

**BERGEN COUNTY  
BOARD OF COUNTY COMMISSIONERS  
STATEMENT - ORDINANCE 22-08**

**STATEMENT**

The ordinance previously published in The Record on Sunday April 24, 2022 and available online at [https://www.co.bergen.nj.us/images/County\\_Officials/commissioners/Ordinance22-08.pdf](https://www.co.bergen.nj.us/images/County_Officials/commissioners/Ordinance22-08.pdf) has been finally adopted on May 4, 2022 and duly approved by Bergen County Executive and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Optional County Charter has begun to run from the date of the first publication of this statement.

**Lara Rodriguez**  
**Clerk to the Board of Bergen County Freeholders**

**BERGEN COUNTY  
BOARD OF COUNTY COMMISSIONERS  
ORDINANCE**

**AN ORDINANCE AMENDING THE BERGEN COUNTY ADMINISTRATIVE CODE TO REVISE ARTICLE 8.2.0 (DEPARTMENT OF HEALTH) AND REPLACE THE BOARD OF CHOSEN FREEHOLDERS WITH THE BOARD OF COUNTY COMMISSIONERS THROUGHOUT THE BODY OF THE ADMINISTRATIVE CODE IN ACCORDANCE WITH N.J.S.A. 40:20-1**

**WHEREAS**, N.J.S.A. 40:41A-125 and Bergen County Administrative Code §2.1(a) authorize the Board of County Commissioners to adopt and amend an Administrative Code; and

**WHEREAS**, the County of Bergen adopted Ordinance No. 87-06 establishing the Administrative Code effective May 6, 1987; and

**WHEREAS**, the Administrative Code was last revised by Ordinance No. 19-33 passed on December 4, 2019; and

**WHEREAS**, the County Executive and the Board of County Commissioners, through counsel, have performed an in-depth review of the Administrative Code; and

**WHEREAS**, pursuant to N.J.S.A. 40:20-1, signed into law by Governor Murphy on August 21, 2020, the Board of Chosen Freeholders was renamed to the “Board of County Commissioners” in all county letterheads, signs, stationary and other writings including websites no later than one year from the effective date of the statute, January 1, 2021; and

**WHEREAS**, the County Executive and the Board of County Commissioners seek to revise Article 8.2.0 (Department of Health) and replace the Board of Chosen Freeholders with the Board of County Commissioners throughout the body of the Administrative Code in accordance with N.J.S.A. 40:20-1; and

**WHEREAS**, a copy of the Administrative Code with the proposed changes is attached.

**NOW, THEREFORE, BE IT ORDAINED:**

**Section 1:** The Administrative Code of the County of Bergen is hereby amended as follows in the attached document. New additions to the Administrative Code are underlined. Matters ~~struck through~~ are deleted from the Administrative Code. Any provisions, sections, or subsections that do not appear below have not been modified. In addition, pursuant to Section 2.9(b) of the attached Administrative Code, the Board Attorney, or their designee, shall be free to adjust the attached document solely for formatting and presentation purposes, and to add attending pages, such as a cover page, table of contents, and index.

**Section II:** 7:00 PM on May 4, 2022 at the Bergen County Board of County Commissioners Meeting Room, Fifth Floor, One Bergen County Plaza, Hackensack, NJ, is fixed as the time and place when and where any and all persons interested shall be given an opportunity to be heard concerning the ordinance.

**Section III:** Pursuant to N.J.S.A. 40:41A-101, this ordinance shall be published at least once in the manner

provided in N.J.S.A. 40:41A-142, together with a notice of the introduction thereof and the time and place when and where it will be further considered for final passage. The publication shall be at least one week prior to the time fixed for further consideration for final passage.

**Section IV:** A copy of the proposed ordinance shall also be distributed to the clerk of each municipality in the County not less than one week prior to the date of hearing.

**Section V:** Prior to the said second reading, a copy of the ordinance shall be posted on the bulletin board or other place upon which public notices are customarily posted in One Bergen County Plaza, and copies of the ordinance shall be made available to members of the general public who shall request such copies.

**Section VI:** Upon the opening of the hearing, the ordinance shall be given a second reading, which reading may be by title, and thereafter, it may be passed by a majority of the whole number of the Board, with or without amendments, or rejected.

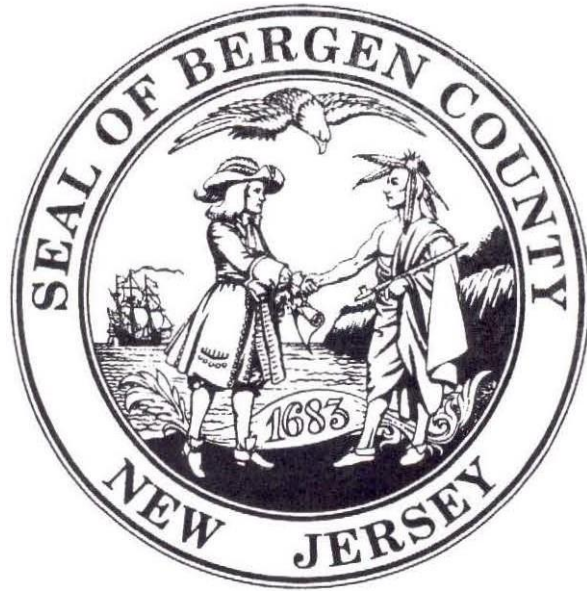
**Section VII:** Pursuant to N.J.S.A. 40:41A-101, this ordinance shall take effect 20 days after its final passage by the Board and approval by the County Executive.

**Section VIII:** Upon passage, the ordinance, or the title, together with a notice of the date of passage or approval, or both, shall be published at least once in the manner provided by N.J.S.A. 40:41A-142 of this act.

**Section IX:** One certified copy of the full text of every ordinance so adopted shall be filed with the clerk of each municipality within the County not later than 10 days after the date of final passage.

**Section X:** All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

**Section XI:** If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remained or any portion thereof.



# The Administrative Code of the County of Bergen State of New Jersey

Last Amended

~~December 4,~~  
~~2019~~ May 4, 2022

# Table of Contents

	PAGE
PREAMBLE-----	1
 <u>ARTICLES:</u>	
1 Title-----	1
2 Board of <del>Chosen Freeholders</del> <u>County Commissioners</u> -----	
----- 5	
3 County Executive-----	17
4 Administrator-----	22
5 Contracts and Purchases-----	24
6 Budget and Fiscal Procedures-----	25
7 Constitutional and Judicial Officers-----	30
8 Departments-----	32
Administration <del>&amp;</del> <u>and</u> Finance-----	
<del>3635</del>	
Health-----	45
Human Services-----	48
Law-----	50
Public Safety-----	54
Public Works-----	56
Parks-----	<del>58</del> <u>57</u>
Planning and Engineering -----	60
9 Non-Departmental Agencies-----	67
10 Inter-governmental Relations-----	<del>72</del> <u>71</u>
11 General Provisions-----	72
12 Historical Provisions -----	85
LIST OF AMENDING ORDINANCES-----	87

## PREAMBLE

The Administrative Code has been drafted and approved by the Bergen County ~~Board of Freeholders~~Board of County Commissioners as the detailed blueprint for Bergen County Government.

The governmental philosophy which underlies this Administrative Code is that the Executive has the authority to make day-to-day operating decisions.

The Board of ~~Freeholders-Commissioners~~ acts as the formulator of policy, which is reflected in ordinances and resolutions covering County government operations. The Board also provides the checks and balances, in accordance with State statutes, which, the American people are accustomed to in their form of government.

Basically, under this Administrative Code, the Board of ~~Freeholders-Commissioners~~ is required to make and modify the laws which govern this County and the Executive is required to see that these laws are properly carried out.

This Administrative Code dated July 12, 2017 seeks to amend and supersede any and all prior versions of the Administrative Code of the County of Bergen, State of New Jersey.

### Article 1 Title

1.1 Title. This ordinance, together with all amendments and supplements thereto may be cited as "The Administrative Code of the County of Bergen".

1.2 Purpose. It is the purpose of this Code to fulfill the mandate of the Optional County Charter Law that the Board of ~~Chosen Freeholders~~County Commissioners organize the agencies and affairs of the County under the Charter plan adopted in the manner most conducive to efficient and effective delivery of services and to a high level of public confidence in the conduct of the County's government.

1.3 Continuation. As of the effective date of this Code, the inhabitants of Bergen County shall, within the boundaries of Bergen County, continue and remain a body corporate and politic with perpetual succession.

1.4 Governing Laws. As of the effective date of this Code, the County of Bergen shall be governed by: federal law; the Constitution of the State of New Jersey; the Optional County Charter Law and such other state laws not inconsistent therewith or otherwise made applicable by operation of N.J.S.A. 40:41A-24 et seq.; this Code; and all other ordinances and resolutions duly adopted by the Board of ~~Chosen Freeholders~~County Commissioners.

1.5 Interpretive Statement. The Board may in enacting this Code:

- a. Utilize fully the powers granted to the County by the Optional County Charter Law to organize and regulate Bergen County's internal affairs; create, alter or abolish office, positions and employments and define the functions, powers and duties thereof; establish qualifications for persons holding offices, positions and employments; and provide for the manner of their appointment and removal and for their term, tenure and compensation.
- b. Provide for the establishment of innovative shared service programs in any area of service in which a local unit desires to contract with Bergen County for the County to provide, on a contractual basis to the local unit, any service which the local unit could provide for itself or vice versa.
- c. Delineate with clarity the fundamental separation of powers between legislative and executive branches of government which lies at the base of the Optional County Charter Law.
- d. It is further the intent of this Code that all grants of power and assignments of duties and responsibilities be deemed to include all those powers which are necessarily incidental to or which may be fairly implied from the grants of power and assignments of duties and responsibilities herein contained.

1.6 Construction. For the purposes of the Code and any other ordinances and resolutions heretofore or hereafter adopted:

- a. The present tense includes the past and future tenses; the future includes the present.
- b. The time within which an act is to be done shall be computed by excluding the first and including the last day, but if the last day be a Saturday, Sunday or legal holiday, then the next day which is not a Saturday, Sunday or a legal holiday shall be the last day.
- c. "Writing" and "written" shall include printing, typewriting, stencil duplicating and any other visual mode of reproducing words or figures on paper or paper-like material which is in general use.
- d. Unless specifically indicated, no statement contained in this Code as to appointment or dismissal of any person in County service is intended to modify or abrogate any provision of Title XI (Civil Service) of the Revised Statutes or of any regulation issued hereunder.
- e. Nothing in this Administrative Code shall be construed as diminishing the statutory duties or powers of the County Executive or the Board of ~~Chosen Freeholders~~County Commissioners. If there is a conflict between any provision of the Administrative Code and any statute, then the statute will prevail.

1.7 Definitions. For the purpose of this Code and in the interpretation and application of all other ordinances and resolutions heretofore or hereafter adopted by the County, except as the context may otherwise require.

a. "Agency" shall mean any autonomous or semi-autonomous unit of government as listed in Article 9.

b. "Board" shall mean the Board of ~~Chosen Freeholders~~County Commissioners of the County of Bergen.

c. "By Law" shall mean one or more of the laws governing the County as set forth in Section 1.4.

d. "Code" shall mean the Bergen County Administrative Code together with any amendments and supplements thereto.

e. "Charter" shall mean the Optional County Charter Law (L.1972, ch.154; N.J.S.A. 40:41A-1 et seq.) as amended and supplemented, as applicable to Bergen County by its adoption of the County Executive Plan.

f. "County" shall mean the County of Bergen, State of New Jersey.

g. "County Executive" also referred to as "Executive" shall mean the officer by that title duly elected and serving pursuant to the Charter.

h. "Department" shall mean a primary organization unit or group of organization units of the County government.

i. "Department Head" shall mean the administrative head of a department, and its subdivisions, regardless of ~~his/her~~their title, who shall be appointed by the County Executive with the advice and consent of the Board of ~~Chosen Freeholders~~County Commissioners.

j. "Division" shall mean a sub-organization unit or group of organization units of a department of the County government established by or designated as a division by the Code.

k. "Division Head" shall mean the administrative head of a division, regardless of ~~his/her~~their title, who shall be appointed by the County Executive with the advice and consent of the Board of ~~Chosen Freeholders~~County Commissioners.

l. "Local Unit" shall have the same meaning as given in the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-3.

m. "Office" shall mean either a sub-organization unit within a division or a unit of County government within a department whose interaction with other governments



or agencies requires a distinct organizational structure the head of which shall not require appointment by the County eExecutive or confirmation by the Board, and who shall not be identified as a director.

n. "Ordinance" shall mean and include any act or regulation of the Board, except an expense or capital budget, required to be reduced to writing, published after introduction, and considered for final passage. All actions of the Board not listed as resolutions in N.J.S.A. 40:41A-38 shall be done by ordinance.

o. "Person" shall mean any corporation, firm, partnership, association, organization or other entity, as well as an individual.

p. "Quorum" shall mean the number of Board members required to be present for the Board to take action. Four (4) members of the Board shall constitute a quorum.

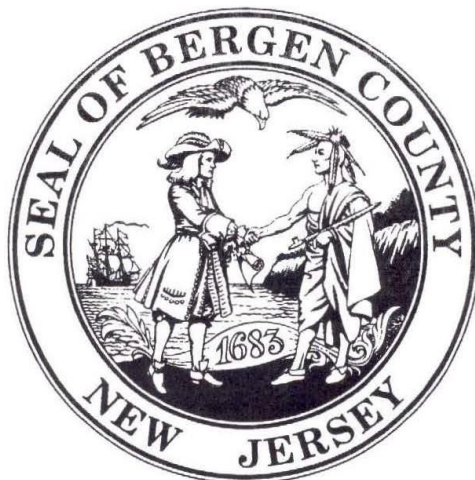
q. "Resolution" shall mean and include any act or regulation of the Board, required to be reduced to writing but which may be finally passed at the meeting at which it is introduced and which is listed in N.J.S.A. 40:41A-38. The annual budget adopted pursuant to N.J.S.A. 40A: 4-1 et seq. shall also be deemed to be adopted by resolution, even though it cannot be adopted at the meeting at which it is introduced.

r. "Staff" shall mean all personnel within any department, division, office, agency, bureau or other governmental unit.

s. "The whole number of members of the Board" shall mean seven (7), regardless of absences or vacancies for any reason whatsoever.

1.8 Penalties. A violation of any ordinance for which no penal sanction is otherwise provided, shall be punishable by a minimum fifty-dollar (\$50.00) fine.

1.9 County Seal. The following design is hereby adopted as the official and standard design of the Seal of the County of Bergen to be used for all authorized and official County purposes:



**Article 2 Board of ~~Chosen Freeholders~~County Commissioners**

2.1 Board Powers. The legislative and investigative powers of County government as granted by the Optional County Charter Law shall be vested in the Board. Pursuant to the grant of powers in the Charter, the Board shall have the power to:

a. Adopt and amend an Administrative Code organizing the administration of County government, setting forth the duties and responsibilities and powers of all County officials and agencies, and the manner of performance needed.

Nothing in the Administrative Code shall change the duties or powers of County officers whose existence is mandated by the Constitution or shall diminish the statutory duties, responsibilities or statutory powers of the Executive or County Administrator.

b. Advise and consent to appointments of all Department and Division Heads, the County Counsel, Administrator and Deputy County Administrator, the members of the boards, commissions and authorities and of such other unclassified positions for which such advice and consent may be permitted by law.

c. Pass, in accordance with law, whatever ordinances and resolutions it deems necessary and proper for the good governance of the County.

d. Appoint a Clerk to the Board to serve at its pleasure or for a term not to exceed three (3) years. The Clerk shall: (a) attend all meetings and conferences of the Board; (b) take and preserve the minutes of the Board, which shall record all actions and votes taken and the substance of discussions and debate relating thereto and of all other matters; (c) keep and compile all ordinances, resolutions and minutes of the Board, all rules, policies, guidelines, procedures and regulations issued by the Administration pursuant to Section 8.1.13 of this Code, as provided by the Executive to the Clerk of the Board, and retain in ~~his/her~~their custody for safekeeping all contracts, deeds, surety bonds, insurance policies and other official papers delivered to ~~him/her~~them; (d) have custody of the County ~~seal~~Seal and may affix it to appropriate documents without charge; (e) arrange for the clerical staff of the Board of ~~Freeholders~~County Commissioners and provide secretarial services for the Board members, expedite the handling of their correspondence and have such other and different powers and duties as may be provided by resolution of the Board; and, (f) in the absence of the Clerk, the ~~Chairman~~Chairperson may appoint an acting clerk to perform such duties.

e. Appoint a Counsel to the Board to serve at the pleasure of the Board.

- f. Pass by a 2/3 majority vote a resolution of disapproval for suspension or dismissal, subject to the provisions of N.J.S.A. 40:41A-87b.
- g. Override a veto of the County Executive by a two-thirds vote, five (5), of its full membership.
- h. Approve the annual operating and capital budgets by resolution pursuant to the Local Budget Law.
- i. Provide advice and consent for the annual appointment by the Executive of a registered municipal accountant of New Jersey to perform an independent audit of the County's books, accounts and financial transactions and to perform such other services as the Board directs, specifically with regard to the review, modification, approval and operation of the budget; and to perform an independent financial, compliance, performance or operational audit of any agency of the County.
- j. Conduct such investigations as are germane to the exercise of its legislative and budgetary powers under the Code and as otherwise authorized by law, including power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence as is provided in this Charter, in the County and Municipal Investigations Law (N.J.S.A. 2A:67A et seq.) and in other general law.
- k. Designate which of the Board's staff shall be responsible for processing funding requests by the Board and its staff for submission and prompt payment by the Division of Fiscal Operations.
- l. Order cessation of expenditures in any appropriation it has approved for any agency not under the jurisdiction of the Executive, or for any grant to any non-governmental agency if it is apparent to the Board that funds are not being used for the purposes authorized or are being misused, or if the possibility of over expenditure exists.
- m. Provide advice and consent to the Executive's appointments to such temporary advisory boards of citizens as the Board from time to time may feel necessary to advise the Board, the Executive, and/or the department to which it is attached on those matters and for those purposes for which the advisory board was formed.
- n. Retain and employ such professional and clerical staff, consultants and interns as may be necessary to assist the Board in the proper performance of the responsibilities imposed on it by law and establish rates of pay for such employees and professionals.
- o. Approve or disapprove site plans and subdivisions on recommendation of the Planning Board.

2.2 Vacancy. A vacancy in the office of ~~Freeholder-Commissioner~~ shall be filled in the manner provided by N.J.S.A. 40:41A-145.

2.3 Organization. The Board shall meet during the first week of January in each year to elect its Chair~~man/woman~~person and Vice Chair~~man/woman~~person by a majority of the whole Board and to conduct such other business as may come before it. Newly elected members may take the oath of office on or before the date of organization, but shall not take their seats or assume the duties of office prior thereto, except as provided in section 2.4.

2.4 Annual Transition. Members-elect of the Board shall be notified of all meetings of the Board to be held between Election Day and organization day, the same as incumbent members. They shall be entitled to attend all such meetings, and to participate in all informal conferences without vote.

2.5 Presiding Officer. The Chair~~man/woman~~person and Vice~~chairman/woman~~Chairperson shall serve for one year and until the election and qualification of their successors. The Chair~~man/woman~~person shall preside over all meetings of the Board and may appoint Board committees.

In the absence of the Chair~~person~~man/woman, the Vice~~chairman/woman~~Chairperson shall act in ~~his/her~~their stead. In the absence of both, the Board shall elect from among its members a ~~chairman/woman~~Chairperson pro tempore for the meeting to serve only as long as either is absent.

## 2.6 Meetings.

a. Regular meetings: Regular meetings of the Board shall be held twice a month on the day and time set by resolution of the Board. The meetings will be held at the Public Meeting Room of the Board of ~~Chosen-Freeholders~~County Commissioners, Fifth Floor, Administrative Building, Hackensack, New Jersey or at such other location as may be fixed by resolution of the Board.

b. Executive meetings: Executive meetings shall be held at least twice a month on the day and time set by resolution of the Board. The meetings will be held in the Executive Chambers of the Board, Fifth Floor, Administrative Building, Hackensack, New Jersey or at such other location as may be fixed by resolution of the Board.

c. Special Meetings: The Chair~~man/woman~~person may call special meetings or informal conferences of the Board. The Board may also order such meetings or conferences by motion at any regular meeting. The call shall designate the purposes for meeting and no other business shall be considered. The call shall be filed with the Clerk during regular business hours at least forty-eight (48) hours before the time for which the meeting is called. The Clerk shall forthwith notify each member and member-elect. The Clerk shall make copies of the call available to the press and shall post at least one copy in a prominent place near the entrance to the meeting place.

d. Emergency Meetings: The Chair~~man/woman~~person may call an emergency meeting when such emergency affects the public health, safety or welfare and which requires an immediate decision.

2.7 Meetings and Conferences Public. All meetings of the Board, including executive meetings and informal conferences held at such times and places as the Board may fix, shall be open to the public in accordance with the Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.). Exceptions, if any, shall be as authorized therein.

