to reorganize its

county improvement authority pursuant to the reorganization powers granted under section 30 of ⟦that act⟧ P.L.1972, c.154 (C.40:41A-30), the ordinance adopted for that purpose shall prescribe the number of members of the authority, their respective terms of office, and the dates upon which their respective terms of office shall expire.
(cf: P.L.1982, c.113, s.4)

3. Section 8 of P.L.1960, c.183 (C.40:37A-51) is amended to read as follows:

8. The ⟦members of an authority shall serve without compensation, but the⟧ authority may reimburse its members for necessary expenses incurred in the discharge of their duties. The ordinance or resolution establishing the authority may provide that the members of the authority receive compensation for their services subject to annual or other limitations set forth in the ordinance or resolution. In that event, each member may receive from the authority compensation as the authority may determine within the limitations set forth in the ordinance or resolution. The annual or other limitations set forth in the ordinance or resolution may be amended by a subsequent ordinance or resolution, but no reduction of a limitation shall be effective as to any member of the authority then in office except upon the written consent of the authority. A member of an authority shall not receive any compensation except as provided in this section.
(cf: P.L.1960, c.183, s.8)

4. This act shall take effect immediately.

STATEMENT

This bill would permit the appointment of alternate members for county improvement authorities. The bill allows up to two alternate members to be appointed. An alternate member may participate in discussions of the authority's proceedings, but only cast a vote in the absence or disqualification of a regular member. An alternate member would generally serve a five-year term.

This bill would also permit a county governing body to allow members of county improvement authorities to receive regular compensation for their services. Currently, these members are required to serve without compensation.