

**NOTICE IS HEREBY GIVEN** that Ordinance #14-26 was introduced and passed on first reading on regular meeting of the Mayor and Council on the 2<sup>nd</sup> day of September, 2014, and that said Ordinance will be taken up for further consideration for final passage at a regular meeting of the Mayor and Council to be held on the 16<sup>th</sup> day of September, 2014, at 8:00 p.m. or as soon thereafter as said matter can be reached, at which time and place all persons who may be interested therein will be given an opportunity to be heard concerning same.

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Karen Hughes, Borough Clerk  
Borough of Westwood

**ORDINANCE #14-26**  
**AN ORDINANCE AMENDING CHAPTER 40 OFFICERS AND EMPLOYEES ,**  
**ARTICLE X BOROUGH ADMINISTRATOR AND INTERIM BOROUGH**  
**ADMINISTRATOR**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Westwood that Chapter 40, Officers and Employees, Article X Borough Administrator and Interim Borough Administrator, be amended as follows (changes in bold, strikethrough indicates removal of text):

§ 40-35. Office of Borough Administrator.

A. Office created. The office of Borough Administrator of the Borough of Westwood is hereby created pursuant to N.J.S.A. 40A:9-137.

B. Term of employment. The term of employment of the Borough Administrator shall be of indefinite duration as provided for by N.J.S.A. 40A:9-137 and 40A:9-138.

C. Residency requirements. The Mayor and Council of the Borough waives the requirement that its Borough Administrator be a resident of the Borough.

D. Basis of selection. The selection of the Borough Administrator shall be made on the basis of executive and administrative ability, training and experience, as determined by the Governing Body.

E. Annual compensation fixed. The annual compensation for the Borough Administrator shall be fixed in the Salary Ordinance of the Borough annually.<sup>[1]</sup>

[1]:

Editor's Note: The Salary Ordinance is on file in the Borough offices.

F. Responsibilities and duties of Borough Administrator. The Borough Administrator shall be the full-time chief appointive administrative officer of the Borough and shall be responsible to the Governing Body. Among the duties of the Borough Administrator shall be the following duties, which are representative of the duties but not limited thereto:

- (1) Review, recommend, implement and enforce personnel organization and policy of the Borough and its departments after consultation with the respective Borough Commissioners and department heads.
- (2) Review, recommend, implement and enforce administrative procedures and policy of the Borough and its departments after consultation with department heads.
- (3) Review, recommend, implement and enforce procedures and policy of the Borough and its departments for receipt, dissemination and collation of, and for responses to, communications and information after consultation with department heads.
- (4) Assign responsibility for departmental actions and coordinate operations as authorized by the Borough Governing Body.
- (5) Review, recommend, implement and enforce the procedures and policy of the Borough and its departments for the coordinating, compiling, editing and prompt dissemination and release of public information.
- (6) Negotiate contracts for the Borough as authorized by and subject to the approval of the Borough Governing Body.
- (7) Make recommendations concerning the nature and location of public improvements and coordinate and expedite the execution of public improvements authorized by the Borough Governing Body.
- (8) Assist the CFO in the preparation of the Budget by helping to coordinate appropriate requests from Department Heads and facilitate timely assemblage of needed budgetary data.**
- ~~(9) Review, recommend, implement and enforce the financial procedures and policy of the Borough and its departments after consultation with the appropriate department Commissioner and department heads.~~
- (9) Attend all meetings where requested by the Governing Body with the right to participate in discussions but without the right to vote.
- (10) Keep the Borough Governing Body currently informed of all matters within this jurisdiction by way of monthly reports, and as may be requested by the Borough Governing Body, and by an annual report of his or her work for the benefit of the Borough Governing Body and the public, including that obligation to see that all terms and conditions imposed in favor of the Borough or its inhabitants in any statute or contract, where known to him or her, are faithfully kept and performed and, upon knowledge of any violation, call the same to the attention of the Governing Body.
- (11) Perform all such other duties and work as may be requested of him or her by the Governing Body.
- (12) Where, by ordinance, the Borough has established a department and the Mayor has made no appointment to fill the office, the Borough Administrator shall act as head of the department without additional compensation until such time as the Mayor, with the prior consent of the Borough Council, shall make an appointment to fill such vacancy. With the consent of the Borough Governing Body, the Borough Administrator may appoint such assistants in a department where a vacancy in a department head shall exist for the purpose of the proper operation and control of the department.

G. Removal of Administrator without cause. The Borough Administrator may be removed at any time upon a 2/3 vote of the Governing Body in accordance with N.J.S.A. 40A:9-138.

H. Holding other offices; exercising additional powers.

(1)

Nothing herein shall derogate from or authorize the Borough Administrator to exercise the powers or duties of the elected officials of the Mayor and Council or of legally established boards and commissions thereof established pursuant to law.

(2)

Nothing herein shall mitigate against the Borough Administrator from appointive office in the Borough, provided the same is not inconsistent with the duties and obligations herein set forth.

§ 40-36. Office of Interim Borough Administrator.

A. Creation of office. It is hereby created in the Borough of Westwood the office of Interim Borough Administrator. Appointments to this office shall be by the Mayor, subject to confirmation by the Governing Body. The appointee shall hold office at the pleasure of the Mayor and Council, subject to removal at any time without cause by a majority vote. The duties of the Interim Borough Administrator shall be as set forth herein in § 40-35F. It is intended that this office remain vacant except in the case of vacancy or extended absence of the Administrator as described in this article.

B. Vacancies, absence or disability of Administrator. In the event of the absence or disability of the Borough Administrator, the Clerk shall possess, exercise and perform the duties of the Administrator.

(1) For vacations and other absences of two weeks or less duration, the Clerk shall possess the full powers of the Administrator to act but shall refrain from acting except in those instances where it would be impractical to defer action until the return of the Administrator. During this interim period, the Clerk's task shall be to preserve the status quo and administer the business of the Borough of Westwood in the ordinary course of business. In the event that the Borough Administrator and Clerk are both absent, and action, as described above, is necessary to be taken in such event, the Chief Financial Officer (CFO) of the Borough of Westwood shall possess authority to act.

(2) For extended absences (in excess of two weeks), the Borough Clerk, and where applicable, the CFO, shall act as above, but only until such time as the Governing Body shall, by resolution, fill the office of Interim Borough Administrator. In such case, the Interim Borough Administrator shall have full power and authority to act as he or she deems to be in the Borough's best interest during the absence of the Administrator. For purposes of this article, a temporary absence shall be one of four months' duration or less.

(3) In the case of a vacancy or absence beyond a temporary absence in the office, the Governing Body shall appoint an Interim Borough Administrator to act with full power and authority with the expectations that any such arrangement shall be of a

duration of not more than six months, following which a replacement Administrator is expected to be appointed.

(4) Where an Interim Borough Administrator has been appointed, and said person is absent, the Clerk or CFO shall be empowered to act as described in Subsection B(1).

(5) It shall be lawful, where appropriate, after the fact, for the Clerk to be compensated for such services in a reasonable amount.

If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

Adopted: \_\_\_\_\_

Approved:

Attest:

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John Birkner, Jr., Mayor

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Karen Hughes, Borough Clerk