2.8 Rules of Procedure. In addition to such rules as may be set forth in by-laws adopted by resolution of the Board pursuant to Section 100 of the Charter, the following rules of procedure shall apply:

a. Presiding officers: The Chair~~man/woman~~person, and in ~~his/her~~their absence, the Vice-~~chairman/woman~~ Chairperson, shall take the chair at the time appointed for the meeting and shall call the Board to order. In the absence of the Chair~~man/woman~~person and Vice-~~chairman/woman~~ Chairperson, the Clerk shall call the Board to order, determine whether a quorum is present and, if so, ~~he/she~~ they shall call for election of a ~~chairman/woman~~Chairperson pro tempore who shall take the chair as soon as elected. When the Chair~~man/woman~~person or Vice-~~chairman/woman~~Chairperson arrives, the ~~chairman/woman~~Chairperson pro tempore shall relinquish the chair.

b. Quorum: Four (4) members of the Board shall constitute a quorum.

c. Attendance: At the beginning of each regular or special Board meeting, the Clerk shall call the roll in alphabetical order, except that the presiding officer shall be called last, and enter the names of those present in the minutes. Should no quorum attend within thirty (30) minutes after the hour appointed for the meeting, the presiding officer shall adjourn the meeting until the next day, unless by unanimous consent the members present select another hour or day. The Clerk shall record in the minutes the names of the members present and the action taken.

d. Order of business: At each regular meeting of the Board the order of business shall be as established in the by-laws adopted by the Board.

e. Rules of Order: The conduct of Board meetings shall be governed by Robert's Rules of Order Revised, except as otherwise provided by the Charter, Code or by-laws.

f. Rights of presiding officers: The presiding officer may move, second and debate from the chair and shall not be deprived of any of the rights or privileges of Board members by reason of presiding.

g. Voting: The vote on every motion, resolution or ordinance shall be taken by roll call in alphabetical order except that the presiding officer shall be polled last. The vote of each member shall be entered in the minutes. Any requirement for a majority vote of the Board shall be deemed to require a majority of "the whole number of members of the Board", unless otherwise provided for by law.

h. Board Committees: In order to fulfill its legislative functions, the Board shall establish and maintain the following legislative committees in order to examine any current or proposed law or problem which the Board deems worthy of study in depth before full legislative consideration may be given to it. The following committees are hereby established and given the following areas of jurisdiction:

(1) Budget and Finance. To review all aspects of the operating and capital budget, execution of Board budgetary policies and matters relating to the financial health of the County.

(2) Education. To view all matters in regard to Bergen Community College, the Vocational Schools and the special School Districts.

(3) Health and Human Services. To review all matters in the area of legislative policy in health, education, welfare and other human concerns.

(4) Information Technology.

(5) Labor.

(6) Organization and Internal Affairs. To function as a continuing committee to review the Administrative Code in order to achieve maximum effectiveness, and further, to examine legislation relating to administrative and personnel policy and particularly inter-agency and inter-governmental aspects in such areas as affirmative action, labor relations, contract negotiation and grant compliance, as well as to review and revise the rules and by-laws of the Board.

(7) Parks, Cultural and Historic Affairs and Golf.

(8) Personnel.

(9) Planning and Engineering. To review all aspects of policy planning as well as engineering infrastructure in terms of services, and facilities with respect to transportation and transit, including but not limited to infrastructure improvements that include bridges, culverts, roads, signalized intersections, drainage systems, and tide gates.

(10) Public Safety. To review all matters in the area of law, public safety and emergency management.

(11) –Public Works.

(12) -Shared Services and Intergovernmental Affairs.

(13) Transportation.

(14) Veterans Affairs.

Each Committee shall consist of three (3) members who shall be appointed by the Chair~~man/woman~~person. The Chair~~man/woman~~person shall designate one to chair the committee. The Chair~~man/woman~~person may at ~~his/her~~their option serve as an additional member of any Committee. Two (2) members shall constitute a quorum for the conduct of Committee business.

The Committees shall from time to time submit to the Board reports and recommendations resulting from their deliberations and the Board shall determine what action to take with regard to such recommendations.

The Committees shall have the power to call before them any person/persons they deem may be helpful in the performance of their functions as committees. This power shall be subject to N.J.S.A. 40:41A-86 and this Article of the Administrative Code. Nothing in this section shall be deemed to reduce the powers, responsibilities or functions of the Board of ~~Freeholders~~County Commissioners as described in this Code.

The Committees shall terminate with the termination of the term of the Chair~~man/woman~~person.

The Committees shall be furnished, within budgetary appropriations, such staff as the Board approves by resolution.

Each Committee shall appoint a person to act as Secretary to that Committee. The Secretary shall be responsible for the recording and retaining of minutes of the Committee. The Secretary shall furnish each member of the Board of ~~Freeholders~~County Commissioners, the County Executive and the Clerk to the Board with a copy of all minutes. The Secretary shall meet the requirements of the Open Public Meetings Law Chapter 121, P.L. 1975 in scheduling meetings of the Committee.

The Chair~~man/woman~~person may appoint such other committees as ~~he/she~~they deems necessary.

i. Minutes: The Clerk to the Board shall keep minutes of all regular and special meetings. The minutes shall record the time and place of meeting, the members attending and every action of the Board whether by motion, resolution or ordinance,

with the names of the mover and seconder. They may include other pertinent matters, as suggested by the Order of Business. Copies shall be provided to each ~~CommissionerFreeholder~~ and ~~FreeholderCommissioner-Electelect~~, to the County Executive, Counsel to the Board and to the County Counsel, as provided in the by-laws. Minutes shall be kept in permanent form as a public record.

## 2.9 Clerk, Counsel to the Board.

### a. The Clerk to the Board shall:

(1) have and exercise all the powers and duties now or hereafter conferred on ~~him/herthem~~ by the Charter or other applicable laws or acts of the New Jersey Legislature not inconsistent with the Charter and also such duties as may from time to time be assigned to ~~him/herthem~~ by the Board.

(2) prepare agendas for all Board meetings and forward copies of all pertinent materials, including but not limited to all resolutions and ordinances in advance of each agenda to each ~~FreeholderCommissioner~~, ~~FreeholderCommissioner~~-elect, County Executive, County Administrator, County Counsel and Counsel to the Board.

(3) in serving as recording secretary to the Board, attend all meetings of the Board, and record all ordinances and resolutions adopted by the Board together with the minutes of the Board and, at the close of each year, with the advice and assistance of the County Counsel and Counsel to the Board, compile or codify true copies of all the ordinances and resolutions adopted during that year, together with the minutes of the Board, and all rules, policies, guidelines, procedures and regulations issued by the Administration pursuant to Section 8.1.13 of this Code, as provided by the Executive to the Clerk of the Board, properly indexed. ~~He/sheThey~~ shall cause such copies thereof to be printed as the County governing body may require. A copy of the codified ordinances and resolutions shall be transmitted to each municipality within the County, upon request and without charge, and to any member of the general public upon request and at cost.

(4) attest to all ordinances as being duly adopted.

(5) have custody of all records of the Board.

(6) retain copies of all formal contracts in which the County is a party.

(7) retain all official surety bonds furnished for any County officer or employee.

(8) have custody of the County Seal and affix the seal to such documents in ~~his/her~~ ~~their~~ custody as may require it.

(9) serve as administrative liaison between the Board and the County Executive.



(10) supervise the clerical and support staff of the Clerk to the Board.

(11) receive on behalf of the Board copies of all personnel actions taken by the Executive and acknowledge receipt of the list.

(12) provide for the mailing of all notices and copies of documents to municipalities as required by law.

(13) publish any legal notices required in connection with actions taken by the Board.

(14) retain copies of all Executive Orders.

b. Counsel to the Board. There shall be a Counsel to the Board who shall be appointed by the Board to serve at its pleasure. Counsel shall advise the Board on legal matters and shall act as Parliamentarian at Board meetings if so designated by the ~~Chairman~~Chairperson. Counsel shall prepare resolutions and ordinances as required by the Board, review negotiated contracts prior to Board approval and may represent and counsel the Board in any litigation, including any litigation involving a dispute with the Executive branch and shall represent the Board in any appeals from the Planning Board. Counsel shall regularly update a document containing all Administrative Code provisions to reflect every amendment therein, and in doing so, Counsel shall have discretion to make formatting, appearance, or other non-material changes to the Administrative Code, subject to the disapproval of the Board.

2.10 Resolutions. Resolutions proposed by the Executive Branch shall be drafted and approved as to form and legality by the County Counsel.

Resolutions proposed by the ~~Freeholders~~Commissioners shall be drafted and approved as to form and legality by the Counsel to the Board.

Pursuant to N.J.S.A. 40:41A-38, the Board may act by resolution in the following areas:

- a. The establishment of a municipal advisory council pursuant to N.J.S.A. 40:41A-29.
- b. The conduct of an inquiry or investigation pursuant to N.J.S.A. 40:41A-29.
- c. The expression of disapproval of the suspension or dismissal of officers or employees pursuant to N.J.S.A. 40:41A-87.
- d. The exercise of the power of advice and consent to actions of the Executive. Any three members of the Board may require that a public hearing be held on any nomination by the Executive.
- e. The override of a veto of the County Executive pursuant to N.J.S.A. 40:41A-41f.

- f. The adoption of rules for the Board pursuant to N.J.S.A. 40:41A-100.
- g. The establishment of times and places for Board meetings pursuant to N.J.S.A. 40:41A-99.
- h. The establishment of the Board as a committee of the whole and the delegation of any number of its members as an ad hoc committee.
- i. The declaration of emergencies.
- j. The identification of emergency situations.
- k. Application for a County department of Civil Service.
- l. Designation of qualified newspapers.
- m. The appointment and removal of such officers and employees as the Board is permitted by law.
- n. Approval of contracts presented by the Executive. Any three members of the Board may require that a public hearing be held on any contract award involving a sum in excess of \$100,000.
- o. Actions specified as resolutions in the "Local Budget Law" (N.J.S.A. 40A:4-1 et seq.).
- p. Consent to municipal ordinances or resolutions regulating traffic or parking on ~~county~~County roads pursuant to section 1 of P.L. 1957, c 69 (N.J.S.A. 39:4-197.2), except that the resolution of consent shall be subject to the approval or veto of the County Executive as provided for in the case of ordinances by subsection g. of section 37 of P.L. 1972, c 154 (N.J.S.A. 40:41A-37g.), and to the requirements set forth therein for overriding a veto.
- q. The expression of such Board policies or opinions as require no formal action by the governing body.

## 2.11 Ordinances.

- a. Ordinances shall set forth the statutory authority for proceeding by ordinance and the statutory or other authority for the proposed action by the Board. An ordinance shall indicate on its face whether it is being proposed by the Executive or the Board. Ordinances proposed by the Executive Branch shall be drafted and approved as to form and legality by the County Counsel. Ordinances proposed by the ~~Freeholders~~Commissioners shall be drafted and approved as to form and legality by the Counsel to the Board. Each ordinance shall be prepared in writing, duplicated and distributed to the members of the Board at least forty-eight (48) hours before the meeting at which it may be considered.

b. An ordinance may be introduced by any member of the Board. After passage on first reading, which reading may be by title, it shall be published in the manner provided by the Charter. A copy shall be provided to each municipality in the County not less than one (1) week prior to the date of hearing on second reading. Prior to the second reading, a copy of the ordinance shall be posted on the bulletin board or other place upon which public notices are customarily posted in the building in which the Board regularly meets, and copies of the ordinance shall be made available to the general public upon request.

c. A public hearing shall be held on the proposed ordinance in the manner provided by the Charter, at which time all persons interested shall be given an opportunity to be heard concerning the ordinance. Upon the opening of the hearing, the ordinance shall be given a second reading, which reading may be by title and thereafter, it may be passed by a majority of the whole number of the Board, with or without amendments, or rejected. If any material amendment be adopted altering the proposed ordinance, the ordinance as so amended may only be finally adopted if re-advertised, pursuant to N.J.S.A. 40:41A-101b(3).

d. Upon passage, every ordinance, or its title, together with a notice of the date of passage or approval, or both, shall be published in the manner provided by the Charter; and one certified copy of the full text of every ordinance so adopted shall be filed with the Clerk of each municipality within the County not later than ten (10) days after the date of final passage.

e. Upon passage of each ordinance, the Clerk to the Board shall deliver a certified copy thereof to the County Executive within ten (10) days. If the Executive approves, the Executive shall sign and return it to the Clerk, within ten (10) days after receipt. If the Executive disapproves, the Executive shall return it to the Clerk within ten (10) days after its receipt, together with a statement of the reasons for disapproval. If the Executive does not sign the ordinance within ten (10) days from the date of its receipt and does not return it with a veto message within said period, the ordinance shall take effect according to its terms, notwithstanding the failure of the Executive to act.

2.12 Passage Over Veto. The Board shall reconsider any ordinance returned by the County Executive with a veto message pursuant to the Charter. Such reconsideration of the ordinance shall be at the next regular meeting of the Board occurring at least three (3) days after the return of the ordinance to the Clerk by the County Executive during normal business hours. If, upon reconsideration, two-thirds of the members of the Board, five (5), vote to override the veto, the ordinance shall take effect ten (10) days thereafter. Whenever an ordinance has been reconsidered by the Board following a veto by the County Executive, the Clerk shall append to such ordinance a certification of the action of the Board upon such reconsideration in substantially the following form:

Veto Override: "I hereby certify that the above ordinance was adopted by the Board on the day of 20\_\_, and was returned to me on the day of 20\_\_, together with the County Executive's statement of the reasons for which he was constrained to withhold his approval of such ordinance. On reconsideration thereof on the day of 20\_\_, the Board duly

resolved by the affirmative vote of two-thirds of its members to enact such ordinance notwithstanding the County Executive's veto." :\_or

Failure to Override: "The County Executive's veto was sustained by the failure of the Board to obtain a two-thirds vote."

Dated:

Clerk"

2.13 Ordinances Not Returned by the County Executive. Whenever an ordinance shall take effect without the County Executive's signature by reason of ~~his/her~~their failure to return it after its passage, the Clerk shall append to such ordinance a certificate in substantially the following form:

"I hereby certify that the above ordinance was adopted by the Board on the \_\_\_ day of 20\_\_, and was presented to the County Executive duly certified on the \_\_ day of \_\_\_\_ 20\_\_, and upon his failure to sign it or to return and file it with the Clerk within ten (10) days of its passage, the said ordinance took effect in like manner as if the County Executive had signed it on the tenth (10th) day after it passed.

Dated:

Clerk"

2.14 Effective Date. No ordinance shall take effect less than twenty (20) days after its final passage by the Board and approval by the County Executive unless the Board shall adopt a resolution declaring an emergency and at least two-thirds of all members of the Board vote in favor of such resolution.

2.15 Recording of Ordinances and Resolutions. The Clerk to the Board shall record all ordinances and resolutions adopted by the Board and at the close of each year, with the advice and assistance of the County Counsel and Counsel to the Board, shall bind, compile or codify true copies of all the ordinances and resolutions adopted during that year, together with the minutes of the Board, and all rules, policies, guidelines, procedures and regulations issued by the Administration pursuant to Section 8.1.13 of this Code, as provided by the Executive to the Clerk of the Board, properly indexed. ~~He/she~~They shall cause such copies thereof to be printed as the ~~county~~County governing body may require. A copy of the codified ordinances and resolutions shall be transmitted to each municipality within the County, upon request and without charge, and to any member of the general public, upon request and at cost.

2.16 Appointments. Pursuant to N.J.S.A. 40:41A-37(b), the County Executive shall put before the Board ~~his/her~~their written nominations for appointments and/or reappointments requiring Board advice and consent, with the qualifications of each nominee. The nominations shall comply with Section 8.0(f) requiring the public announcement of vacant positions prior to appointment and shall also be submitted at least five (5) days before a public meeting. Such nominations shall be voted upon no later

than forty-five (45) days following receipt of the nominations unless extended by mutual consent, unless a confirmation hearing is required by the Board, or unless Section 8.0(f) has not been complied with. When multiple appointments to any body are to be confirmed, each nominee shall be considered and voted upon individually, except where the Board, by unanimous vote, chooses to entertain a group appointment.

## 2.17 Relations Between Executive and Legislative Branches.

a. Intent. It is the intent of this Code to delineate the respective powers and duties of the Executive and the Board in a manner that will facilitate the efficient operation of Bergen County while maintaining the classic and necessary system of checks and balances between the Executive and Legislative Branches.

b. Separation of Powers. The term "governing body" of the County shall be construed to include both the Board of ~~Freeholders-County Commissioners~~ and the County Executive. For the purpose of the construction of all other applicable statutes, any and all administrative or executive functions heretofore assigned by general law to the Board of ~~Freeholders-County Commissioners~~ shall be exercised by the County Executive, and any and all legislative functions and investigative functions heretofore assigned by general law to the Board of ~~Freeholders-County Commissioners~~ shall be exercised by the Board, all in accordance with the separation of powers provided for in N.J.S.A. 40:41A-86.

(1) Administration. The Board and individual members thereof shall deal with County employees (identified for this purpose as those employees under the control of the Executive) only through the County Executive, Administrator, or Deputy County Administrator. All actions and communications regarding administration of the County shall be with the County Executive and ~~his/her~~their designated representative.

(2) Inquiry. The Board shall have complete authority under the Charter and this Code to inquire into any act or problem in administration of the County. A majority of the Board may designate one or more of its members as a special committee to consult with the County Executive on any matter and to report to the Board thereon. Any ~~Freeholder-Commissioner~~ may require a report on any aspect of County Government at any time by written request to the County Executive. Such reports shall require a written response within ten (10) days or as extended on request of the Executive.

(3) Executive Appearances. A majority of the whole Board may require the County Executive to appear before it sitting as a committee of the whole and to bring such records, reports and personnel as the Board shall request. The Executive shall have the right to be present and participate in discussions at all Board meetings without the right to vote. The Executive shall appoint the Administrator or a comparable senior administrative official who shall be present at all Board meetings unless otherwise directed by the Board and shall be qualified to provide a constant and effective communications link between the Executive and the Board.

c. Assistance in respective duties. It shall be the obligation of the Board and the Executive to assist each other whenever action is required by one to facilitate the other in performing ~~his/her~~their duties. To this end:

(1) The Board shall act on all nominations for appointments presented by the Executive no later than forty-five (45) days after receipt of the nominations unless extended by mutual consent, unless a confirmation hearing is required by the Board, or unless Section 8.0(f) has not been complied with.

(2) The Board may, by majority vote of the whole number of its members, delegate any number of its members as an ad hoc committee to consult with the ~~county~~County Executive to study any matter and to report to the Board thereon. The Executive shall answer all such communications in writing within ten (10) days of receipt thereof, or as soon thereafter as practicable.

(3) The Executive shall forthwith sign all contracts negotiated by the Board for services to itself, subject only to availability of funds and legality of form and shall insure that all vouchers submitted and certified by the Board's approval officer shall, within the limits of available appropriations, be processed and all checks shall be issued forthwith.

(4) All persons retained by or on behalf of the Board shall be subject to Board appointment and removal.

(5) The Board shall initiate action on all legislative proposals of the Executive within ninety (90) days after receipt thereof.

(6) Upon presentation of the budget on or before January 15, the Executive shall provide the Board with copies of all agency budget requests as received in September and any amendments thereto, upon receipt thereof. ~~He/she~~They shall further perform the duties set forth in Article 6 hereof in a timely fashion so that the Board may examine and approve the budget in the manner intended by this Code and by law.

(7) Any new employees, or salary increases or changes in title for any employee or position, and any dismissal, resignations and retirements shall be reported to the Board on a weekly basis in writing.

(8) The Executive shall provide the Board and its members with offices, equipment and other facilities for their exclusive use which are appropriate and adequate to the Board as signified by a resolution of the Board.

(9) The Executive shall file with the Board copies of all applications for grants from state, federal or other agencies.

## Article 3 County Executive

3.1 Qualifications, Election, Term. The Executive shall be a qualified voter of the County, residing in the County. ~~He/she~~They shall be elected from the County at large for a term of four (4) years commencing on January 1 next following ~~his /her~~their election.

3.2 Salary. The salary and benefits of the Executive shall be fixed by ordinance of the Board. Such salary shall be reasonable and commensurate with the duties of office and with the fact that the position of Executive is and shall be a full-time position. The salary and benefits of the Executive may not be lowered during ~~his /her~~their tenure in office.

3.3 Vacancies. The office of Executive shall be deemed vacant if the incumbent moves ~~his/her~~their residence from the County or ~~he/shethey is-are~~ by death, ~~physical or mental other~~ illness or ~~other~~ casualty unable to continue to serve as Executive. Any vacancy in the office of Executive shall be filled in the manner prescribed by law for the election of County officers at the next ~~General-general Election-election~~ occurring not less than ~~sixty~~ (60) days after the occurrence of the vacancy. An interim County Executive for any vacancy period prior to the next election shall be appointed in the manner prescribed by N.J.S.A. 40:41A-35.1, as amended. During the temporary absence or disability of the Executive, the Administrator shall serve as acting Executive.

3.3.1 Filling of Vacancy, Interim Selection Pending Election of Successor. (N.J.S.A. 40:41A-35.1)

In the case of a vacancy occurring with respect to a ~~county-County executive~~ Executive who was elected as the candidate of a political party which at the last preceding general election held received the largest number of votes or the next largest number of votes in the ~~county-County~~ for members of the Board of ~~Chosen-FreeholdersCounty~~ Commissioners, for the interim period pending the election and qualification of a permanent successor to fill the vacancy, or for the interim period constituting the remainder of the term in the case of a vacancy occurring which cannot be filled pursuant to section 35 of P.L.1972, c.154 (C.40:41A-35) at a general election, the vacancy shall be filled within 35 days by a member of the political party of which the person who vacated the office was the candidate at the time of the candidate's election thereto. The interim successor shall be selected by the appropriate political party's ~~county-County~~ committee in the same manner prescribed in subsections a. and b. of N.J.S.A. 19:13-20 for selecting candidates to fill vacancies among candidates nominated at primary elections. Members of the political party's ~~county-County~~ committee who are empowered to select a candidate for the vacated office shall only nominate a candidate from the floor during the selection meeting called under N.J.S.A. 19:13-20 by the chairman or chairmen of the committee and shall present written evidence of the nominee's acceptance of the nomination. A statement of the selection of that successor shall be certified to and filed with the ~~county-County clerk~~ Clerk in the same manner prescribed by subsection d. of that section for certifying statements concerning the selection of such candidates.



The ~~county~~ County ~~clerk~~ Clerk shall thereupon issue to the interim successor a certificate of selection based upon that filed statement of selection, and shall sign the ~~clerk's~~ Clerk's name and affix the seal of the State thereto, and shall without delay deliver that statement to the person selected.

