

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

ORDINANCE 2023-16

AN ORDINANCE AMENDING CHAPTER 5: “ADMINISTRATION OF GOVERNMENT” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO REPEAL THE MAYOR’S TEMPORARY APPOINTMENT POWER UNDER CODE SECTION 5-14(J)

Councilman Gubitosi offered the following Ordinance and moved its introduction:

BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, and State of New Jersey as follows:

SECTION 1. Section 5-14: “Rules of Procedure at Meetings” of Chapter 5: “Administration of Government” of the Revised General Ordinances of the Borough of Bradley Beach is hereby amended as follows (~~stricken~~ text deleted; underlined text added):

CHAPTER 5

ADMINISTRATION OF GOVERNMENT

ARTICLE III DEPARTMENTS AND OFFICES.

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§ 5-14 Department Heads and Subordinates.

- A. The Mayor shall recruit, select and appoint persons qualified by training and experience for their respective office as department heads. Department heads shall be employees of the Borough.
- B. Each department head shall serve during the term of the Mayor appointing him, unless removed from office by the Mayor, and shall continue to serve until a successor is appointed and qualified.
- C. Each department head serves at the pleasure of the Mayor regardless of the term of appointment, except as otherwise provided by law.
- D. Personnel subordinate to the head of a department shall be appointed by the Mayor, except as may otherwise be provided by this chapter, and shall serve during the Mayor's term, unless otherwise provided by the Charter, general law, this chapter or other ordinances.

- E. Personnel subordinate to the head of a department may be removed by the head with the approval of the Mayor, unless otherwise provided by the Charter, general law, this chapter or other ordinances.
- F. Nothing in this article shall be construed to prevent the Mayor from appointing to any position for which the Mayor has the responsibility of making appointments either himself or another appointed municipal officer, except as specifically prohibited by the Charter, general law or this chapter.
- G. The Mayor shall report to the Borough Council on his or her appointments to the position of department heads and subordinate personnel within 30 days of assuming office, except as otherwise provided by the Charter, general law, this chapter or other ordinances.
- H. No new department, division, office, officer or employee position shall be created except by action of the Borough Council, and no existing department, division, office, officer or employee position shall be abolished except by action of the Council.
- I. The creation and/or the abolition of any position by Council shall be specifically noted as appropriate in the annual budget, and any ordinance establishing a new department, division, office, officer or employee position shall include a statement of the powers, duties and responsibilities of the function therein created, and this chapter shall be appropriately amended.
- ~~J. Whenever a vacancy exists in any office required by the Charter or by this chapter to be filled by the Mayor with the advice and consent of the Borough Council and there is no holdover incumbent, the Mayor may temporarily fill such vacancy, in the absence of any contrary provision in the Charter, general law or in this chapter, by appointing an acting officer. Such appointee shall have all of the functions, powers and duties of the office until it shall be permanently filled. Any such appointment shall terminate not later than 90 days after the date of the appointment, unless the Borough Council shall by resolution authorize one or more extensions of such a period.~~
- ~~K~~J. Unless otherwise provided specifically by this chapter or state statute, nothing contained herein shall prevent any officer or employee from serving under one or more titles, offices or positions under this form of government.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

SO ORDAINED as aforesaid.

Erica Kostyz

ERICA KOSTYZ, RMC, CMR
Municipal Clerk

Introduced: November 8, 2023

Date of Hearing and Adoption: December 6, 2023