3.4 Duties. In order to exercise the executive power of Bergen County, the Executive shall:

a. Report annually to the Board and to the people by March 1 on the state of the County and the work of the previous year. ~~He/she~~ They shall also recommend to the Board whatever action or programs ~~he/shethey~~ deems necessary for the improvement of the County and the welfare of its residents. ~~He/she~~ They may from time to time, at ~~his/her~~ their discretion, recommend to the Board in a manner consistent with the Code any course of action or programs ~~he/shethey~~ deems necessary or desirable for the County to undertake. Any recommendation under this section is not a prerequisite for the ~~board~~ Board to enact whatever ordinances and resolutions it deems necessary and proper for the good governance of the ~~county~~ County.

b. In accordance with Article 6 hereof, prepare and submit to the Board for its consideration and adoption, an annual operating and capital budget and program; establish the schedules and procedures to be followed by all County departments, offices and agencies in connection therewith and supervise and administer all phases of the budgetary process.

c. Enforce the County Charter, the County's laws and all general laws applicable thereto.

d. Supervise the care and custody of all County property, institutions and agencies placed under ~~his/her~~ their control by the Code.

e. Supervise the collection of revenues, pre-audit and control all disbursements and expenditures and prepare a complete account of all expenditures in accordance with Article 6 and State law.

f. Sign all contracts, bonds or other instruments requiring the consent of the County.

g. Review, analyze and forecast trends of County services and finances and programs of all boards, commissions, agencies and other County bodies, and report and recommend thereon to the Board.

h. Develop, install and maintain centralized budgeting, personnel and purchasing procedures as are authorized by Article 6 and 8 of this Code.

i. Negotiate contracts for the County subject to Board approval. Make recommendations concerning the nature and location of County improvements and execute improvements approved by the Board.



j. Assure that all terms and conditions imposed in favor of the County or its inhabitants in any statute, franchise or other contract, are faithfully kept and performed.

k. Serve as ex officio, nonvoting member of all appointive bodies in County government.

l. Ensure that all funds are utilized for the purposes and programs for which such funds are appropriated in the annual budget.

m. Provide to the Clerk of the Board copies of all rules, policies, guidelines, procedures and regulations issued by the Administration pursuant to Section 8.1.13 of this Code.

n. Appoint such committees as ~~he/shethey~~ deems necessary, with the advice and consent of the Board.

### 3.5 Powers of the Executive. The Executive:

a. Shall supervise, direct and control all County administrative departments.

b. With the advice and consent of the Board, and subject to transparency requirements set forth in Section 8.0(f) requiring the public announcement of vacant positions prior to appointment, shall appoint the County Counsel, the Administrator, the heads of all departments and divisions created within such departments, and the members of all County boards, including advisory boards, commissions and authorities.

c. May, at ~~his/hertheir~~ discretion, remove or suspend any official in the unclassified service of the County over whose office the Executive has power of appointment in accordance with the provisions of N.J.S.A. 40:41A-87b.

d. May, at ~~his/hertheir~~ discretion, delegate to department heads powers of appointment and removal of their departmental employees. Such delegation shall be done by filing same in writing with New Jersey Civil Service Commission. If the Executive does not so delegate ~~his/hertheir~~ power, ~~he/shethey~~ may appoint and remove, subject to Civil Service requirements, all employees whose positions have been created in accordance with the Code and the manner of whose appointment or removal is not specified herein. All appointments under this provision, whether by a delegated department head or the County Executive, are subject to transparency requirements set forth in Section 8.0(f) requiring the public announcement of vacant positions prior to appointment.

e. May require reports and examine the accounts, records and operation of any agency of County government, at any time.

f. May, at ~~his/her~~their discretion, order any agency under ~~his/her~~their jurisdiction as specified in the Administrative Code to undertake any task for any other agency on a temporary basis if ~~he/she/they~~ deems it necessary for the proper and efficient administration of the County government.

g. Shall approve each ordinance of the Board by signing it, or may veto the entirety of any ordinance by returning it to the Clerk to the Board within ten (10) days of receipt with a written statement of ~~his/her~~their objections to the ordinance. No partial or conditional vetoes are permitted. If two-thirds of the full membership of the Board, upon reconsideration of the measure, shall vote for it, the Executive's veto shall be overridden and the ordinance shall become law without the Executive's signature in accordance with the provisions of law and Section 2.12 of the Bergen County Administrative Code.

h. Shall review and approve or veto, within 10 days of delivery to ~~him~~them, except as otherwise provided herein, all or part of the minutes of every meeting of a ~~county~~County authority organized pursuant to the provisions of P.L.1946, c.138 (C.40:14A-1 et seq.) (County Sewerage Authorities), P.L.1957, c.183 (C.40:14B-1 et seq.)\_(County Utilities Authorities), or P.L. 1960, c.183 (C.40:37A-44 et seq.) (County Improvement Authorities). If within the 10-day period, the County Executive returns to the authority and to the Board of ~~Freeholders~~County Commissioners the copy of the minutes of any action taken by the authority or any member thereof at a meeting, together with a written explanation of the reasons for his veto of the action, that action shall be of no effect unless the Board of ~~Freeholders~~County Commissioners overrides the veto of the action by a majority vote of its full membership within 10 days of the receipt of the veto action. The County Executive may approve all or any part of an action taken at a meeting prior to the expiration of the 10-day period. If the County Executive takes no action with respect to the minutes within the 10-day period, the minutes shall be deemed approved. The veto powers accorded under this subsection shall not affect in any way the covenants contained in the bond indentures of the authority, or any collective bargaining agreement or binding arbitration decisions affecting employees of the authority.

No resolution or other action of the authority providing for the issuance or refunding of bonds or other financial obligations shall be adopted or otherwise made effective by the authority without the prior approval in writing of the County Executive. This power shall be exercised with due regard for the rights of the holders of bonds of the authority at any time outstanding, and nothing in, or done pursuant to, this subsection shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds or for the benefit, protection or security of the holders thereof.

If two-thirds or more of the members of an authority make a determination that an action taken at a meeting is in response to an emergency situation, a copy of the minutes of that meeting shall be delivered to the County Executive as soon as practicable following the meeting and the County Executive shall have up to 24 hours after the copy of the minutes

has been delivered to approve or veto the minutes of that meeting. If the County Executive takes no action with respect to the minutes within the 24-hour period, the minutes shall be deemed approved. If, within the 24-hour period, the County Executive returns to the authority and to the Board of ~~Freeholders~~County Commissioners the copy of the minutes with a veto of any action taken by the authority or any member thereof at the meetings, together with a written explanation of the reasons for his veto of the action, that action shall be of no effect unless the Board of ~~Freeholders~~County Commissioners overrides the veto of the action by a majority vote of its full membership within 48 hours of the receipt of the veto action.

i. May order cessation of expenditures by any agency under ~~his/her~~their jurisdiction when necessitated by a revenue shortfall or when ~~he/she/they has/have~~ cause to believe that the agency is not using the funds for the purposes for which they were appropriated.

j. May appoint annually, subject to the advice and consent of the Board of ~~Chosen Freeholders~~County Commissioners, a registered municipal accountant of New Jersey to perform an independent audit of the County's books, accounts and financial transactions and to perform such other services as the Executive directs, specifically with regard to the review, modification, approval and operation of the budget; and to perform an independent financial, compliance, performance or operational audit of any agency of the County.

k. The Executive may promulgate and enforce such rules, regulations, policies, guidelines and/or procedures as relate to the organization or internal management of the County government, or a part thereof, without any required publication. The Executive may delegate to the Department Heads the authority to issue rules, regulations, policies, guidelines and/or procedures as relate to their respective departments. All other Executive Orders shall be published in accordance with N.J.S.A. 40:41A-103. All Executive Orders shall be delivered to the Clerk to the Board, who shall maintain a permanent catalogue thereof.

### 3.6 Presence at Board of ~~Chosen Freeholders~~County Commissioners Meetings

a. The Executive shall have the right to be present and participate in discussions at all Board meetings without the right to vote.

b. The Executive shall appoint the Administrator or a comparable senior administrative official who shall be present at all Board meetings, unless otherwise directed by the Board, and shall be qualified to provide a constant and effective communications link between the Executive and the Board.

## **Article 4 Administrator**

4.1 Appointment. The Executive shall appoint an Administrator who shall serve at ~~his/her~~their pleasure. The Board shall advise and consent to ~~his/her~~their nomination but shall not prevent ~~his/her~~their suspension or dismissal by passage of a resolution of

disapproval. In the event of his/her/their dismissal by the Executive, the Administrator shall not be entitled to a hearing.

4.2 Qualifications. The Administrator shall, prior to his/her/their appointment, have acquired the education, skills and experience necessary to serve as the chief professional administrative officer of a major urban county. A minimum of a Master's Degree or equivalent is required, plus at least two (2) years' experience in Public Management. He They need not be a resident of the County at the time of his-their appointment, but during his-their tenure he-they may live outside the County, only with the permission of the County Executive.

4.3 Duties. The Administrator shall:

a. Be responsible only to the Executive. He/She/They shall, under the direction and supervision of the Executive, assist in the orderly and efficient administration of the County, performing whatever supervisory or administrative duties the Executive deems necessary and proper.

b. Serve as the temporary or permanent head of County department or departments, as determined by the Executive.

c. Serve as acting Executive when the Executive is temporarily absent or unable to serve.

d. In the event that the Executive does not appoint the Administrator as permanent head of a major department, the Administrator shall exercise, on behalf of the Executive, broad administrative and supervisory responsibilities over all departments, divisions, offices, bureaus, and agencies under the jurisdiction of the Executive.

4.4 Deputy County Administrator.

4.4.1 Appointment. The Executive shall have the right to appoint a Deputy County Administrator who shall serve at his/her/their pleasure. The Board, shall advise and consent to his/her/their nomination but shall not prevent his/her/their suspension or dismissal by passage of a resolution of disapproval. In the event of his/her/their dismissal by the Executive, the Deputy Administrator shall not be entitled to a hearing.

4.4.2 Qualifications. The Deputy Administrator shall, prior to his/her/their appointment, have acquired the education, skills and experience necessary to serve as the chief professional administrative officer of a major urban county. A minimum of a Master's Degree or equivalent is required, plus at least two (2) years' experience in Public Management. He-They need not be a resident of the County at the time of his appointment, but during his tenure may live outside the County, only with the permission of the county County Executive.

#### 4.4.3 Duties. The Deputy Administrator shall:

- a. Be responsible to the Executive and the Administrator. ~~He~~They shall, under the direction and supervision of the Executive and Administrator, assist the Administrator in the orderly and efficient administration of the County, performing whatever supervisory or administrative duties the Executive and Administrator deem necessary and proper.
- b. Serve as the temporary or permanent head of County department or departments, as determined by the Executive and Administrator.
- c. Serve as Acting Executive when the Executive and the Administrator are temporarily absent or unable to serve.
- d. In the event that the Executive does not appoint the Deputy Administrator as permanent head of a major department, the Deputy Administrator shall exercise, on behalf of the Executive and Administrator, broad administrative and supervisory responsibilities over all departments, divisions, offices, bureaus, and agencies under the jurisdiction of the Executive.

### **Article 5 Contracts and Purchases**

5.1 Contracts Generally. Within the limits of available appropriations, the County Executive may enter into contracts approved by resolution of the Board of ~~Freeholders~~County Commissioners. No resolution shall be required for purchases and contracts under the statutory bid threshold set by the Governor pursuant to N.J.S.A. 40A:11-3(c), except that purchases which do not exceed the bid threshold but are subject to pay-to-play restrictions (N.J.S.A. 19:44A-1 et seq.) shall be awarded by ~~Freeholder~~Commissioner resolution. The contracts shall contain language in a form approved by County Counsel. The document shall be signed by the County Executive and witnessed.

5.2 Bidding Procedures. All purchases which require competitive bidding shall conform to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. and N.J.A.C. 5:34-1.1 et seq.

5.3 Award of Contracts. Where contracts are let by competitive bidding, the County Purchasing Agent shall act as the County's "Contracting Agent" pursuant to law. ~~He/she~~They shall recommend such contract in the manner provided by law.

5.4 Purchasing Organization. The Executive shall maintain a centralized purchasing system for all departments of the County. The system shall be designed to promote and maintain the highest ideals of integrity in all public procurement.

5.5 Purchasing Generally. All purchases of any supplies, materials, equipment or contractual services, public works or construction services for any department shall be made by the County Purchasing Agent in the Division of Purchasing in the Department of Administration and Finance, pursuant to a written requisition from a Department Head or ~~his/her~~their authorized representative. A certification from the Division of the Treasurer that a sufficient unencumbered balance of appropriations is available to pay for the items or services requested is required. All purchases not procured by competitive bidding shall be awarded by the Purchasing Agent pursuant to the Local Public Contracts Law, and such awards shall be reported to the Executive and the Board on a monthly basis.

5.6 Confirmation of Delivery. Immediately following delivery of items ordered, the authorized departmental representative shall forward the receiving report to the Division of Fiscal Operations.

5.7 Construction Projects. The construction or reconstruction of ~~county~~County buildings, the repair of ~~county~~County roads, bridges and drainage projects shall be handled by the Department of Public Works or the Department of Planning and Engineering, according to the nature of the bid in accordance with Article 5.5 of this Code.

5.8 Statutorily Required Resolutions. Awards that statutorily require the adoption of a ~~Freeholder-Commissioner~~ resolution of approval, regardless of the amount, including but not limited to Joint Purchasing (N.J.S.A. 40A:11-10) and Competitive Contracting (N.J.S.A. 40A:11-4.3) shall be awarded by ~~Freeholder-Commissioner~~ resolution.

5.9 Resolutions of Approval. Nothing herein shall prevent the Administration from submitting, for the purpose of transparency or policy, an otherwise excludable expenditure for a ~~Freeholder-Commissioner~~ resolution of approval.

## **Article 6 Budget and Fiscal Procedures**

6.1 Fiscal Year. The fiscal year of the County shall begin on the first day of January and shall end on the thirty-first of December in each year.

### **6.2 Budget Preparation General**

The County budget shall be prepared by the Chief Financial Officer on behalf of the Executive. On or before September 1, the Chief Financial Officer with the approval of the Executive shall establish the schedules and procedures to be followed by all County departments, divisions, offices, bureaus, and agencies, as well as by Constitutional Officers and independent agencies or offices that are subject to County budgeting procedures under N.J.S.A. 40:41A-125 for the purpose of submitting budget requests for the next ensuing

budget year. These schedules shall provide for transmission of information including but not limited to:

- a. Expenditures by sub-symbol for each operating unit in the submitting department, division, office, bureau, agency or independent agency or office or Constitutional Officer for the proposed budget year, the two (2) past fiscal years, and estimated figures for the current fiscal year;
- b. Data on all active positions, including, but not limited to, present and projected vacancies and savings estimated and whether the positions budgeted are classified or unclassified or grant funded. In addition, the method of calculation of the salary accounts for all departments shall be shown;
- c. All emergency or supplementary appropriations utilized by the unit during the present year, to date;
- d. Full statistical and written narrative justification for all budget requests, which shall be entered into the finance system software.

6.2.1 All schedules shall provide for a full description of the supporting line items of expenditures to enable the Board to have the fullest possible understanding of the request and to give an accurate statement of the cost, personnel, materials and supplies, contractual services and other budget elements.

6.2.2 All initial submissions shall be submitted on budget forms providing for submission of the above specified information on or before October 1. The budget of any department, division, office, bureau, or agency or independent agency or office or Constitutional Officer which has failed to submit a budget by October 1 shall be prepared by the Executive, with the assistance of the Chief Financial Officer.

6.2.3 The Executive shall institute a system of prioritizing ~~his/her~~their budget recommendations to the Board. Such system shall identify programs, elements and activities within each agency in a priority order indicating the various levels at which they should be funded, if at all, with the lowest possible cost consistent with a reasonable degree of efficiency and effectiveness of performance.

### 6.3 The Budget Document

- a. In accordance with N.J.S.A. 40:41A-133, on or before January 15, the Executive, after such review, analysis and hearing as ~~he/sh~~they deems necessary, shall submit to the Board a budget document consisting of the proposed County budget and a budget message. Late submissions must be approved by the Director of Local Government Services in the Department of Community Affairs in accordance with N.J.S.A. 40A:4-5.1.



b. The budget shall be in such form as will comply with the Local Budget Law, together with such additional schedules and analyses as are mandated by the Code and as the Board may require. The budget document shall be indexed as to all departments, divisions, offices, agencies and bureaus, as well as to all independent agencies or offices or Constitutional Officers. The budget shall also contain a recommended budget for the Board of ~~Freeholders~~Commissioners based on information supplied to the Executive by the Board.

c. The budget shall include and reflect the total projected annual expenditure to be expended regardless of the source.

d. The budget shall include and reflect the total projected annual expenditure of each and every independent agency requesting any amount of County funding, and shall also include all sources or projected sources of revenue to be received and expended regardless of the source.

e. The budget message shall embody the complete proposed financial program of the County. It shall outline the proposed financial policies of the County for the ensuing fiscal year, describe the important features of the budget plan, and indicate its major objectives. It shall indicate any major changes in financial policies and in expenditures, appropriations and revenues as compared with the preceding fiscal year and shall set forth reasons for the changes.

f. It shall be the duty of the Executive to present to the Board in a timely fashion all information as requested by the Board for its consideration of the budget. Within ten (10) days after submission of the budget to the Board, the Board shall file with the Executive a schedule of requests for information and appearances by County officials. The Executive shall provide all such information as requested at that time, or in subsequent requests, within forty-eight (48) hours after receipt thereof or within such extension thereof as the Board, through its Chairman, may authorize for good cause. ~~He/she~~They shall further provide that all such County personnel as are requested to testify on the budget appear at the time and place requested. All Board requests for appearances by County personnel shall be filed with the Executive at least forty-eight (48) hours before the time set for such appearance, except that once a person has appeared, ~~he/shethey~~ may be recalled directly by the Board to continue or clarify ~~his/her~~their testimony. Any written information requested by any member of the Board during testimony shall be supplied within seventy-two (72) hours after it has been orally requested during such testimony.

g. The Executive shall be responsible for providing the Board with twelve (12) copies of the budget document and all related documents, arranging for all required publication of the budget, and for providing the Board with copies of the adopted budget with schedules including final figures as to appropriation, budgeted positions and specific changes in all function and programs as originally proposed in the budget document as first submitted.



#### 6.4 Capital Budget and Program

a. The Chief Financial Officer on behalf of the Executive shall annually prepare both a capital budget and a capital program, the latter to consist of a capital improvement program of proposed and projected capital undertakings by the County during the ensuing six (6) years. The capital budget shall be submitted with the operating budget. Each Department shall submit to the Chief Financial Officer a list of capital requests with priorities and justifications. The Chief Financial Officer shall evaluate such requests in preparing the capital budget and program.

b. The capital budget and program shall be in such form and contents as may be required pursuant to law. The capital program shall include:

(1) A clear summary of its contents;

(2) A list of all capital improvements which are proposed to be undertaken during the six- fiscal years next ensuing, inclusive of the then current fiscal year, with appropriate supporting information as to the necessity for such improvements;

(3) Cost estimates, method of financing, and recommended priorities and time schedules for each such improvement.

#### 6.5 Board Action

-The Board shall consider and act upon the Executive's recommended budget in accordance with the requirements of the Local Budget Law, and shall have the right to amend the budget by increasing or decreasing line items or by eliminating or adding items.

6.6 Budget Operation. Budget appropriations shall be controlled by an encumbrance system that shall be prescribed and established by the Executive. No payment shall be authorized or made and no obligations shall be incurred against the County except in accordance with appropriations duly made. There shall be established a system of position control for full time equivalent employees to be administered by the Department of Administration and Finance. Upon request, the Executive shall submit to the Board periodic reports indicating the number of employees on the payroll as of the latest payroll period and any changes from the previous report as compared to the number of positions recommended by the Executive or as otherwise adopted by the board.

#### 6.7 Financial Reports to the Board

a. The County Executive has a duty to supervise and administer all phases of the budgetary process, and to review, analyze and forecast trends of ~~county~~ County services and finances and programs of all boards, commissions, agencies and other ~~county~~ County bodies, pursuant to N.J.S.A. 40:41A-36. The County Executive also has a duty to report ~~his or her~~ their findings to the Board of ~~Freeholders~~ County Commissioners, pursuant to N.J.S.A. 40:41A-36. Upon request, the Executive shall file year to date expenditure and revenue

reports with the Clerk to the Board. These reports shall show totals for the fiscal year to date, comparison of the budget to actual revenue and comparison of the budget to actual expenditures. Information as to current utilization shall be included. Such reports shall be indexed in the same manner as the annual budget. The reports will describe expenditures and revenue as follows:

(1) By Department and Division, Office, Agency or Bureau for both salary and other expenses;

(2) For non-departmental, independent, autonomous, judicial and Constitutional Officer agencies.

b. Any agencies which are not placed under the administration of the Executive by this Code and which operate in whole or in part with funds supplied by the County, including federal and state grant funds, shall file such reports as are described in [Article 6.7a](#) hereof, including any statement indicating divergences between budgeted expenditure of money, personnel or equipment and actual use of same.

6.8 Payment of Claims. No bill, demand or claim shall be paid unless it contains a detailed statement of the items or demand, specifying particularly how the bill or demand is made up, and a certification of the party claiming payment that it is correct; nor shall any bill, claim or demand be paid unless the purchase order, or other approved payment voucher on which it is presented carries a certification of the head of the department, office or agency, or of ~~his/her~~their duly designated representative having personal knowledge of the facts, that the goods have been received by, or the services rendered to, the County. The procedure shall be as follows:

a. All bills, claims and demands against the County shall be entered into the finance system. Each department shall create a requisition for each such bill, claim, or demand. All requisitions shall be approved by the department head, or designee and certified and approved by the Division of Treasury. Checks in payment shall be disbursed by the Treasurer in accordance with the authority given to the County Executive by [N.J.S.A. 40:41A-36e](#). The Treasurer shall prepare a complete account of all expenditures on a bi-weekly basis and shall submit copies of such listing to the Executive and County Administrator. Copies shall be provided to the Board of ~~Freeholders~~County Commissioners upon request.

b. Disbursement shall be made by check or electronic payment based on approval of the requisition by the Department Head and Treasury, as set forth in Article 6.8(a), and certified to the Executive. The checks for other expense payments shall be signed by the Treasurer or Chief Financial Officer.

c. The County need not require a vendor/claimant certification for goods or services for which individual purchase orders are below a threshold of \$5,000.00, provided that a person with knowledge that the goods or services provided so acknowledges either electronically or in writing. Furthermore, a vendor/claimant certification

may be waived for all direct utility payments and payments to third party natural gas and electricity providers.

d. Provided that the appropriate internal financial controls and procurement processes have been complied with, the County may waive a vendor/claimant certification in the case of construction projects when the contractor, engineer, or architect overseeing the project and the employee of the County authorizing payment certify a fully completed American Institute of Architects (AIA) pay application or the equivalent.

#### 6.9 Payroll Procedure.

a. Salaries, wages and other compensation of all officers and employees of the County shall be paid in accordance with a schedule established by the Executive. The head of each department, division, office, agency, or bureau shall certify to the County Administrator, on forms prescribed by the Executive, the names and positions of all persons employed by the department, division, office, agency, or bureau who are entitled to be paid in the next ensuing payroll. The Division of Personnel shall review the payroll reports and shall certify as to their accuracy. Payroll checks may be issued only after approval of the payroll by the Division of Fiscal Operations and shall be signed by the Treasurer.

b. The Treasurer or Chief Financial Officer shall then complete payroll for the County and prepare and sign the checks.

c. For the purposes of calculating the amount of the annual salary to be paid to each employee in each pay period, the Treasurer or Chief Financial Officer shall divide the annual salary by the number of pay periods there shall be in that particular year.

d. No full-time Elected County Officials (County Executive, Sheriff, Surrogate, and County Clerk) shall be allowed to carry vacation and sick days over to the following year. No full-time Elected Officials will be paid for any remaining vacation and sick days upon leaving office. No elected County ~~Freeholder-Commissioner~~ will be paid for any vacation and sick days upon leaving office, nor will they be permitted to receive any separation pay based on years of service to the County.

#### 6.10 Miscellaneous.

a. The Executive is authorized to issue supplemental payroll checks in order to provide payment to employees who have been authorized to be paid but whose name has not appeared on the departmental payroll.

b. The governing body may annually establish petty cash funds by resolution, and shall notify the Director of the Division of Local Government Services in the Department of Community Affairs of any such funds in accordance with N.J.S.A. 40A:5-21.

c. The Board, or any ~~Freeholder~~Commissioner, upon written notice to the Executive shall be free to examine the financial records of the County at any time, either personally or through a duly authorized representative.

d. Transfer of budget funds from one budget line item to another during the final two (2) months of the fiscal year in accordance with N.J.S.A. 40A:4-58 or during the first three (3) months of the fiscal year in accordance with N.J.S.A. 40A:4-59 shall require a resolution of approval by the Board.

## **Article 7 Constitutional and Judicial Officers**

### **7.1 Constitutional Officers.**

7.1.1 Generally. The Sheriff, Surrogate, County Clerk, and County Prosecutor are recognized as Constitutional Officers.

7.1.2 Departmental Equivalency. The officers, employees, property and activities under the jurisdiction of each of the Constitutional Officers, as provided by law, shall, for certain administrative purposes, respectively be deemed equivalent to a department with the Constitutional Officer as its head.

7.1.3 Organization and Administration. Each of the Constitutional Officers shall have such operational authority over their Departments as is provided by law. In accordance with N.J.S.A. 40:41A-125 and New Jersey case law, the Constitutional Officers and their Departments shall be subject to the requirements of the Charter and Code, or of administrative orders issued pursuant thereto, as to budgetary matters, financial and accounting controls, personnel, purchasing, and central data processing procedures. Each of the Constitutional Officers shall be represented by the County Counsel in all legal matters including, but not limited to, litigation, appeals in court, proceedings before any administrative agency and in other appropriate matters, except for the County Prosecutor, who shall be represented either by the Attorney General or the County Counsel, in accordance with Wright v. State, 169 N.J. 422 (2001). If the County Counsel should be disqualified with respect to the representation of a Constitutional Officer in any matter, the provisions of Article 8.4.2.g shall apply.

7.1.4 Sheriff. The Sheriff, upon the recommendation of the Executive and a resolution of approval by the Board, shall operate the Jail, Jail Annex and the Bureau of Criminal Investigation. The Sheriff shall also have, exercise, and discharge the functions, powers, and duties of the former Division of the County Police Department, now known as the Bureau of Police Services, including, but not limited to, responsibility for providing police services to County institutions, County roads, and County parks, and to such other areas as the Sheriff may direct. The Bureau shall be headed by an Officer in Charge, selected by the Sheriff, who shall report in the chain of command to the Sheriff. The Sheriff shall provide security for the Bergen County Superior Court (N.J.S.A. 2B:6-1); be responsible for service,

or execution and return of process, orders, warrants and judgments (N.J.S.A. 2B:6-3); and perform such other duties as may be provided for by law.

7.1.5 Surrogate. The Surrogate shall serve as Judge and Clerk of the Surrogate's Court. The Surrogate shall review and probate wills, appoint Executors, Administrators and guardians of minors, and perform such other duties as provided for by statute or Court Rule. Pursuant to N.J. Court Rule 1:5-6(b), the Surrogate shall serve as Deputy Clerk of the Superior Court, Chancery Division, Probate Part, and as Clerk of the Chancery Division, Family Part for adoptions. The Surrogate shall docket, review and schedule all actions pertaining to will contests, estate matters, mental incapacitation or incompetency, guardianships of incompetents and all adoptions occurring in Bergen County. Pursuant to N.J.S.A. 3B:15-16 and 17, the Surrogate shall serve as custodian of funds awarded to minors through settlement, inheritances, or as beneficiaries of life insurance proceeds, which funds shall be held in the Surrogate's Intermingled Trust Fund.

7.1.6 The County Clerk. The County Clerk shall be the recording officer for the County for the purpose of recording deeds, mortgages, liens, and other property recordings. The County Clerk shall maintain various maps, land records and historical documents for the County, and perform such other duties as provided for by law. The County Clerk may issue passports when authorized by the U.S. Department of State [22 C.F.R. 51.22(b)(6)]; and swear and/or file oaths and licenses including notary publics (N.J.S.A. 52:7-14), doctors and chiropractors (N.J.S.A. 45:9-17), and elected officials (N.J.S.A. 40A:5-33). The County Clerk shall operate an elections division to conduct elections by mail and perform such other duties as provided for by law.

7.1.7 The County Prosecutor. The County Prosecutor shall prosecute the pleas of the state in Bergen County (N.J.S.A. 2A:158-1), be responsible for the detection, arrest, indictment and conviction of offenders against the laws, and serve as the chief law enforcement officer for the County (N.J.S.A. 2A:158-5).

## 7.2 Judicial Functions.

The County-level Courts, Surrogate, Probation, Jury Management and Law Library are subject to the rule making power of the Supreme Court and the Administrative direction and supervision of the Chief Justice. They are not, therefore, considered as departments of County government. The Executive shall act as the liaison with the courts.

## Article 8 Departments

### 8.0

8.0.1. General. There shall be eight (8) departments organized under the jurisdiction of the Executive. They shall be:

- (1) Administration and Finance
- (2) Health
- (3) Human Services
- (4) Law
- (5) Public Safety
- (6) Public Works
- (7) Parks
- (8) Planning and Engineering

8.0.2. Reorganization. The Board is authorized to amend the Administrative Code to reorganize the administration of County government, setting forth the duties and responsibilities and powers of all county officials and agencies and the manner of performance needed. The Board recognizes that the day-to-day administration of County affairs is within the jurisdiction of the Executive; therefore, the Executive may recommend to the Board a proposed re-organizational plan within departments, but such recommendation is not required for Board action.

8.0.3. Qualifications of Department Head and Division Heads. Each department head shall have academic training and significant practical experience in at least one (1) discipline within the department's area of concern and shall have proven administrative ability. The head of each Division shall have some formal training in the major function of that division and some practical experience therein.

8.0.4. Appointments. The Executive shall have the right to appoint one person to head more than one division.

8.0.5. Advisory Boards. In all instances where advisory boards are created under this Code, they shall consist of at least five (5) members plus such ~~Freeholder-Commissioner~~ liaison(s) as may be appointed by the Board. The Board shall by ordinance establish the number of members of the board. The members shall be nominated by the Executive subject to the advice and consent of the Board. In those instances where ~~Freeholders Commissioners~~ are permitted to be members of an advisory board, they shall be appointed by the Chairperson of the Board.

Each advisory board shall have broad authority to study the functions and services in its area of concern and to propose such programs and innovations as it feels would be beneficial to the County and its citizens. The approval of the Executive shall be required before any such proposed program or innovation is conducted and, if rejected by the Executive, the advisory board shall not act upon that proposal. Any subcommittees formed by an advisory board shall require the prior approval of the Executive and shall consist solely of existing advisory board members, or new members who have been appointed by the Executive with the advice and consent of the Board. Advisory board bylaws shall require the approval of the County Executive. Copies of bylaws shall be delivered to the County Counsel, the Administrator, and to the head of the Department or Division under which each advisory board is organized, according to this Code.

Every effort shall be made to ensure that the composition of each advisory board shall be such that it reflects the population of the County and be broadly representative of the County's diverse demographics.

Advisory boards shall be provided with such meeting facilities and secretarial and logistical assistance as is necessary for them to fulfill their function of advising the Executive, the Board and the department to which they are attached. Each department shall be responsible for the provision of such assistance as is required.

Advisory boards shall keep minutes of all meetings and shall forward within ten (10) days of the meeting date copies of said minutes to the County Executive County Administrator, Deputy County Administrator and such other parties designated by the County Executive.

Unless otherwise provided for, the terms for advisory board members shall be staggered three (3) year terms. At the time of initial appointment of advisory board members the terms shall be divided into 1, 2 and 3 year terms evenly spread among the membership. Each member shall hold office for the term of appointment and until ~~his/her~~their successor shall have been appointed and qualified. Any vacancy in the membership of an advisory board during an unexpired term shall be filled by appointment of a person as a member for the unexpired term. Holdover appointments shall not interfere with the staggered appointment process. In the case of advisory boards established under statute or federal requirements, the membership composition, terms and the number of members shall be as set forth therein.

8.0.6. Volunteers. The County may accept the donation of time and services from such volunteers as it may permit for a temporary or ongoing basis, in the discretion of the Executive. Volunteers shall not be considered employees for purposes of the New Jersey Workers' Compensation Act, but shall be granted any immunity of an employee pursuant to the New Jersey Tort Claims Act. Volunteers may be subject to the same screening and interview requirements as apply to any other employee, including background checks and medical examinations, in the discretion of the Executive.

8.0.7. Transparency in Appointments. All County Executive appointments subject to advice and consent must comply with the following:

a. Notification. To encourage citizen participation in a meaningful way, all vacancies on boards, commissions, authorities, departments, divisions, and agencies subject to advice and consent shall be announced publicly and, to the extent practicable, advertised 30 days prior to appointment or 30 days prior to anticipated date of vacancy or expiration of term, whichever is later.

1) On the County of Bergen's official website; and



2) On the bulletin board in the Bergen County Justice Center and Administrative Building, One Bergen County Plaza, and Two Bergen County Plaza, Hackensack, New Jersey; and either

i. In one or more of the official newspapers of the County of Bergen; or

ii. In one or more other periodicals and/or websites selected by the Board of ~~Chosen Freeholders~~County Commissioners, including the ~~Freeholder Commissioner~~ Website, "Community News" and other periodicals not necessarily permitted to publish legal notices, but which the Board of ~~Chosen Freeholders~~County Commissioners finds are reasonably calculated to provide information about such appointments to the community at large; or

iii. On some or all of the pages on <http://www.patch.com/> for the municipalities in the County of Bergen, or on any similar site on the Internet.

b. Content. The public announcement shall succinctly state the available position, contain a brief description of the role and general responsibilities, state the qualifications necessary to be eligible, and include information on how to apply. Nothing in this section shall require the County Executive to establish qualification for any position where none exist or interfere with the County Executive's statutory discretion to appoint.

c. Timing. All public announcements and advertisements required under Section 8.0(f)(A) must be made at least 30 days before the County Executive appoints an individual to fill a position subject to advice and consent.

d. Advertisement Consolidation to Reduce Costs. To minimize advertising and publication costs, County officials shall, to the best of their ability, include as many notices of available positions as possible in each public advertisement.

e. Privacy. All résumés, documents, and any other job-application correspondence submitted by candidates in application to vacant positions advertised under this section shall be safeguarded to protect the privacy of applicants and will not be subject to public disclosure unless otherwise authorized by law.

f. Power to Waive. The Board of ~~Chosen Freeholders~~County Commissioners shall have the power to waive this provision by resolution.

g. Exemptions. The following appointments are exempt from the notice requirements of this section:

1) Statutory appointments that do not require the advice and consent of the Board of ~~Chosen Freeholders~~County Commissioners; and



2) Acting or interim appointments;

h. Executive Suspension of Notice Requirements. Notwithstanding any other provision of law, the Executive may suspend the provisions of such notice required under this section:

1) In the event of the declaration of a national emergency by the President; or

2) In the event of the declaration of a state of emergency by the Governor; or

3) Upon a written finding by the Executive, published and also communicated to the ~~Freeholder Board~~Board of County Commissioners, of an exigent circumstance that warrants such suspension solely for such appointment.

i. Appointment Prior to Vacancy. Nothing in this section shall prohibit the County Executive from making appointments prior to the expiration of the vacant position's term and up to 60 days prior thereto, provided that said appointment is not effective until the term in question expires and upon advice and consent of the Board of ~~Chosen Freeholders~~County Commissioners.

j. Statutory Powers and Duties Unaffected. This ordinance shall not operate to modify, amend, diminish, or improperly limit the County Executive's statutory powers, authority, and discretion to make appointments and as may be set forth in the Administrative Code, nor shall this ordinance operate to modify, amend, diminish or improperly limit the Board of ~~Chosen Freeholder's~~County Commissioners' statutory powers and authority as may be set forth in the Administrative Code.

## **8.1 Department of Administration and Finance**

8.1.1 Department Generally. The Head of the Department shall be the County Administrator, the Deputy County Administrator, or such other officer as shall be appointed by the Executive with the advice and consent of the Board. All Division Heads shall report directly to the Department Head.

8.1.2 Divisions. The Department shall be divided into the following divisions:

- a. Budget and Capital Planning
- b. Treasury
- c. Purchasing
- d. Information Technology
- e. Personnel
- f. Public Information
- g. Risk Management

- h. Community Development
- i. Economic Development

### 8.1.3. Division of Budget and Capital Planning.

a. The Head of the Division of Budget and Capital Planning shall be the Chief Financial Officer (as defined in N.J.S.A. 40A:9-28.1) or such other officer as shall be appointed by the Executive with the advice and consent of the Board.

b. The function Division of Budget and Capital Planning shall be responsible for the following:

#### (1) Budget Preparation

A. Assist the Executive in the evaluation and review of all operating and capital budget requests, estimates, annual goals and objectives from any department, division, office, agency, bureau or other governmental unit;

B. Assist each department, division, office, agency, bureau or other governmental unit with the yearly budget hearings and reviews before the ~~Freeholder Board~~Board of County Commissioners;

C. Develop and maintain management information systems to monitor internal budgetary trends and maintain fiscal responsibility in County government. Review and monitor federal and state budgetary trends and their potential impact on County fiscal operations; Report on such trends to the Executive, the Administrator, and Deputy County Administrator;

#### (2) Fiscal Management

A. Review and certify the availability of funds for all County obligations;

B. Pre-audit and review all expenditures to determine compliance with the Local Budget Law and any other applicable laws; verify that proposed expenditures are in conformity with this Code;

C. Prepare monthly funds balance, revenue, payroll, and self-insurance reserve projections;

D. Report to the Executive, the Administrator, and Deputy County Administrator for submission to the Board any and all discrepancies or variations which might create budget over-expenditures such as unfunded mandates, emergencies, or other unforeseen circumstances requiring special appropriations or other emergent action such that the Executive and the Board shall be notified at the earliest possible date;

### (3) Internal Procedures

- A. Provide and propose best practices in all County fiscal procedures including, but not limited to, internal controls, budgeting, and expenditures;
- B. Review, evaluate and recommend financial data processing systems and their applications in the management of County functions;
- C. Prescribe and enforce a uniform system of revenue and expenditure account codes for all departments and other budgeted agencies subject to County budget review;
- D. Coordinate with the Division of Personnel on the operation and maintenance of a central payroll system covering all personnel.

### (4) Grants

- A. Be responsible for assisting in the development of all grant applications; be responsible for implementation and enforcement of grants management procedures and financial control and compliance; develop, implement, and monitor a grant management payroll allocation system for all grants;
- B. Assess the financial viability and impact of all grant applications; provide fiscal management of and ensure compliance with grant reporting and reimbursement procedures;

### (5) Bonds

- A. Provide all information necessary in connection with the preparation of Capital Ordinances by Bond Counsel, and review all such ordinances for accuracy; assist Bond Counsel with bond transactions;
- B. Manage the County's capital funding program, including issuance of bonds and notes and monitoring of capital projects; audit and approve capital expenditures to determine compliance with the New Jersey Bond Law;
- C. Administer the County debt to include payment of principal and interest.

### (6) State Reporting Requirements

- A. Prepare and submit the annual operating and capital budgets to the Director of the N.J. Division of Local Government Services pursuant to N.J.S.A. 40A:4-10;

B. Prepare the Annual and Supplemental Debt Statements for submission to the State, in accordance with N.J.S.A. 40A:2-40 and 42, with copies to the Administration and the Board; prepare Debt Service Projections for the Administration;

C. Review Annual Financial Statements for compliance and file with New Jersey Division of Local Government Services, in accordance with N.J.S.A. 40A:5-12.

#### 8.1.4 Division of Treasury.

a. The Head of the Division of Treasury shall be the County Treasurer who may also be the Chief Financial Officer, or such other officer as appointed by the Executive with the advice and consent of the Board for a term of three (3) years, in accordance with N.J.S.A. 40A:9-27. The Division shall:

(1) Receive and deposit all funds of the County in depositories designated by the Board. Report to the Governing Body the amounts deposited, the institutions of deposit and the rates of interest received.

(2) Maintain and reconcile records of deposits and withdrawals from all County depositories.

(3) Manage the investment of all County funds and have custody of all investments and invested funds of the County, or in the possession of the County in a fiduciary capacity, except as may be otherwise provided by law.

(4) Be responsible for updating and monitoring the indirect cost allocation rate and for developing new applications of the rate and for coordinating with federal and state agencies on the utilization of such rates.

(5) Provide budgetary and financial controls by pre-auditing and certifying the availability of funds for all purchase orders and vouchers, and prepare bi-monthly claims, bills, and payroll expenditures.

(6) Install and maintain the County's central accounting system, general ledger system, fixed asset ledger and records.

(7) Manage receipts and disbursements of the Self-Insurance Liability, Health Benefits and Worker's Compensation Fund.

(8) Prepare bi-weekly payroll tax deposits with Federal and State Taxing Authorities and prepare quarterly and annual Federal and State Payroll tax filings.

(9) Provide outside agencies with accounting services as determined by the County Executive.

(10) Assist the Administration with accounting services, evaluation and cost analysis as requested by the County Executive.

(11) Collect, on a monthly basis, reports of receipts and disbursements of each department, division, office, agency, bureau or other governmental unit. At the direction of the Executive, the Treasurer may act as custodian of funds for the various autonomous school boards, and other boards, agencies and commissions.

(12) Pre-audit and approve for payment all bills, claims and demands against the County, including payroll.

(13) Prepare Annual Financial Statements for approval by the CFO.

(14) Provide such services to other departments as shall be directed by the Executive or the Administrator.

b. Each check shall be authorized and signed as provided in Article 6 of this Code. The Executive may prescribe such additional procedures for the control of disbursements as may be desirable to protect the public interest.

c. Electronic funds transfers (ETFs), as authorized under ~~section~~ Section 6.8b of this code, must comply with all applicable laws and regulations. The CFO, or an individual under supervision of CFO, must review activity reports weekly and must reconcile EFT transactions on a monthly basis. Transaction data must be backed up and stored offline.

8.1.5 Division of Purchasing. The Head of the Division of Purchasing shall be the Purchasing Agent who shall be appointed by the Executive with the advice and consent of the Board. The Division shall:

a. Establish, maintain and operate, in accordance with regulations prescribed by the Executive and by the Local Public Contracts Law, a centralized purchasing system for the procurement of such services, materials and equipment as required by all County departments and budgeted agencies, and administer the bid process in accordance with the Local Public Contracts Law.

b. As directed by the Executive, be responsible for the collection, sale and disposal of surplus personal property in accordance with the Local Public Contracts Law and other applicable law.

c. Develop and install a comprehensive inventory and control system for all equipment, including vehicles and fixed assets, with such law enforcement exceptions as may be required by law.

d. Award contracts as authorized by the Administration up to the bid threshold as set by ordinance of the governing body in accordance with N.J.S.A. 40A:11-3.

e. Cooperate with the various departments and divisions based on their purchasing needs to ensure that ~~county~~County-wide efficient purchasing practices are being followed.

f. Maintain participation in joint purchasing arrangements and co-ops; regularly keep potential users apprised of available State contracts or other purchasing options.

g. Provide such services to other departments as shall be directed by the Executive or the Administrator.

8.1.6 Division of Information Technology. The Head of the Division shall be the Director of Information Technology who shall be appointed by the Executive with the advice and consent of the Board. The Division shall:

a. Operate and maintain central facilities for data processing.

b. Acquire, develop, install, and maintain technological resources, including all central databases, servers and other IT processing systems and equipment for appropriate functions of County government.

c. Serve as the central IT policy and planning resource for the County

d. Make recommendations on departmental information technology and equipment requirements, based on analysis of cost and volume.

e. Develop and coordinate a central electronic record storage system for all County records that complies with applicable laws and regulations.

f. Coordinate the provision of telephone, computer equipment and support services to all County facilities.

g. Ensure that County web servers, hardware and software are operating efficiently, maintain and design County web pages, monitor and manage website traffic.

h. Be responsible for the cybersecurity of County IT systems to prevent theft or damage to hardware, software, and electronic data. Maintain firewalls and monitor access to safeguard information and protect the network. Identify, develop, and implement as directed recommend cybersecurity and data privacy policies to reduce vulnerability to existing and emerging threats. Ensure County computer system data security and privacy comply with applicable State and Federal laws.

i. Assist the Department of Law and County OPRA Custodian with the retrieval of electronic records for the fulfilment of OPRA requests.

j Provide such services to other departments as shall be directed by the Executive or the Administrator.

8.1.7 Division of Personnel. The Head of the Division shall be the Personnel Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall:

a. Develop and administer the County's personnel program, including job classification and State Civil Service titles, active recruitment of needed personnel and in-service training programs.

b. Maintain personnel records for each County officer and employee, including the education, training and experience of the employee, any professional or trade licenses held, all personnel actions taken with respect to the employee, including compensation, civil service and pension status and such other pertinent information as the Executive may require.

c. Administer an orderly procedure for the consideration, review and adjustment of employee personnel matters.

d. Coordinate the appointment and removal of County employees within various departments; review and report to the Executive on proposed appointment, promotion, transfers and discharges.

e. Coordinate, monitor and maintain the administration of employee benefit programs, including health, dental and disability plans, and perform analysis thereof, as necessary. In coordination with the Division of Risk Management, monitor the implementation of workers' compensation benefits.

f. In conjunction with the Equal Employment Opportunity Officer, ensure that the County abides by the affirmative action requirements to appoint, evaluate and promote employees without regard to race, creed, religious belief or affiliation or unaffiliation, color, national origin, nationality, ancestry, age, sex (including pregnancy), familial status, marital status, domestic partnership or civil union status, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for military service, and mental or physical disability, perceived disability, and AIDS and HIV status. It is the policy of the County to provide equal employment opportunities in all phases of employment. The Equal Employment Opportunity Officer shall be directly responsible to the Executive in all matters relating to equal employment opportunity requirements but shall keep the Personnel Director advised on all such matters.

g. Administer the ~~county~~ County payroll system. Ensure salaries and salary adjustments comply with collective bargaining agreements or other directives from the Administration.

h. Provide assistance in collective bargaining for the County as requested by the Executive.

i. Review and implement policies and procedures in accordance with Federal and State Law relative to personnel matters.

j. Provide such services to other departments as shall be directed by the Executive or the Administrator.

8.1.8 Division of Public Information. The Head of the Division shall be the Public Information Officer who shall be appointed by the Executive with the advice and consent of the Board. The Division shall:

a. Serve as primary point of contact for all media and external communication with County departments.

b. Coordinate departmental outreach and communications staff to best publicize County programs and activities and fulfill public information requirements as stipulated by any grant requirements or other guidelines.

c. Track and archive County-related media coverage, and external communications including but not limited to press releases, public statements, speeches.

d. Work with each County department to plan and promote special events, coordinate the dissemination of daily news, and encourage public engagement through media outreach.

e. Provide such services to other departments as shall be directed by the Executive or the Administrator.

8.1.9 Division of Risk Management. The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall:

a. Develop and administer such self-insurance programs as shall be recommended by the Executive and approved by the Board.

b. In coordination with insurance professionals, determine and ensure adequate levels of coverage in all County insurance programs.

c. Report to the Executive and the Administrator as to costs, experience and recommendations for improvements in all County insurance plans.

d. Maintain records on the value of County properties and equipment.



e. Recommend and coordinate with the appropriate department or division any loss control measures, safety-training programs or any other risk reduction measures or corrective actions.

f. Monitor and review certificates of insurance, hold harmless agreements, waivers, indemnification language, and requirements for additional insured status.

g. Provide such services to other departments as shall be directed by the Executive or the Administrator.

8.1.10 Division of Community Development. The Head of the Division shall be the Director of Community Development who shall be appointed by the Executive with the advice and consent of the Board. The Division shall:

a. Act as the coordinating agency on the annual sub-grant allocation of Community Development funds, including Community Development Block Grant (CDBG), Home Investment Partnership Grant (HOME), and Emergency Solutions Grant (ESG) funds, annually received from the U.S. Department of Housing and Urban Development (HUD) for action by the Executive and Board.

b. Coordinate with CDBG Regional and Countywide Committees annually as specified in the Three Year Cooperative Agreement between the County and all participating municipalities as required by HUD.

c. Submit to the Executive and the Board an Annual Action Plan that sets forth the recommended sub-grant allocations for Community Development funding in conformance with HUD regulations and Division policy and procedures.

d. Monitor project execution and sub-grant funds allocated to all municipalities, nonprofit organizations, and government agencies in conformance with HUD regulations.

e. Submit to HUD and any other appropriate Federal agency such reports as are required.

f. Submit to the Executive quarterly reports indicating the status of fund allocations for the present year and any unexpended funds from prior years and recommend any appropriate changes in allocation; and report on any new guidelines or developments as promulgated by HUD that substantively impact the program and operations of the Division of Community Development.

8.1.10.1 Advisory Boards. There shall be the following advisory boards in the Division of Community Development:

a. Community Development Countywide Committee.

b. Regional Committees (Central Region, Northwest Region, Southwest Region, Southeast Region, Pascack Valley Region, and Northern Valley Region).

The advisory board shall be appointed in accordance with the provisions of Article 8.0.e-5 and the Three Year Cooperative Agreement between the County and the participating municipalities as required by HUD.

8.1.11 Division of Economic Development. The Head of the Division shall be the Director of Economic Development who shall be appointed by the Executive with the advice and consent of the Board of FreeholdersCounty Commissioners. The Division of Economic Development shall, pursuant to N.J.S.A. 40:23-5.1:

- a. Research and study the economics of the County; develop, assemble and distribute information to assist current and prospective businesses and industries; maximize business retention, attraction and expansion efforts; and
- b. Engage in public outreach and serve as a liaison between industry and government to further enhance economic development, employment opportunities, and vocational education in the County; and
- c. With the approval of the Executive, cooperate and coordinate with governmental entities, public-private partnerships, businesses and corporations, chambers of commerce, colleges and universities, and any entity or nonprofit, such as the Economic Development Corporation or Workforce Development Board, which enhances economic development of the County; and
- d. Provide such services to other departments as shall be directed by the Executive or the Administrator.

8.1.12 Advisory Board. There shall be the following advisory board in the Department of Administration and Finance:

- a. African American Advisory Committee
- b. Asian American Advisory Committee
- c. Latino Advisory Committee
- d. LGBTQ Advisory Committee

The advisory boards shall be established in accordance with Article 8.0.e5. In those instances where the advisory boards are established by statute or federal regulation the number of members and terms set forth in the statute or regulation shall apply.

8.1.13 Boards. There shall be the following boards in the Department of Administration and Finance

- a. Insurance Fund Commission

- i. Health Insurance Committee
- ii. Liability Committee

## 8.2.0 Department of Health

8.2.1 Department Generally. The Director of the Department shall be appointed by the Executive with the advice and consent of the Board.

8.2.2 Divisions. The Department shall have the duties described below and shall be divided into the following divisions:

- a. Public Health
- b. Environmental Health
- c. Animal Services
- d. Mental Health and Addiction Services

- ~~b. Mental Health~~
- ~~c. Animal Center~~
- ~~e. Adolescent Alcohol (Network)~~
- ~~f. Intoxicated Driver Recovery Center~~

8.2.3 Division of Public Health. The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall be divided into the following offices:

aa. Office of Health Education and Promotion which shall include, but shall not be limited to, community health by assessing the health needs of community, mobilizing residents, identifying resources for health promotion initiatives, formulating and implementing action plans to improve the health of the community, acting as a community information resource, and conducting outcome-oriented evaluation strategies.

b. Office of Public Health Preparedness which shall include, but shall not be limited to, providing relevant information to public health partners, hospitals, schools, business, and community and faith based organizations before, during and after public health emergencies. The Office shall additionally collaborate with local first responder agencies and plan for large-scale emergencies such as natural disasters, power outages and public health emergencies including the release of hazardous materials. The Office shall include the Division of Emergency Preparedness and Response, a grant-supported program, also known as the Local Information Network and Communications System. The program's overarching goal is communication and information sharing and emergency preparedness planning and response.

~~b. Office of Alcoholism and Drug Dependency which shall include, but shall not be limited to, such programs as the function of a County Alcoholism Authority under P.L. 1983, Chapter 531, a social detoxification program, the operation of Spring House for the rehabilitation of women with alcohol problems, an alcohol court referral program, the County Employee Assistance Program and a drug dependency program.~~

~~ec. Office of Public Health Nursing which shall include, but shall not be limited to, such programs as chronic disease prevention, communicable disease control, an employee health unit, special child health services, work with the Southwest Health Center, maternal child health, supervision of special projects and wellness and community mental health nursing consultations. The Office shall additionally provide inter-local services to contract municipalities including immunizations, the zoo camp, adult cardiovascular prevention programs, and non-public schools oversight.~~

8.2.4 Division of Environmental Health. The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall be divided into the following offices:

~~a. — d. Office of Administration which shall include, but shall not be limited to, such programs as inter-local contracts, operation of the Adult Day Care Center in Paramus, public health nutrition, operation of the Southeast Health Center and a school based dental health program.~~

~~b. —~~

~~ea. Office of Consumer Health which shall include, but not be limited to, providing public health protection services through shared services agreements with local municipalities on behalf of local boards of health and the Childhood Lead program.~~

~~b. Office of Geographical Information Systems which shall include, but not be limited to, data management and analysis, application development/support, environmental and public health modelling, and geographic design.~~

~~c. Office of Environmental Protection which shall include, but not be limited to, such programs as the County Environmental Health Act (CEHA), Right-to-Know, Clean Communities, site remediation/abatement oversight, and Environmental, Health, and Safety (EHS).~~

~~— Office of Environmental Health which shall include, but shall not be limited to, such programs as general sanitation, environmental protection, occupational health and supervision of the "Right to Know" Act.~~

8.2.5 Division of Animal Services. The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall:

- a. Operate the County Animal Shelter and Adoption Center in compliance with State regulations and guidelines.
- b. Protect the public from injury and zoonotic disease such as rabies.
- c. Provide humane treatment of all animals, reunite lost pets with owners and promote programs for the adoption of all eligible animals in the care and custody of the shelter.
- d. Contract Animal Control services with municipalities on an annual fee basis.
- e. Promote wildlife rehabilitation.
- f. Promote and educate the public regarding Trap/Neuter/Release programs for the control and management of feral cat populations.
- g. Promote the spay/neuter of all domestic animals and educate the public in animal welfare.

8.2.4-6 Division of Mental Health and Addiction Services. The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall be divided into the following offices:

- a. Office of Mental Health and Awareness/Administration which shall include, but shall not be limited to, planning functions, system coordination, community outreach and awareness, prevention efforts and grants management. This includes the work of the Municipal Alliances, Stigma-Free Initiatives, Mental Health First Aid and more as identified and funded. It also includes providing administrative services and advice to the County Mental Health Board, Children's Inter-Agency Coordinating Council and Local Advisory Committee on Alcoholism and Drug Abuse, including liaison to the State Division of Mental Health and Addiction Services and Department of Children and Families. It will fulfill the function as a County Alcoholism Authority under P.L. 1989, Chapter 531. The Office shall provide administrative services and advice to the County Mental Health Board and Local Advisory Committee on Alcoholism and Drug Abuse in conjunction with the recommendations by the Board to the Executive for the allocation of Aid to Mental Health County funds and other State and County funds as available. The Executive shall review the recommendations of the County Mental Health Board with regard to such allocations and shall submit to the Board for its approval either the recommendations of the Mental Health Board or Local Advisory Committee on Alcoholism and Drug Abuse respectively, or their revisions to such recommendations. The makeup of the Mental Health Board and Local Advisory Committee on Alcoholism and Drug Abuse shall be maintained to conform to the respective statutory requirements. Appointments shall be made by the Executive with the advice and consent of the Board.

b. Office of Clinical Services which shall include, but shall not be limited to, ~~[ENTER TEXT]~~ operational oversight of services: Spring House, a halfway house for women; Addiction Recovery Program, an intensive outpatient program; and Intoxicated Driver Resource Center, as funded.

~~The Division shall:~~

~~a. Provide administrative services and advice to the County Mental Health Board in conjunction with the allocation by that Board of State funds.~~

~~b. Provide administrative services and advice to the County Mental Health Board in conjunction with the recommendations by the Board to the Executive for the allocation of Aid to Mental Health county funds. The Executive shall review the recommendations of the County Mental Health Board with regard to such allocations and shall submit to the Board for its approval either the recommendations of the Mental Health Board or his/her revisions to such recommendations.~~

~~c. The makeup of the Mental Health Board shall conform to the statutory requirements. Appointments shall be made by the Executive with the advice and consent of the Board.~~

~~8.2.5 Division of the Animal Center. The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall: —~~

~~a. Operate the County Animal Shelter.~~

~~b. Promote a program for the adoption of animals left at the shelter or picked up under contract arrangements with various municipalities.~~

~~c. Contract with municipal and other agencies in the County for animal control on an annual fee basis or on a per case basis as shall be determined by the Executive.~~

~~d. Provide for the humane destruction of animals which cannot be adopted out.~~

~~e. Attempt to make the Center a self-sufficient operation and report annually to the Board on its progress to that goal.~~

~~8.2.7 Division of Adolescent Alcohol (Network). The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall provide a residential program of counseling and training for adolescent alcoholics referred by appropriate agencies.~~

~~8.2.8 Division of Intoxicated Driver Recovery Center. The Division shall be headed by a~~

~~Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall provide a training program for drunk drivers referred by the courts and other appropriate agencies.~~

~~8.2.9 Bergen County Health Care Center. The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board and who shall report to the Department Head. The Division shall:~~

- ~~a. Provide a residential program for frail elderly residents of Bergen County.~~
- ~~b. Provide to the Executive and the Division of Fiscal Operations regular reports with regard to budget expenditures and revenues in form determined by the Executive, and in addition provide reports as to the level of care being provided to patients along with statistics as to bed capacity and occupancy.~~

8.2.10-7 Advisory Boards. There shall be the following advisory boards within the Department of Health:

- a. Public Health Advisory Council ~~Local Advisory Committee on Alcoholism~~
- b. ~~Animal Center Committee~~
- c. Mental Health Board
- d. Local Advisory Committee on Alcoholism and Drug Abuse
- e. ~~Public Health Advisory Council~~ Animal Center Committee
- f. ~~Employees Assistance Program~~

The advisory board shall consist of such number of members as shall be established by resolution of the Board and shall function under the guidelines in Article 8.0.e5. In those instances where advisory boards are established by statute or federal regulation, the number of members and terms set forth in the statute or regulation shall apply.

### **8.3.0 Department of Human Services**

8.3.1 Department Generally. The Director of the Department shall be appointed by the Executive with the advice and consent of the Board.

8.3.2 Divisions. The Department shall have the duties described below and shall be divided into the following divisions:

- a. Alternatives to Domestic Violence
- b. Division on Disability Services
- c. Division of Family Guidance
- d. Division of Senior Services
- e. Division of Veterans Services
- f. Juvenile Detention Center and Youth Complex

g. Office for Children

8.3.3 Alternatives to Domestic Violence shall provide services to individuals and families involved in an abusive relationship. These services shall include a 24-hour hotline, crisis intervention, counseling, legal/victim advocacy and assistance and referrals. The division shall also provide community education and workshops to raise awareness of the problem of domestic violence in our community with the goal of prevention through education.

8.3.4 Division of Disability Services shall assist Bergen County residents with disabilities to achieve their full potential, to realize their full involvement and/or inclusion in all aspects of everyday living, and to promote community-based living options.

8.3.5 Division of Family Guidance. The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Division of Family Guidance shall act as a liaison to the State Department of Youth and Family Services in connection with care provided by that department to adolescents of County residents. The Division shall review the Division of Fiscal Operations billing received from the state for children's services.

8.3.6 Division of Senior Services. The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall:

- a. Be responsible for the administration of funds received from the federal or state governments for the benefit of the aging in the County.
- b. Make recommendations to the Department Head for the utilization of such grant funds and be responsible for monitoring the expenditures and filing the required reports with the agencies involved.
- c. Have supervision of the nutrition sites operated with grant funds and operate or coordinate the operation of senior citizen centers and meals on wheels programs with County or grant funds.
- d. Coordinate with the Department of Public Works Division of Community Transportation in connection with transportation for senior citizens.

8.3.7 The Division of Veterans Services shall provide resident veterans and their dependents with information and assistance in obtaining earned entitlements from federal, state, and local governments, as well as any that are available from the private sector.

8.3.8 Juvenile Detention Center and Youth Complex shall provide secure, short term care and custody to juveniles who are accused or adjudicated, pending court action, or awaiting transfer to another facility, and who cannot be served in an open setting.



8.3.9 The Office for Children shall coordinate child care services in Bergen County, with a focus on availability, affordability, and quality of child care. The Division shall assist parents with counseling on choosing child care, referrals to child care providers, and child care subsidies. The Office shall train, register, and monitor family child care, and provide professional development opportunities and technical assistance for the child care community.

8.3.10 There shall be the following advisory boards within the Department of Human Services:

- a. Advisory Board to the Office for Children
- b. Advisory Council to the Divisions of Senior Services
- c. African American Advisory Committee
- d. Asian American Advisory Committee
- e. Commission on the Status of Women
- f. Disability Services Advisory Board
- g. Homeless Trust Fund Task Force
- h. Human Relations Commission
- i. Human Services Advisory Council
- j. Latino Advisory Committee
- k. Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) Advisory Committee
- l. Veterans Advisory Council

The advisory boards shall consist of such number of members as shall be established by resolution of the Board and shall function under the guidelines in Article 8.0.e5. In those instances where advisory boards are established by statute or federal regulation the number of members and terms set forth in the statute or regulation shall apply.

#### **8.4.0 Department of Law.**

8.4.1 Department Generally. The Department shall be headed by a County Counsel who shall be appointed by the Executive with the advice and consent of the Board. The Counsel shall serve for such term as provided for by law.

8.4.2 Within the Department there shall be the following:

- a. Office of the County Counsel
- b. Adjuster's Office
- c. Office of the Inspector General
- d. Equal Employment Opportunity Office
- e. Construction Board of Appeals
- f. Ethics Board
- g. Mental Health Law Project

### 8.4.3 Office of the County Counsel.

8.4.3.1 The County Counsel shall have the right to designate a Deputy County Counsel who shall, during the absence or disability of the County Counsel, possess all the powers and perform all the duties of the Counsel.

8.4.3.2 There shall be in the Counsel's Office Assistant County Counsels who shall be recommended by the Counsel and approved by the Executive. All of the Counsels shall have been duly admitted to practice law in New Jersey.

8.4.3.3 Duties. The County Counsel shall be the attorney of record in all civil proceedings where the County, the Executive or a Constitutional Officer, or any department or agency under the jurisdiction of the Executive is a party. The Department shall:

- a. Advise the Executive and all departments and agencies under the jurisdiction of the Executive on all legal matters. Advise the Constitutional Officers when appropriate.
- b. Approve the legal form and sufficiency of all contracts, deeds, executive orders and other official documents and prepare all ordinances and resolutions authorized by the Executive.
- c. Represent the Executive and agencies under their jurisdiction in all litigation, appeals, or proceedings before administrative agencies and recommend settlement in any matter where deemed appropriate.
- d. Maintain records of all actions, suits and proceedings relating to the County's interest and submit reports to the Executive on such matters on request.
- e. Represent the Constitutional Officers when appropriate or required under the circumstances.
- f. Render advisory opinions requested by the Executive. Advisory opinions shall be catalogued by year and permanently maintained in accordance with State records retention requirements.
- g. Recommend to the Executive the retaining of special counsel to aid in such cases as they deemed necessary. All special counsel shall be retained under a professional services contract.

8.4.4 County Adjuster. Within the Department, the Executive shall appoint a County Adjuster, with the advice and consent of the Board. The County Adjuster shall serve at the pleasure of the Executive unless they have served a continuous term of at least five (5) years as County Adjuster in which case the terms of N.J.S.A 30:4-34.1 shall apply. The County Adjuster shall:

- a. Analyze, review and recommend approval to the Chief Financial Officer, or their designee, of bills from State Institutions for the care of County residents in such institutions.
- b. Make or coordinate such court appearances as may be required in connection with cases arising from the institutionalization of County residents.
- c. Make recommendations to the Executive for the adjustment of claims against residents and their estates for services provided by County institutions.
- d. Perform such other duties as are required by statute including, but not limited to, the placement of liens against property owned by residents who have outstanding bills from County institutions.

8.4.5 Inspector General. Within the Department, the Executive shall appoint an Inspector General, with the advice and consent of the Board. The Inspector General shall promote efficiency, accountability, and integrity of the County government including but not limited to the departments, divisions, authorities, agencies, boards and nonprofits set forth in the Code. The Inspector General shall perform the following duties and responsibilities:

- a. Initiate, supervise, and/or conduct internal investigative activities as deemed necessary, including but not limited to fraud, waste, or misconduct in County government.
- b. Recommend policies to the Executive, County Administrator, and Deputy County Administrator designed to detect, deter, prevent and eliminate fraud, waste, and misconduct in County government.
- c. Report to and cooperate fully with the County Counsel. Whenever the Inspector General has reasonable grounds to believe there has been a violation of criminal law or that a civil action should be initiated by the County of Bergen, the Inspector General shall immediately refer such matter to the County Counsel. The County Counsel shall be responsible for referring matters to the appropriate agency or agencies for criminal prosecution or civil litigation.
- d. In consultation with the County Counsel, refer matters to the County administration, or such other department or division as is warranted, for further action as may be appropriate.

8.4.6 Equal Employment Opportunity Officer. Within the Department, the Executive shall appoint an Equal Employment Opportunity Officer, with the advice and consent of the Board. The Equal Employment Opportunity Officer shall:

- a. Assist the Executive and the Board to ensure that the County appoints, evaluates, and promotes employees without regard to race, creed, religious belief or affiliation

or unaffiliation, color, national origin, nationality, ancestry, age, sex (including pregnancy), familial status, marital status, domestic partnership or civil union status, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for military service, and mental or physical disability, perceived disability, and AIDS and HIV status. It is the policy of the County to provide equal employment opportunities in all phases of employment;

b. Prepare and conduct internal audits or other analysis as required by law, and make recommendations to the administration and establish goals for the County's employment practices;

c. Conduct or coordinate such seminars as authorized by the administration to educate employees and management about current anti-discrimination requirements;

d. Coordinate with the Division of Personnel to ~~appropriately~~ appropriately respond to all employee complaints of discrimination;

e. Ensure that the County complies with all applicable equal employment requirements within State and Federal laws and regulations;

f. Consult with the Equal Employment Opportunity Advisory Council on an as needed basis;

g. Maintain the County's Affirmative Action Plan and incorporate such updates as required by resolution of the Board;

h. Provide such services to other departments as shall be directed by the Executive or the Administrator.

#### 8.4.6.1 Equal Employment Opportunity Advisory Council.

a. The Executive shall appoint ten (10) members to the Equal Employment Opportunity Advisory Council from among County Employees to serve two (2) year terms. Members shall hold office for the term of appointment and until their successor shall have been appointed and qualified. Any vacancy in the membership of the board during an unexpired term shall be filled by appointment for the unexpired term only. The Council shall meet on an as needed basis to review and assist the Equal Employment Opportunity Officer in resolving employee complaints of discrimination.

8.4.7 Construction Board of Appeals. The Construction Board of Appeals shall hear appeals brought by any person who is aggrieved by any ruling, action, order, notice, or decision of a local enforcing agency that enforces the State's Uniform Construction Code or Fire Code, including, without limitation, any refusal to grant an application or any failure or refusal to

act upon an application. The board shall render decisions in accordance with N.J.S.A. 52:27D-127.

The board shall consist of five (5) members who are qualified and/or certified in the subcodes and disciplines as defined by N.J.A.C. 5:23A-1.3, as well as two (2) special members and five (5) alternate members as dictated therein. Members shall be appointed by the Executive with the advice and consent of the Board for four (4) year staggered terms. Vacancies shall be filled for the unexpired term only.

#### 8.4.8. Ethics Board.

a. There shall be an Ethics Board comprised of six (6) members appointed by the Executive, with the advice and consent of the Board. At least two of these members shall be members of the public. Members shall be residents of the County, and no more than two shall be from the same municipality. No more than three of the members shall be from the same political party. Each appointment shall be for a term of five (5) years and until a successor shall be appointed and qualified. Vacancies shall be filled for the unexpired term only.

b. The Ethics Board shall write, amend and enforce the Bergen County Ethics Code, which shall be incorporated into this Code after approval by the Board.

c. The Ethics Board shall have such other powers and take such other actions as permitted or required by the Local government Ethics Law and the Bergen County Ethics Code.

d. The County Counsel shall assign counsel to the Ethics Board, who shall give legal guidance to the Ethics Board, and provide such other assistance as appropriate.

8.4.9. Mental Health Law Project. Within the Department, there shall be an Office known as the Mental Health Law Project for the purpose of addressing the legal needs of the chronically mentally ill who are also within the poverty guidelines. The Office shall:

a. Provide free legal services to eligible indigent clients who are involved in civil matters. The Office shall assist in such matters as matrimonial or family disputes, landlord/tenant matters, housing, small claims court, consumer and creditor's issues, and at Social Security hearings;

b. Inform patients of their civil rights when hospitalized and protect them in treatment-related issues including medication, confidentiality of records, right to legal counsel and treatment in the least restrictive setting;

c. Help clients obtain the most advantageous available public financial benefits, and connect clients to appropriate publicly provided resources, including educational, vocational and/or housing assistance.

## **8.5.0 Department of Public Safety**

8.5.1 Department of Public Safety Generally. The Department shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board.

8.5.2 Divisions. The Department shall be divided into the following divisions:

- a. Safety and Security
- b. Public Safety Operations (911/Dispatch)
- c. County Medical Examiner
- d. Public Safety Education
- e. Weights ~~&~~and Measures
- f. Emergency Management
- g. Consumer Affairs, Office of Consumer Protection

8.5.3 Division of Safety and Security. The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall be responsible for the oversight of safety and security issues for the County including but not limited to safety training for personnel; construction safety; general safety for employees and the public; safety and health training for workers, supervisors, and managers; oversight of safety of the County's facilities and such other areas as the Executive may direct.

8.5.3.1 Division of Public Safety Communications. The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall be responsible for oversight of 911/~~dispatch~~Dispatch services and to such other areas as the Executive may direct.

8.5.4 Division of the Medical Examiner. The Division shall be headed by a County Medical Examiner who shall be qualified under the requirements of the statute and who shall be appointed by the Executive for the term prescribed by law with the advice and consent of the Board. The Division shall discharge the duties of the County Medical Examiner. The Medical Examiner will continue to function in the independent status provided under the statute with regard to Medical Examiner duties but shall be responsible to the Department Director for budget and administrative purposes.

8.5.5 Division of Public Safety Education. The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall:

- a. Operate a Law and Public Safety Institute – Police, Fire and Emergency Medical Services (EMS) Academies and provide training courses for law enforcement and

fire agencies in Bergen County. Upon approval of the Executive, permit outside law enforcement and fire agencies to utilize the services of the- Law and Public Safety Institute - Police, Fire and Emergency Medical Services (EMS) Academies upon payment of an appropriate fee set by resolution of the Board.

b. Provide training for volunteer first aid squads and for such other agencies as shall be approved by the Executive.

8.5.6 Division of Weights and Measures. The Division shall be headed by a Superintendent appointed by the Executive with the advice and consent of the Board. The Division shall carry out the statutory duties relating to weights and measures.

8.5.7 Division of Consumer Affairs, Office of Consumer Protection. The Division of Consumer Affairs, Office of Consumer Protection shall be headed by a Director appointed by the Executive with the advice and consent of the Board. The Division shall plan, develop and administer programs of interest and benefit to consumers of Bergen County, coordinate such services made available by Federal and/or State agencies, i.e., NJ Department of Law ~~&~~ and Public Safety, Division of Consumer Affairs. The Division shall provide an educational program of consumer rights and laws, as well as a complaint program with mediation services. All standard operating procedures will be governed by the Consumer Fraud Act (N.J.S.A. 56:68-1 et seq.) and the regulations promulgated pursuant thereto (N.J.A.C. 13:45A-1 et seq.).

8.5.8 Division of Emergency Management. The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall perform the statutory functions of emergency management.

8.5.9 Advisory Boards. There shall be the following advisory boards in the Department of Public Safety:

- a. Emergency Management Advisory Board.
- b. Emergency Medical Services Advisory Board.
- c. Fire Training Education Advisory Board.
- d. Police Training Education Advisory Board.
- e. Law and Public Safety Institute Board.

The advisory boards shall be appointed in accordance with the provisions of Article 8.0.e5. In those instances where advisory boards are established by statute or federal regulation, the number of members and terms set forth in the statute or regulation shall apply.

## **8.6.0 Department of Public Works**

8.6.1 Department Generally. The Department shall be headed by a Director appointed by the Executive with the advice and consent of the Board.

8.6.2 Divisions. The Department shall be divided into the following divisions:

a. Division on Administration. The Division shall be headed by the Director of Public Works who shall be appointed by the Executive with the advice and consent of the Board. The Division shall be responsible for the provision of administrative services to the Department.

b. Division of Operations. The Division shall be headed by the Supervisor of Roads who shall be appointed by the Executive with the advice and consent of the Board. The Division shall repair and maintain County roads and bridges and drainage facilities and shall maintain signage at the direction of the County Engineer.

c. Division of Mosquito Control. The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall provide for the control of mosquito breeding by a program of spraying, stream clearance and other activities designed to provide the most effective control.

d. Division of General Services. The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall:

- (1) Maintain and repair County buildings and properties.
- (2) Provide custodial and janitorial services for all County buildings.
- (3) Operate and maintain telephone facilities for County buildings.
- (4) Supervise the preparation of plans for new buildings or for the repair and renovation of existing buildings.
- (5) Provide contract administration of all building construction and repair bids awarded, including review of work done and approval of vouchers submitted for payment during the progress of the work.

e. Division of Mechanical Services. The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall operate the County's garages and provide maintenance and repair of County owned vehicles and other governmental vehicles as determined by the County Executive.

f. Division of Community Transportation. The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall operate the County's Community Transportation Services, coordinate with the Department of Human Services in connection with transportation for senior citizens and perform such other services as directed by the County Executive.



g. Division of Shared Services. The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall promote the broad use of shared services agreements with municipalities, schools and nonprofits, as authorized by law, for the maintenance, enhancement, operation and improvement of services to the residents of Bergen County.

8.6.3 Reserved.

8.6.4 There shall be the following advisory board within the Department of Public Works:

a. Community Transportation Advisory Board.

The advisory boards shall consist of such number of members as shall be established by resolution of the Board and shall function under the guidelines in Article 8.0.e5. In those instances where advisory boards are established by statute or federal regulation the number of members and terms set forth in the statute or regulation shall apply.

## 8.7.0 Department of Parks ~~&and~~ Recreation

8.7.1 Department Generally. The Department shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Director shall be responsible for the day to day operations of the Parks ~~and~~ Recreation Department. ~~His/her~~Their responsibilities shall include but not be limited to: strategic planning, resource management, budget preparation, both operating and capital, revenue reporting and analysis. The Director shall advise the Executive on land acquisition, strategy and policy for parkland, open space, and recreational, farmland and historical preservation purposes. The Director shall be responsible for establishing plans and policy for long range enhancements of parks, open space preservation, and historic and cultural resources.

8.7.2 Divisions. The Department shall be divided into the following Divisions:

- a. Office of Administrative Services
- b. Division of Park Operations
- c. Division of Historic & Cultural Affairs
- d. Division of Golf
- e. Division of Land Management

8.7.3 Office of Administrative Services. The Office shall be managed by and report to the Director of Parks ~~and~~ Recreation or ~~his/her~~their designee and shall provide for the

administrative and financial support required for the day to day management of the Department.

8.7.4. Division of Park Operations. The Division shall be managed by a Division Head who shall be appointed by the Executive with the advice and consent of the Board, and who shall report to the Department Director. The Division shall provide operational management and maintenance of the County parks system.

a. The Division shall charge fees for the use of facilities in accordance with the County's parks fees ordinance, as amended (N.J.S.A. 40:32-7.11). The Division shall recommend changes to the fee schedule to the Department Director and to the Executive and the Board.

b. The Division shall enforce the Parks Rules and Regulations in accordance with the County's Parks Rules and Regulations ordinance, as amended (N.J.S.A. 40:32-7.12). The Division shall recommend changes to the Rules and Regulations to the Department Director and to the Executive and the Board.

c. The Division shall recommend to the Executive and the Board the leasing of park lands or concessions. In accordance with N.J.A.C. 7:36-25.13, the initial and renewal terms of such leases may not exceed five (5) years, except that when such lease includes substantial capital improvements by the lessee, the term may be up to twenty (20) years. In accordance with N.J.S.A. 40:32-7.15, in no case shall any such lease exceed twenty (20) years. In accordance with N.J.S.A. 40:32-7.16, leases shall be awarded to the highest responsible bidder.

8.7.5 Division of Historic and Cultural Affairs. The Division shall be managed by a Division Head who shall be appointed by the Executive with the advice and consent of the Board, and who shall report to the Department Director. The Division shall promote and foster public interest and understanding of historic and cultural assets and resources throughout the County. The Division shall be charged with maintaining records of all historic sites (regardless of ownership) throughout the County, performing maintenance on historic sites owned by the County, and coordinating recording and documentation activities as appropriate with the office of the County Clerk.

8.7.6 Division of Golf. The Division shall be managed by a Division Head who shall be appointed by the Executive with the advice and consent of the Board and who shall report to the Department Director. The Division shall be charged with the day to day operation of the County's golf courses, the design and offering of golf programs that brings instruction ~~an~~ and competition to golfers of all abilities and skill levels, and ~~conduct~~ the organization of golf competitions and tournaments.

a. The Division shall charge fees for the use of facilities in accordance with the County's golf fees ordinance, as amended (N.J.S.A. 40:32-7.11). The Division shall recommend changes to the golf fee schedule to the Department Director and to the Executive and the Board.

b. The Division shall enforce the golf policies and procedures manual in accordance with the County's golf ordinance, as amended (N.J.S.A. 40:32-7.12). The Division shall recommend changes to the policies and procedures manual to the Department Director and to the Executive and the Board.

8.7.7 Division of Land Management. The Division shall be managed by a Division Head who shall be appointed by the Executive with the advice and consent of the Board and report to the Department Director. The Division shall provide planning for all parks projects including the preservation and development of parks, recreational facilities, trails, related infrastructure and land acquisition. The Division shall:

a. Prepare long-range plans as required by N.J.S.A. 40:12-15.2(d), and as required by the Department Director;

b. Administer the County Open Space, Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund Program in compliance with N.J.S.A. 40:12-15.1 et seq., monitor the expenditure of Trust Fund grant awards and the activity of grant recipients in proceeding with the work scheduled, and submit to the Executive and the Board reports indicating the status of fund allocations for the present year and any unexpended funds from prior years;

c. Administer the NJ Farmland Preservation Program, the NJ Right to Farm Protection Program, and Bergen County Agriculture Development Board;

d. Manage and maintain the County Recreational Open Space Inventory (ROSI) and the mapping database of park assets and infrastructure within the geographic information system (GIS) in consultation with the Department of Planning ~~&~~ and Engineering;

e. Oversee conservation deeds and administer parkland protection rules to ensure the permanent security of these lands;

f. Develop, manage, and execute the immediate and long term capital program for parkland acquisition and improvements.

8.7.8 Advisory Boards. There shall be the following boards in the Department of Parks ~~&~~ and Recreation:

- a. Historic Preservation Advisory Board
- b. Open Space Trust Fund Public Advisory Committee
- c. Agriculture Development Board (CADB)
- d. Environmental Council

## 8.9.0 Department of Planning and Engineering

8.9.1 The Department shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Department shall consist of two Divisions:

- a. Division of Planning
- b. Division of Engineering

8.9.2 Division of Planning. The Head of the Division of Planning shall be a licensed professional planner of the State appointed by the Executive with the advice and consent of the Board. The Division shall comprehensively plan all aspects of land, environment, economy, and transportation affecting the future character, composition, and viability of Bergen County. The Division of Planning shall consist of three offices.

8.9.2.1 The Office of Regional Planning and Transportation shall work interactively to engage in long range planning; participate in the development, design, and prioritization of Planning Division's capital projects that support the long range vision; provide land environmental, economic, and transportation planning expertise; provide oversight and prioritization of transportation investments; advise on transportation and mobility issues, with regard to the whole spectrum of transportation modes and choices, including roads and highways, mass transit (bus, rail, and innovative transit approaches), bicycle, pedestrian, and all others; and prepare recommendations on the expenditure of funds for action by the Executive and the Board.

8.9.2.2 The Office of Development Review shall review Site Plan and Subdivision Applications, as well as developments of regional significance, and in so doing provide continuous oversight over the implementation of the Site Plan and Subdivision regulations, in accordance with State Statute.

8.9.2.3 The Office of Data Resources ~~& and~~ Technology shall develop and hone research, information resources, and technology, including Geographic Information Systems (GIS) that expedite and integrate the work of the Division as well as coordinate and disseminate data and information to the County's other departments and the public-at-large.

8.9.3 Division of Engineering. The Division of Engineering shall be headed by a County Engineer who shall be a licensed professional engineer of the state with at least five (5) years of experience in public works and shall be appointed by the Executive with the advice and consent of the Board. The Division shall be responsible for surveying, designing, managing, inspecting, constructing, implementing and prioritizing County infrastructure projects including bridges, culverts, roads, signalized intersections, drainage systems, and tide gates. The Division shall also provide engineering services to other County departments upon the direction of the Director of Planning and Engineering. Other responsibilities include:

8.9.3.1 The Division shall maintain records of the County roads, bridges, and traffic ordinances, shall approve contract work for payment, and coordinate activities with other

counties for the joint operation, maintenance, repair, and rehabilitation/replacement of inter-county bridges. The Division shall ensure compliance with applicable engineering design standards and county, state, and federal regulations.

8.9.3.2 The Division shall oversee the maintenance of County owned traffic signals and the federally mandated sign management database. The Division shall pursue funding through alternate state and federal funding sources.

8.9.3.3 The Division shall perform development application reviews while participating on the Development Review Team and the County Engineer shall approve Joint Reports for placement on the Planning Board agenda.

8.9.3.4 The Division shall perform construction inspections of site plan and subdivision development improvements required by the County Planning Board and the County Engineer shall authorize the release of performance guarantees upon applicant's satisfactory completion of improvements and compliance with conditions of approval.

8.9.4 Capital Projects. The Divisions of Planning and Engineering shall develop, design, and prioritize major capital projects that support the long range planning and further promote the economic viability and quality of life, of the County. Capital Projects shall be managed within the constraints of scope, time, quality and budget in order to meet pre-defined objectives to bring about beneficial change or added value.

8.9.5 Reserved

8.9.6 Boards.

a. Planning Board. The Bergen County Planning Board is continued and shall perform the statutory duties of a County Planning Board. The Planning Board shall consist of the Chair~~man/woman~~person of the Board of ~~Freeholders~~County Commissioners, one (1) ~~Freeholder-Commissioner~~ member, one (1) ~~Freeholder-Commissioner~~ alternate member, all nominated by the Chair~~man/woman~~person of the Board; the County Engineer, with the Assistant County Engineer to serve as alternate and six (6) citizen members and two (2) alternate citizen members to be appointed by the County Executive with the advice and consent of the ~~Commissioners~~Freeholders. The citizen members shall serve for the term prescribed by law and shall perform such function as provided by law, including, but not limited to, the review of subdivision and site plans.

8.9.7. Reserved

8.9.8. Reserved

8.9.9. Reserved

8.9.10. Required Wage, Benefit, and Leave Standards for Building Service Workers on Covered Development Projects.

a. Definitions

1. For the purposes of this section, "covered developer" means any person receiving economic development financial assistance or a tax abatement pursuant to The Long Term Tax Exemption Law N.J.S.A. 40A:20-1 et seq. or the Five-Year Exemption and Abatement Law N.J.S.A. 40A:21-1 et seq. In relation to a covered development project or a tax abated project, or any assignee or successor in interest of real property that qualifies as a covered development project.

2. For the purposes of this section, "building service work" shall mean work performed in connection with the care or maintenance of a building or property, and includes but is not limited to work performed by a watchperson, guard, dam-person, building cleaner, porter, handyperson, janitor, gardener, groundskeeper, stationary fireman, elevator operator and starter, or window cleaner, and shall apply both to title and to the work actually performed by such person.

3. For the purposes of this section, "covered employee" means an employee performing building service work or performing armed guard or armed watchperson services, but not a member of the County Police or Office of the Sheriff.

4. For the purposes of this section, "County" shall include but not be limited to the County Administrator, the Business Administrator for any County Agency, NotForProfit Organization, Public Benefit Corporation, or other entity that provides or administers economic development financial assistance on behalf of the County or which receives County funds therefor.

5. For the purposes of this section, "covered development project" means a project undertaken by the County for the purpose of improvement or development of real property, economic development, job retention or growth, or other similar purposes where the project has received or is expected to receive economic development financial assistance.

6. For the purposes of this section, "economic development financial assistance" means assistance with an anticipated total value of at least one million dollars that is provided in whole or in part by the County to a business organization for the improvement or development of real property, economic development, job retention and growth, or other similar purposes. Financial assistance includes, but is not limited to, cash payments or grants, bond financing, tax exemptions tax increment financing, filing fee waivers, energy cost reductions, environmental remediation costs, write-downs in the market value of building, land, or leases, or the cost of capital improvements related to real property that, under ordinary circumstances, the County would not pay for. Where assistance takes the form of leasing County property at below-market lease rates, the value of the assistance shall be determined based on the total difference between the lease rate and a fair market lease rate over the duration of the lease. Where assistance takes the form of loans or bond financing, the value of the assistance shall be determined based on the difference between

the financing cost to a borrower and the cost to a similar borrower that does not receive financial assistance from a County economic development entity.

7. For the purposes of this section, tax abated project shall be a project that has a total construction cost that is equal to or exceeds twenty-five million dollars (\$25,000,000.00), exclusive of any land acquisition costs, for which the County has granted a tax abatement pursuant to the long term tax exemption law N.J.S.A. 40A:20-1 et seq. or the five-year exemption and abatement law N.J.S.A. 40A:21-1 et seq. However, any project that is being undertaken by a not for profit organization or which shall contain more than fifty percent (50%) affordable housing shall be excluded.

8. For the purposes of this section, "standard compensation" shall include (i) the standard hourly rate of pay or standard hourly rate of pay for armed guards and armed watchpersons for the relevant classification, (ii) standard paid leave, and (iii) standard benefits.

9. For the purposes of this section, "standard hourly rate of pay" other than for armed guards and armed watchpersons shall be 150% of the current federal minimum wage (\$7.25 per hour), or the hourly rate of pay for work performed within the County under the Collective Bargaining Agreement covering the largest number of hourly non-supervisory employees employed within Bergen County in the relevant classification, provided the Collective Bargaining Agreement covers no less than two hundred (200) employees in the classification, or the hourly rate paid to workers in the relevant classification under a preceding contract, whichever is higher.

10. For the purposes of this section, "standard hourly rate of pay for armed guards and armed watchpersons" shall be the rate established by the Federal Department of Labor for the Guard II classification in the Area Wage Determination applicable to work performed within the County of Bergen under Federal Service Contract Act (41 U.S.C. 351, et seq.) or the hourly rate of pay for work performed within the County under the Collective Bargaining Agreement covering the largest number of hourly non-supervisory employees employed within Bergen County in the relevant classification, provided the Collective Bargaining Agreement covers no less than two-hundred (200) employees in the classification, or the hourly rate paid to workers in the relevant classification under a preceding contract, whichever is higher.

11. For the purposes of this section, "standard paid leave" shall mean paid leave, including paid vacation, paid holidays, and paid personal or sick days, as provided by the Collective Bargaining Agreement covering the largest number of hourly non-supervisory employees employed within Bergen County in the relevant classification, provided the Collective Bargaining Agreement covers no less than two-hundred (200) employees in the classification. If there is no such collective bargaining agreement, the following provision shall apply: covered employees, shall accrue at least five (5) days of paid vacation of the first six (6) months of continuous employment and an additional five (5) days for the second six (6) months of continuous employment under the same contract.

12. For the purposes of this section, "standard benefits" shall be an hourly supplement furnished by a contractor to an employee in one of the following ways: (1) in the form of health and other benefits that cost the employer the entire required hourly supplemental amount; (2) by providing a portion of the required hourly supplement in the form of health and other benefits and the balance in cash; or (3) by providing the entire supplement in cash. The required hourly supplemental rate shall be equal to the monetary value of the benefits provided by the Collective Bargaining Agreement covering the largest number of hourly, non-supervisory employees employed within Bergen County in the relevant classification, provided the Collective Bargaining Agreement covers no less than two-hundred (200) employees in the classification. If there is no such collective bargaining agreement, "standard benefits" shall be the hourly rate established for health and welfare benefits by the Federal Department of Labor for the Guard II classification in the Area Wage Determination applicable to work performed within the County of Bergen under Federal Service Contract Act (41 U.S.C. 351, et seq.).

13. a. For the purposes of this section, "benefits" shall not include workers compensation or other legally mandated insurance, nor shall it include the value of any benefit for which an employee is eligible, but for which no payment is actually made by a contractor to the employee or to any other party on the employee's behalf because the employee either does not actually utilize or does not elect to receive the benefit for any reason.

b. The County shall require, as a condition of receiving economic development financial assistance, including a tax abatement, a contractual commitment from every covered developer that (1) any covered employee, whether or not they are directly employed by the business organization, shall be provided with "standard compensation" in accordance with the provisions of the County of Bergen Administrative Code Section 5.1-0, except that if the financial assistance is targeted to a particular building or buildings or facilities, then this requirement shall only apply to the building(s) or facilities to which the financial assistance pertains ; and (2) any contract entered into by the business organization for the provision of building service work , as defined in this section shall contain the following provision: "The wages paid on an hourly basis to any person providing building services and the amount of payment or contribution paid or payable on behalf of each such person to cover benefits and the paid leave to be provided to each such person shall be at a rate greater or equal to the "standard compensation" as defined in the County of Bergen Administrative Code Section 5.10. This requirement shall apply to any building or facility in which the business organization operates within the County, except that if the financial assistance is targeted to a particular building or buildings or facilities, then this requirement shall only apply to the building(s) or facilities to which the financial assistance pertains.

c. For the purposes of this section, the annual adjustments of the standard compensation shall be made in the following way: the annually adjusted standard compensation shall be the previous rate of standard compensation increased by the annual percentage difference between the current New York-Northern New Jersey-Long Island, NY-NJ-CT-P-A Consumer Price Index (CPI) for all items for All Urban Consumers and the same CPI for the same month of the previous year, or the standard compensation for work performed within the County under the current Collective Bargaining Agreement covering the largest number of



hourly non-supervisory employees employed within Bergen County in the relevant classification, provided the Collective Bargaining Agreement covers no less than two hundred (200) employees in the classification, whichever is higher.

d. Reporting. All contracts signed by the County for covered development projects or tax abated projects shall require the submission to the Business Administrator of an annual certification executed under penalty of perjury that all covered employees at a County development project or a tax abated project by the covered developer or under contract with the covered developer to perform building service work will be and/or have been provided no less than the standard compensation. Such certification shall include a record of the days and hours worked and the wages, benefits and paid leave paid or provided to each janitor or unarmed security guards employed at the County development project or under contract with the covered developer. Such certification shall be certified by the chief executive or chief financial officer of the covered developer, or the designee of any such person. A violation of any provision of the certification, or failure to provide such certification, shall constitute a violation of this section.

e. Recordkeeping. Each covered developer shall maintain original payroll records for each covered employee reflecting the days and hours worked, and the wages paid and benefits provided for such hours worked, and shall retain such records for at least six years after the janitorial or security work is performed. The covered developer may satisfy this requirement by obtaining copies of records from the employer or employers of such employees. Failure to maintain such records as required shall create a rebuttable presumption that the covered employees were not provided the required compensation under this section. Upon written request of the County, the covered developer shall provide a certified original payroll record within ten (10) days of the date of the request.

f. Site access. Representatives of the County shall be permitted to have appropriate access to all covered development projects in order to monitor compliance.

g. The requirements of this section shall apply for the term of the economic development financial assistance or tax abatement, for ten years from the date that the financially assisted project opens, or for the duration of any written agreement between the County and a covered developer providing for financial assistance, whichever is longer.

h. Right of action for covered employees. Violation of this provisions shall constitute a breach of the required compensation provisions of the contract, by the business organization receiving the economic development subsidy and such provisions shall be considered to be a contract for the benefit of the covered employees upon which such covered employees shall have the right to maintain action for the difference between the required compensation and the rates of pay, benefits and paid leave actually received by them, and including attorney's fees.

i. Remedies. In the event of a failure to comply with the provisions of this section, the covered developer shall be provided with a written notice of failure to comply allowing the covered developer ten (10) days to cure the failure to comply. If the developer fails to

timely cure in addition to any other remedies available at law or in equity including termination of the contract, the County shall be permitted to seek the following remedies for the failure to comply with this ordinance:

1. Suspension. Suspend the tax abatement or economic development financial agreement until the date of cure.

2. Liquidated damages.

a. Failure to provide a required report or record or to allow work place access: (a) an amount equal to two percent (2%) of the estimated annual payment in lieu of taxes for each month or part thereof the records or work place access is not provided; or (b) an amount equal to the greater of two percent (2%) of the annual value of the economic development subsidy or two tenths of a percent (0.2%) of the total value of the economic development subsidy; or (c) both, in the case of a covered development project that is also a tax abated project.

b. A material breach of any other term of this section, (a) an amount equal to two percent (2%) of the estimated annual payment in lieu of taxes for each month or part thereof the breach continues; or (b) an amount equal to the greater of two percent (2%) of the annual value of the economic development subsidy or two tenths of a percent (0.2%) of the total value of the economic development subsidy; or (c) both, in the case of a covered development project that is also a tax abated project.

3. Termination. A material breach of this section that continues for a period of six (6) months or more, shall allow the County to terminate the tax abatement or economic development subsidy.

4. Penalty for late filing. Late filing of any report required under this section: a payment of one thousand dollars (\$1,000.00) per day for each day that the report.

j. -The Director of Planning and Economic Development shall maintain a list of business organizations that have received economic development assistance that shall include, where a written agreement between the County and a business organization providing for financial assistance is' targeted to particular real property, the address of each such property. Such list shall be updated and published as often as is necessary to keep it current. The Director of Planning and Economic Development's failure to include a business organization on the list shall not excuse the business organization from its obligations under this section.

## **Article 9 Non-Departmental Agencies**

### **9.1 Authorities**

9.1.1 Authorities. The following Authorities, heretofore organized, shall continue to operate as provided by statute:

- a. Bergen County Utilities Authority
- b. Northwest Bergen Utilities Authority
- c. Bergen County Improvement Authority
- d. Bergen County Housing Authority

9.1.2 Minutes. The minutes of every meeting of any authority, as provided by law, shall be promptly delivered to the Executive and Clerk to the Board. No action taken at the meeting shall be effective until approved by the Executive or until ten (10) days after the copy of the minutes shall have been delivered. If the Executive returns to the authority and to the Board ~~his/her~~their copy of the minutes within ten (10) days of delivery with a veto of any action, together with a written explanation of the reasons for his veto of the action, that action shall be of no effect. The Executive may approve all or any part of the action taken. The veto powers in this section shall not affect in any way the covenants in any existing bond indentures of any authority, nor any existing collective bargaining agreement nor any existing binding arbitration decision.

9.1.3 Membership.

a. In accordance with N.J.S.A 40:14B-4, the Bergen County Utilities Authority shall consist of five (5), seven (7), or nine (9) members, as provided for by ordinance, appointed by the Executive with the advice and consent of the Board for five (5) year staggered terms commencing and expiring on February 1<sup>st</sup>. Vacancies shall be filled for the unexpired term only. Alternate members may be provided for by ordinance.

b. In accordance with N.J.S.A. 40:14B-4, the Northwest Bergen County Utilities Authority shall consist of five (5), seven (7), or nine (9) members, as provided for by ordinance, appointed by the Executive with the advice and consent of the Board for five (5) year staggered terms commencing and expiring on February 1<sup>st</sup>. Vacancies shall be filled for the unexpired term only. Alternate members may be provided for by ordinance.

c. In accordance with N.J.S.A. 40:37A-48, the Bergen County Improvement Authority shall consist of five (5) members appointed by the Executive with the advice and consent of the Board for five (5) year staggered terms and until their respective successors have been appointed and qualified. Vacancies shall be filled for the unexpired term only. The Board may, by ordinance, adjust the number of members, their respective terms of office, and the dates upon which their respective terms shall expire.

d. In accordance with N.J.S.A. 40A:12A-17, the Bergen County Housing Authority shall consist of seven (7) members, six (6) members appointed by the Executive with the advice and consent of the Board and one (1) member appointed by the Commissioner of the New Jersey Department of Community Affairs for five (5) year staggered terms and until their respective successors have been appointed and qualified. Vacancies shall be filled for the unexpired term only.

9.1.4 Removal of Members. Members of Authorities shall be subject to removal in accordance with the procedures in N.J.S.A. 40:41A-87 for members of a housing authority; N.J.S.A. 40:14B-16 for members of a utilities authority; and N.J.S.A. 40:37A-53 for members of an improvement authority.

9.1.5 Compensation of Members. Members of each authority shall receive no compensation for ~~his/her~~their services, but shall be entitled to reimbursement for actual expenses necessarily incurred in the discharge of the duties of membership, including travel expenses.

9.1.6 Annual reports. Each authority shall file with the Clerk of the Board and the Executive within sixty (60) days after the close of its fiscal year, an annual report which shall include a summary of its accomplishments, a statement of its fiscal status and a description of its goals for the coming year. Each authority shall also file an annual audit with the Clerk of the Board and the Executive.

9.1.7 Regular Reports. The Executive or the Board may request specific reports on any aspect of authority operation which reports shall be promptly forwarded. These shall include, but shall not be limited to, reports of actual expenditures versus the budget on a monthly or quarterly basis.

9.1.8 Attendance At Meetings. Failure to attend three (3) consecutive scheduled meetings without reasonable justification may constitute inefficiency or neglect of duty and be grounds for removal of any authority member from ~~his/her~~their respective authority. Removal shall be initiated by the Executive and shall become final, unless such removal is disapproved by the Board.

9.1.9 Solid Waste Management Plan. The Bergen County Utilities Authority shall be the agency responsible for making, updating and implementing the Solid Waste Management Plan for Bergen County. The authority shall report to the Executive at such times as ~~he/she~~they may request on the status of such plans.

## 9.2 Educational Agencies

9.2.1 Educational Agencies. The following agencies, heretofore created under the appropriate statutes, are continued and are not allocated among the County departments:

- a. Bergen County Community College
- b. Bergen County Vocational School
- c. Bergen County Special Services School

9.2.2 Membership.

a. In accordance with N.J.S.A 18A:64A-8 ~~and~~ 9, the Board of Trustees of the Bergen County Community College shall consist of the county superintendent of schools, and ten (10) members, (8) of whom shall be appointed by the Executive with the advice and consent of the Board for four (4) year staggered terms and until their successor has been appointed and qualified. Vacancies shall be filled for the unexpired term only. The remaining two (2) members are State appointments. The president of the college shall serve as an ex officio member of the board of trustees without vote. In addition, the student body of each county college shall be entitled to elect from the graduating class one representative to serve as a member on the board of trustees for a term of one year commencing at the first meeting of the board in July following graduation of his class. The student representative may be granted voting rights by a majority vote of the members of the board of trustees.

b. In accordance with N.J.S.A. 18A:54-16, the Board of Education of the Bergen County Vocational School shall consist of the ~~county~~ County superintendent of schools, and four (4) members appointed by the Executive with the advice and consent of the Board for four (4) year staggered terms commencing and expiring on November 1<sup>st</sup>. Vacancies shall be filled for the unexpired term only. The Board may, by ordinance, establish a board of education consisting of six, seven, or nine persons.

c. In accordance with N.J.S.A. 18A:46-35, the Board of Education of the Bergen County Special Services School shall consist of six (6) members appointed by the Executive with the advice and consent of the Board for three (3) year staggered terms commencing as of July 1 of the calendar year in which they are appointed and to continue until their successors are appointed and qualified. Vacancies shall be filled for the unexpired term only. The ~~county~~ County superintendent of schools and the chairman of the ~~county~~ County mental health board shall serve as ex-officio members, but the chairman of the ~~county~~ County mental health board shall not be entitled to vote on any matter before the board.

9.2.3 Administration. The above educational agencies shall continue to function according to law. They shall be subject to the requirements of the Charter and this Code as to budgetary matters and financial controls to the extent that they are supported by County funds.

a. In accordance with N.J.S.A. 18A:64A-15 ~~&~~ and -16, The members of the Boards of School Estimate of the Bergen County Community College shall consist of the chairman of the Board of ~~County Commissioners~~ Chosen Freeholders, two members of the Board of ~~Chosen Freeholders~~ County Commissioners annually appointed by the Board, and two members of the board of trustees annually appointed by that board.

b. In accordance with N.J.S.A. 18A:54-27, The members of the Board of School Estimate of the Bergen County Vocational School shall consist of two (2) members of the board of education of the school, annually appointed by that board, two (2) members of the Board of ~~Chosen Freeholders~~ County Commissioners, annually appointed by the Board, and the County Executive.

9.2.4 Attendance At Meetings. Failure to attend three (3) consecutive scheduled meetings without reasonable justification may constitute inefficiency or neglect of duty and be grounds for removal of any board member from ~~his/her~~their respective board. Removal shall be initiated by the Executive but shall not become final if such removal is disapproved of by the Board.

### 9.3 Boards and Offices.

9.3.1 Boards. The following boards and offices, except as provided herein, shall operate as provided by statute and agency policies, subject to the budgetary review of the Executive and the Board:

- a. Superintendent of Elections
- b. Commissioner of Registration
- c. Board of Elections
- d. Board of Taxation
- e. County Prosecutor
- f. Bergen County Executive Superintendent of Schools

### 9.4 Independent Agencies.

9.4.1 Independent Agencies. The following independent agencies heretofore established, are continued. Any agency which receives a portion of its operating or capital funds from or through the County shall be subject to budgetary review of the Executive and the Board:

a. Workforce Development Board. Pursuant to 29 U.S.C.A. § 3122(d)(12)(B)(i)(II), the County Executive may designate a fiscal agent to administer Workforce Investment and Opportunity Act (WIOA) grant funds on behalf of the County. Pursuant to 29 U.S.C.A. § 3122(c)(1)(A) and N.J.S.A. 34:15C(c), appointments to the Workforce Development Board shall be made by the County Executive as the Local Chief Elected Official.

b. Bergen County Board of Social Services. Pursuant to N.J.S.A. 44:1-11 - 12.1, there shall be between five (5) and seven (7) citizen members who must be residents of Bergen County, two of whom must be women. The County Executive shall appoint citizen members with the advice and consent of the Board. Members shall hold their offices for five (5) year staggered terms. Vacancies shall be filled for the unexpired term only. Two (2) ~~Freeholders-Commissioners~~ and the ~~county-County adjuster~~Adjuster, when not serving as the superintendent of welfare, shall be ex officio members.

### 9.5 Miscellaneous.

9.5.1 Non-Departmental Agencies Generally. The governing body may by ordinance create, change, alter or dissolve non-departmental agencies within County government pursuant to law.

9.5.2 Annual Audit. Each agency shall be subject to the annual audit requirements of all other County agencies.

9.5.3 Nonprofits. The following nonprofits engaged in public private partnerships and which receive a portion of its operating funds or in kind services from the County shall be subject to budgetary review of the Executive and the Board:

a. Bergen County Economic Development Corporation. The Bergen County Economic Development Corporation (BCEDC) is a 501(c)(3) nonprofit public private partnership created to stimulate the formation, attraction, retention, and expansion of business in Bergen County in order to foster economic growth. The By-Laws shall provide that the County Executive is a Non-Trustee Adjunct Member of the BCEDC; a member of the nominating committee and is entitled to appoint not less than one-half of all persons who serve on the BCEDC Board.

b. Friends of the Zoo. The Friends of the Zoo is a 501(c)(3) nonprofit established to support the Bergen County Zoological Park. The Friends of the Zoo may enter into an agreement with the Department of Parks, Recreation ~~and~~ Conservation that shall delineate the roles and responsibilities of the nonprofit and the Department.

c. Community Action Partnership. Members of the Community Action Board shall be appointed in accordance with N.J.S.A. 52:27D-398 and the bylaws of that board.

## **Article 10 ~~Intergovernmental~~Intergovernmental Relations**

10.1.1 Purpose. The intent of this article is to bring about the maximum cooperation between the County and municipalities and between the County and state and federal governments.

10.1.2 Municipal Advisory Council. Pursuant to N.J.S.A. 40:41A-29, there is hereby established a Municipal Advisory Council consisting of the Mayors of all of the municipalities in the County. The Council will meet at the call of the Executive and the Board to discuss County and municipal problems, cooperation in service problems and the means of solving area-wide problems. The Council may organize itself, appoint officers, designate committees and convene such meetings as it may deem advisable. It shall develop proposals for submission to the Executive and the Board.

10.1.3 Advisory Council on Shared Services. There may be an Advisory Council on Shared Services, composed of the Chair~~man~~woman~~person~~ of the Board, the Executive, and a Mayor from each region designated by the Municipal Advisory Council. The Council shall:



- a. Encourage contractual arrangements between the County and other governmental bodies.
- b. Advise and inform other governmental bodies of the areas of potential contracts.
- c. Stimulate interest in methods of providing cooperative services more efficiently.
- d. Serve as a clearinghouse for information concerning shared service arrangements.
- e. Assist in the coordination of shared service agreements, and particularly in the preparation of agreements between the County and the municipalities.

10.1.4 Legislative Conference. Periodically, the Executive and the ~~Chairman/woman of Chairperson of~~ the Board shall convene a Bergen County Legislative Conference. The Mayors of the County, the ~~FreeholdersCommissioners~~, Congressional representatives and the New Jersey Legislative members from Bergen County shall be invited to attend. The Conference shall deal with pending or potential legislation affecting the local government of the County.

## **Article 11 General Provisions**

11.1 Elective offices. The offices of the Executive and the members of the Board of ~~Chosen FreeholdersCounty Commissioners~~, the Sheriff, Clerk and Surrogate shall be the only elective County offices. Candidates for office shall have such qualifications and be nominated and elected as required by the Charter and otherwise by law at a general election, or, if there is no general election in a year when an election is required to fill a vacancy, at an election to be held on the first Tuesday after the first Monday in November of such year, in accordance with the provisions of Title 19 of the Revised Statutes.

11.2 Vacancies, Temporary Absence or Disability. Unless otherwise provided in the Charter or Code, in the event of the temporary absence or disability of any appointed officer or employee, or in the event of a vacancy in any appointive office, the Executive may designate a qualified person to serve in such office temporarily in an acting capacity for a period not to exceed one hundred and eighty (180) days and any such appointee shall have all the functions, powers and duties of an incumbent until-such absence or disability terminates or such vacancy is filled by permanent appointment.

### 11.3 Surety Bonds.

a. Every officer or employee of the County who, by virtue of ~~his/her~~their office or position is entrusted with the receipt, custody or expenditure of public monies and any other officer or employee who may be required to do so by the Board or Executive, shall, before entering upon the duties of ~~his-her~~their office or position, execute and deliver a surety bond in such amount as may be fixed by the Board, binding ~~him/her~~them to the County in its corporate



name and conditioned upon the true and faithful performance of his/her/their duty. Each officer or employee required by law to give bond shall execute such a bond with sufficient surety and deliver the same to the Clerk to the Board, except that the Clerk to the Board shall deliver his/her/their bond to the County Treasurer before he/she/they enters upon the discharge of the duties of his/her/their office.

b. If any officer or employee shall neglect to execute and deliver his/her/their bond as herein required within thirty (30) days after due notification of his/her/their obligation to do so, his/her/their office may be declared vacant by the Board.

c. In every case in which any person is required by the Charter or otherwise by law to give bond for the faithful performance of his/her/their duties, such bond shall be secured by a corporate surety authorized to do business in this state and the premium therefore shall be paid by the County. Each such bond shall be approved by the County Counsel as to legal form and sufficiency, and nothing in this Article shall be construed to prevent the use of one (1) or more blanket bonds when so approved.

#### **11.4 Code of Ethics**

Ordinance No. 04-01 adopted by the Bergen County Board of ~~Chosen Freeholders~~County Commissioners on January 21, 2004 to be made a part of the Bergen County Administrative Code reads as follows:

##### Section 1. Title

1.01 This document shall be known as and may be cited as the “Bergen County Code of Ethics”.

##### Section 2. Findings

2.01 The Board of ~~Chosen Freeholders~~County Commissioners of the County of Bergen finds and declares that:

a. Public office and employment are a public trust;

b. The vitality and stability of representative democracy depend upon the public’s confidence in the integrity of its elected and appointed representatives;

c. Whenever there is a conflict between the private interests and the public duties of an elected official, government officer or employee, that public confidence is imperiled;

d. Government has the duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their elected officials, officers and employees of the behavior which is expected of them while conducting their public duties.

### Section 3. Purpose and Authority

#### 3.01 It is the purpose of this Code:

- a. To provide a method of assuring that standards of ethical conduct for County elected officials, employees and officers and financial disclosure requirements for elected officials and officers of the County of Bergen shall be clear, consistent, uniform in their application, enforceable, and to provide those elected officials, officers or employees with advice and information concerning possible conflicts of interests which might arise in the conduct of their public duties;
- b. It is the further purpose of this Code to implement the provisions of the Local Government Ethics Law, P.L. 1991, c.29 (N.J.S.A. 19:44A-1 et seq.)
- c. To the extent applicable, this Ordinance and Code is not intended to be preempted by, but shall read in conjunction with the “New Jersey Campaign Contributions and Expenditures Reporting Act” (N.J.S.A. 19:44A-1 et seq.)

### Section 4. Definitions

#### 4.01 As used in this Code:

- a. “Agency” means any agency, board, governing body, including the chief executive officer, office, commission or other instrumentality within the County of Bergen, and any independent County authority created by or appointed under the authority of the County of Bergen, which performs functions other than of a purely advisory nature;
- b. “Business organization” means any corporation, partnership, limited liability company, limited liability partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, or other legal entity;
- c. “Candidate” shall mean a person who has announced that they seek the office of County Executive, ~~Freeholder~~Commissioner, and the County’s Constitutional Officers (Sheriff, Surrogate, and Clerk) and is required to file reports under the state election laws and regulations for campaign contributions;
- d. “County employee” means any person, whether compensated or not, whether part-time or full-time, employed or serving on an agency who is not a County elected official or officer, as defined below:
- e. “Elected Official” means the County Executive, ~~Freeholder~~Commisioner and the County’s Constitutional Officers (Sheriff, Surrogate and Clerk.)
- f. “County officer” means any person, whether compensated or not, whether part-time or full-time, who is one of the following:

All County Administrators, including program and division  
 All Board, Commission, Agency and Authority Members, unless specifically excluded  
 All Coordinators of programs, unless specifically excluded  
 All County Superintendents, including Superintendents of Schools  
 All Directors and Presidents of County Departments, Divisions, Agencies ———and Programs  
 All Agency or Authority Executive Directors  
 All Agency or Authority Board Members  
 Affirmative Action Officer  
 Assistant Directors of County Departments, Divisions, Agencies and —Programs  
 Assistant Medical Examiner  
 Business Administrator of Technical Schools of Bergen County  
 Chief of Police  
 Chief of Staff to County Executive  
 Clerk to Board of ~~Chosen Freeholders~~County Commissioners  
 Counsel to all Boards and Authorities  
 County Adjuster  
 County Engineer  
 County Medical Examiner  
 County Tax Administrator  
 County Treasurer  
 Deputy Chief of Staff to County Executive  
 Deputy County Counsel  
 Deputy Executive Directors  
 Election Supervisor  
 Public Advocate, Assistant Public Advocate, Substitute Public Advocate  
 Superintendent of Elections  
 Undersheriffs  
 Warden, County Jail

“County officer” shall also include any person who is a managerial executive as defined in section 3 of the “New Jersey Employer-Employee Relations Act”, N.J.S.A. 34:13A-3, of the County of Bergen or any agency created by or appointed under the authority of the Board of ~~Chosen Freeholders~~County Commissioners. “County Officer” shall not include a member of the Tax Board or Board of Elections or the Tax Administrator, all of whom are deemed to be State employees and covered there under.

g. “County matter” means any application, award, bid, claim, contract, license, permit, proceeding, prosecution, resolution or transaction made by, to, against or with County government or any County officer or employee.

h. “Interest” means the ownership or control of more than 10% of the profits, assets or stock of a business organization but shall not include the control of the assets in a non-profit entity or labor union.

i. "Member of immediate family" means the spouse or dependent child of any elected official, ~~county~~County officer, ~~county~~County employee as defined by N.J.S.A. 40A:9-22.3(i).

## Section 5. Ethical Standards

5.01 No elected official, County officer, ~~county~~County employee or member of their immediate family shall have an interest in a business organization or engage in any business, transaction, or professional activity, which is in substantial conflict with the proper discharge of ~~his or her~~their duties in the public interest.

### 5.02

(A) No independent local authority shall, for a period of one year next subsequent to the termination of office of a member of that authority:

(i) award any contract which is not publicly bid to a former member of that authority;

(ii) allow a former member of that authority to represent, appear for or negotiate on behalf of any party before that authority; or

(iii) employ for compensation, except pursuant to open competitive examination in accordance with Title 11A of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto, any former member of that authority.

(B) The restrictions contained in this subsection shall also apply to any business organization in which the former authority member holds an interest.

5.03 No elected official, County officer or County employee shall act in ~~his or her~~their official capacity in any matter where ~~he or she~~they, a member of ~~his or her~~their immediate family or business organization in which ~~he or she~~they ~~has~~have an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair ~~his or her~~their objectivity or independence or judgment.

5.04 No candidate, elected official, County officer or County employee shall use or attempt to use ~~his or her~~their official position to secure unwarranted privileges or advantages for ~~himself~~themselves or others.

5.05 No elected official, County officer or County employee shall undertake any employment or service, whether compensated or not, which might reasonably be expected to prejudice ~~his or her~~their independence of judgment in the exercise of ~~his or her~~their official duties.

5.06 No elected official, candidate, County officer or County employee, member of ~~his or her~~their immediate family, or business organization in which ~~he or she~~they ~~has~~have an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift,

favor, loan, contribution, service, promise or other thing of value was given or offered for the purpose of influencing ~~him~~them, directly or indirectly, in the discharge of ~~his or her~~their official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective office, if the elected official or candidate has no knowledge or reason to believe that the campaign contribution, if accepted, was given with the intent to influence the officer in the discharge of ~~his or her~~their duties.

5.07 No elected official, County officer or employee shall use, or allow to be used, ~~his or her~~their public office or employment, or any information, not generally available to the members of the public, which ~~he or she~~they receives or acquires in the course of and by reason of ~~his or her~~their office or employment, for the purpose of securing financial gain for ~~himself~~themselves, any member of ~~his or her~~their immediate family, or any business organization with which ~~he or she is~~they are associated.

5.08 No elected official, candidate, County officer, County employee or business organization in which he as an interest shall represent any person or party other than the County in connection with any cause, proceeding, application or other matter pending before any County agency in the County of Bergen. Nothing herein shall preclude the representation of one employee by another where the representation is within the context of official labor union or similar representational responsibilities, or an elected official from appearing before an agency or the Board of ~~Chosen Freeholders~~County Commissioners on behalf of the governing body said official has been duly elected to, on the official business of such governing body.

5.09 No elected official shall be deemed in conflict with these provisions if, by reason of ~~his or her~~their participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to ~~him or her~~them as a member of any business, profession, occupation or group, to any greater extent than any gain could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

5.10 No elected official shall be prohibited from making an inquiry for information on behalf of a constituent, if no fee, reward or other thing of value is promised to, given to or accepted by the officer or a member of ~~his or her~~their immediate family, whether directly or indirectly, in return therefore.

5.11 Nothing shall prohibit any elected official, County officer or County employee of Bergen County, or members of ~~his or her~~their immediate family, from representing ~~himself, herself or~~themselves, in negotiations or proceedings concerning ~~his, her, or their,~~their own interests.

5.12 No elected official shall knowingly undertake or execute, in whole or in part, any contract, agreement, sale or purchase made, entered into, awarded or granted by the County or agency thereof, unless such contract, agreement, purchase or sale was made or let after public notice and competitive bidding, provided, however, that the provisions of

this section shall not apply to purchases, contracts, or agreements which by law are not required to be made, negotiated or awarded with public advertising or bids if such purchases, contracts, or agreements shall have received a prior advisory opinion of the County Ethics Board.

5.13 No Bergen County board, agency, commission or other County body shall, for a period of one (1) year next subsequent to the completion, resignation, expiration or termination, of an elected official's elected or appointed term of office shall:

(A) award any contract which is not publicly bid to a former County elected official. This restriction shall not apply to the award of any contract which is publicly bid pursuant to N.J.S.A. 40A:11-1 et al.;

(B) allow a former elected official to represent, appear or negotiate on behalf of any other party before an authority; or

(C) employ for compensation, except pursuant to open competitive examination in accordance with Title 11A of the New Jersey Statutes and the rules and regulations promulgated pursuant thereto, any former elected official.

(D) notwithstanding the foregoing, a former elected official may return to prior public employment, or, may be employed at any agency.

5.14 No person shall induce or attempt to induce any County officer or employee to violate any provision of the "Bergen County Code of Ethics".

5.15

(A) No member of the immediate family, parents, siblings, independent children or in-laws of any County elected official, shall, after the effective date hereof, be hired by any County department or autonomous agency in any full-time or part-time position.

(B) Notwithstanding the foregoing, the provisions of this section shall not apply to any position where the emolument is less than \$6,000.00 as annually adjusted for by inflation or where the position is for summer or seasonal employment.

5.16 Neither Bergen County nor any autonomous agency or authority established by the Board of ~~Chosen Freeholders~~County Commissioners shall award a contract to any former County elected official, for a period of one (1) year after the termination of office of said individual. This restriction shall not apply to the award of any contract which publicly bid pursuant to N.J.S.A. 40A:11-1 et al.

5.17

(A) Every resolution submitted to the Board of ~~Chosen Freeholders~~County Commissioners for approval shall contain an addendum, to be presented to the Board of ~~Chosen~~

~~Freeholders~~County Commissioners, and made public, which shall contain at a minimum the following information:

- (i) The name, address, and telephone number of the vendor
- (ii) The name of the partners or shareholders or, if a public corporation, the name of the corporate officers and directors as found on the 10K or 10Q forms required to be filed with the Federal Securities and Exchange Commission.
- (iii) Campaign contributions made, directly, by all individuals listed in above during the prior and current calendar year to the following named elected officials and constitutional officer:

Official's Position Or Name	Contribution Last Year	Contribution This Year
County Executive		
Sheriff		
Surrogate		
County Clerk		
<del>Freeholders</del> <u>Commissioners</u>		
1		
2		
3		
4		
5		
6		
7		

(B) If no contributions were made during a relevant period, it is sufficient to state that "none" were made.

(C) By voting for or against any resolution each member of the Board of ~~Chosen~~Freeholders-County Commissioners certifies that they have read the applicable resolution or its summary; that ~~he or she~~they has-have no financial interest therein; that ~~he or she~~has no direct financial involvement, and that their objectivity, or independence of judgment has not been impaired by any campaign contribution that has been disclosed.

(D) A ~~Freeholder-Commissioner~~ may abstain where ~~he or she~~they believes that a vote for, or against, a resolution might give the appearance of impropriety, even where there is none, or where their objectivity, or independence of judgment has in any way been impaired, without disclosing the reason therefore, consistent with Robert's Rules of Order.

(E) By submitting a contract, or agreement, to the ~~Freeholder-Board~~Board of County Commissioners, the County Executive, County Clerk, Sheriff and Surrogate likewise certify



that they have read the applicable resolution or its summary; that ~~he or she~~they ~~has~~have no financial interest therein; that ~~he or she~~they ~~has~~have no direct financial involvement, and that their objectivity, or independence of judgment has not been impaired by any campaign contribution that has been disclosed.

5.18 Notwithstanding anything to the contrary, nothing herein shall preclude an elected official who is a member of any governing body or other body or is a constitutional officer of Bergen County or a member of the Board of ~~Chosen Freeholders~~County Commissioners from appearing before or participating in or seeking to influence the deliberation of another political or judicial body where the current or prior appointment would otherwise be herein barred, provided such position is elected by the people of the governing body and by reason of ~~his or her~~their participation in the enactment of any ordinance, resolution or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to ~~him or her~~them as an elected official, to any greater extent than any gain could reasonably be expected to accrue to any other such official.

#### Section 6. Political Activity

6.01 No County Officer or County employee, who has a fixed or regular work schedule, shall engage in partisan political activity for or on behalf of any individual, group or organization during paid working hours. This provision shall not apply to the activities of any elected official during the course of ~~his~~their official duties. Nothing contained herein shall restrict the activities of a County officer or employee during such time as they are permitted to be away from their office, including, but not limited to lunch or dinner breaks, vacation days, sick days or personal days.

6.02 No County employee, County officer and/or County Elected official shall solicit, accept or receive political contributions of any kind while in or on any County owned or leased building or property which is dedicated for the conduct of public business. No County employee, County officer and/or County elected official shall permit the solicitation, acceptance or receipt of political contributions or any kind to occur in or on any County owned or leased building or property which is dedicated for the conduct of public business.

#### 6.03 Political Contributions:

a. Includes any subscription, loan advance or deposit money, gift, other than perishables or anything of nominal or token value, made for any political purpose; and

b. Includes any contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make a contribution for any political purpose; and

c. Includes any payment by any person, other than a candidate or a political party or affiliated organization, of compensation for personal services of another person which are rendered to any candidate or political party or affiliated organization without charge for any political purpose.



6.04 To the extent not prohibited above, nothing in this section is intended to preclude County employees, County officers or County elected officials from participating in the political process, including fundraising on their own time and off County property.

#### Section 7. Duty to Report Solicitation

7.01 In the event that a County employee, County officer or County elected official is approached by any person who solicits influence, favor or vote in return for political contribution, as defined, or payment, direct or indirect, that official is charged with the duty to disclose the details of the solicitation to the Ethics Board in writing.

7.02 Said disclosure is to be made as promptly as possible and in no event more than fourteen (14) days after the incident.

7.03 Failure to make disclosure of the solicitation shall be a breach of this Code and shall be handled according to the provision of Section 12 therein.

#### Section 8. Financial Disclosure

8.01 Every County officer and elected official of the County of Bergen shall annually file a financial disclosure statement with the County Clerk in substantially the same form and manner as required by State law.

8.02 All financial disclosure statements shall include the following information, which shall specify, where applicable, the name and address of each source and the officer's job title:

a. Each source of income, earned or unearned, exceeding \$2,000 received by the officer or member of ~~his or her~~their immediate family during the preceding calendar year. Individual client fees, customer receipts or commissions or transactions received through a business organization need not be separately reported as sources of income. If a publicly traded security is the source of income, the security need not be reported unless the elected official, candidate, County officer or County employee, or member of ~~his or her~~their immediate family, has an interest in the business organization;

b. Each source of fees and honorariums having an aggregate amount exceeding \$250 from any single source for personal appearances, speeches or writings received by the elected official, candidate, County officer or County employee, or a member of ~~his or her~~their immediate family, during the preceding calendar year;

c. Each source of gifts, reimbursements or prepaid expenses having an aggregate value exceeding \$400 from any single source, excluding relatives, received by the elected official, candidate, County officer or County employee, or a member of ~~his or her~~their immediate family, during the preceding calendar year;

d. The name and address of all business organizations in which the elected official, candidate, County officer or County employee, or member of ~~this or her~~their immediate family, had an interest during the preceding calendar year.

e. The address and brief description of all real property in the State in which the elected official, candidate, County officer or County employee, or a member of ~~his or her or her~~their immediate family, held in interest during the preceding calendar year.

8.03 The Bergen County Ethics Board shall prescribe a financial disclosure statement form for filing purposes. If a financial disclosure statement form has been promulgated by the New Jersey Local Finance Board, in accordance with the New Jersey Local Government Ethics Law, then that form shall be used. The Bergen County Ethics Board shall make the forms available to the officers and employees required to file a financial disclosure statement.

8.04 The original statement shall be filed with the County Clerk on or before April 30th of each year. A copy of the statement shall be filed with the Bergen County Ethics Board.

8.05 No holder of elective or appointive office who is licensed to practice law shall be required to disclose any information pursuant to this section, if such disclosure would constitute a violation of the Disciplinary Rules adopted by the Supreme Court of the State of New Jersey.

8.06 All financial disclosure statements filed shall be public records.

## Section 9. Powers of Bergen County Ethics Board

9.01 The Bergen County Ethics Board, which was established pursuant to Ordinance #87-67 adopted December 16, 1987 and Resolution #84 dated February 17, 1988 by the Bergen County Board of ~~Chosen Freeholders~~County Commissioners shall have the following powers:

a. To initiate, receive, hear and review complaints and hold hearings with regard to possible violations of the County code of ethics or financial disclosure requirements by elected officials, candidates, County officers or County employees;

b. To issue subpoenas for the production of documents and the attendance of witnesses with respect to its investigation of any complaint or to the holding of a hearing;

c. To forward to the County Prosecutor or the Attorney General or other governmental body any information concerning violations of the code of ethics or financial disclosure requirements by officers or employees serving Bergen County which may warrant the institution of other legal proceedings by the Attorney General;

d. To render advisory opinions to local officers or employees serving Bergen County as to whether a given set of facts and circumstances would constitute a violation of any provision of the code of ethics or financial disclosure requirements;

e. To enforce the provision of the code of ethics and financial disclosure requirements with regard to officers or employees serving Bergen County and to impose penalties for the violation thereof as are authorized by this Section; and

f. To adopt rules and regulations and do other things as are necessary to implement the purposes of this Section.

#### Section 10. Advisory Opinions

10.01 An officer or employee of Bergen County may request and obtain the Bergen County Ethics Board and advisory opinions as to whether any proposed activity or conduct would in its opinion constitute a violation of the code of ethics or any financial disclosure requirements.

10.02 Upon the showing of good cause and the need for immediate action, the Bergen County Ethics Board shall meet to consider and render a formal advisory opinion, whenever possible, within twenty (20) business days after receipt of a request for such opinion.

10.03 Advisory opinions shall not be made public, except to the person asking for the opinion, except when the Board by the vote of two-thirds of all of its members directs that the opinion be made public.

10.04 Public advisory opinions shall not be made to disclose the name of the officer or employee unless the Board in directing that opinion made public so determines.

#### Section 11. Formal Complaints

11.01 The Bergen County Ethics Board shall, upon receipt of a signed written complaint by any person alleging that the conduct of any officer or employee of Bergen County is in conflict with the code of ethics or financial disclosure requirements, acknowledge receipt of the complaint within 30 days of receipt and initiate an investigation concerning the facts and circumstances set forth in the complaint.

11.02 The Board shall make a determination as to whether the complaint is within its jurisdiction or frivolous or without any reasonable factual basis.

11.03 If the Board shall conclude that the complaint is outside its jurisdiction, frivolous or without factual basis, it shall reduce that conclusion to writing and shall transmit a copy thereof to the complainant and to the officer or employee of Bergen County against whom the complaint is filed.

11.04 If the Board shall conclude that the complaint is within its jurisdiction and has at least a minimal factual basis, the Board shall notify the officer or employee of Bergen County against whom the complaint was filed of the nature of the complaint and the facts and circumstances set forth therein.

11.05 The officer or employee shall have the opportunity to present the Board with any statement or information concerning the complaint which ~~he or she wish~~they wish.

11.06 If the Board determines that a reasonable doubt exists as to whether the officer or employee of Bergen County is in conflict with the County code of ethics or any financial disclosure requirements, the Board shall conduct a hearing concerning the possible violation and any other facts and circumstances which may have come to the attention of the Board with respect to the conduct of the officer or employee. All hearings required pursuant to this Section shall be conducted in conformity with the rules and procedures, insofar as they may be applicable, provided for hearings by a State Agency in contested cases under the "Administrative Procedures Act", (N.J.S.A. 52:14B-1 et seq.).

11.07 The Board shall render a decision as to whether the conduct of the officer or employee is in conflict with the Code of Ethics or any financial disclosure requirements. This decision shall be made by no less than two-thirds of all members of the Board.

11.08 If the Board determines that the officer or employee is in conflict with the code or any financial disclosure requirements, it may impose any penalties which it believes appropriate within the limits of Section 12. A final decision of the Board may be appealed to the Local Finance Board within 30 days of the decision.

## Section 12. Enforcement and Penalties

12.01 A County officer, elected official or County employee adjudicated by the Bergen County Ethics Board of the violation of any provision of this code of ethics shall be fined not less than \$100.00 nor more than \$1,000.00, which penalty may be collected in a summary proceeding pursuant to the "Penalty Enforcement Law," N.J.S.A. 2A:58-10 et seq. The Bergen County Ethics Board shall report its findings to the office or agency having the power of removal or discipline of the appointed officer or employee and may recommend that further disciplinary action be taken.

12.02 The finding by the Bergen County Ethics Board that a County officer or employee of Bergen County has violated the provisions of this code of ethics shall be sufficient cause for ~~his or her~~their removal, suspension, demotion or other disciplinary action by the officer or agency having the power of removal or discipline. When a person who is in the career service is found to have violated the provisions of this code of ethics, the procedure leading to removal, suspension, demotion or other disciplinary action shall be governed by any applicable procedures of Title 11A of the New Jersey Statutes and the rules promulgated pursuant thereto.

## Section 13. Records of Ethics Board

13.01 All statements, complaints, requests, or other written materials filed pursuant to this code of ethics, and any rulings, opinions, judgments, transcripts or other official papers prepared pursuant to this code shall be preserved for a period of five (5) years from the date of filing or preparation, as the case may be.

#### Section 14. Effective Date

14.01 This code of ethics shall take effect upon adoption, publication, public hearing and final adoption as required by law.

#### Section 15. Savings Clause

15.01 It is understood and agreed that if any portion of this Ordinance or the application of this Ordinance to any person or circumstances shall be held to be invalid, the remainder of this Ordinance or the application of such provision to other person or circumstances shall not be affected thereby.

15.02 Except as otherwise provided in this Ordinance, the failure to enforce any provision of this Ordinance shall not be deemed a waiver thereof.

15.03 To the extent that any term contained herein is not defined, then the definition, if any, contained in the Local Government Ethics Law, P.L. 1999, c.29, (N.J.S.A. 40A:9-22.1 et seq.) shall control.

15.04 The Ethics Code of the County of Bergen, heretofore adopted, shall remain in full force and effect for those affected thereby who are not County employees, candidates, elected officials or County officers as herein defined.

### **Article 12 Historical Provisions**

12.1 Transfer of Functions. The functions, powers and duties of the County government and all previously established boards and commissions, autonomous and otherwise as of the effective date of the Code were allocated and assigned among and within the departments established by the Code. Without limitations thereto, the following offices, boards, commissions and agencies were continued, transferred or abolished, respectively:

a. Agencies whose structures were not changed by the Code adoption:

(1) Constitutional and Judicial Officers.

(2) Community College and Community College Board of School Estimate.

(3) Board of Elections.

- (4) Superintendent of Elections and Commissioner of Registration.
- (5) Board of Taxation.
- (6) Vocational School and Vocational School Board of School Estimate.
- (7) Superintendent of Schools.
- (8) Special Services School Board and Board of School Estimate.
- (9) Bergen County Utilities Authority.
- (10) Northwest Bergen Utilities Authority.
- (11) Bergen County Improvement Authority.
- (12) Bergen County Housing Authority.

b. The following commissions or boards were abolished:

- (1) Board of Managers, Bergen Pines County Hospital (replaced by the Bergen Regional Medical Center Board of Directors)
- (2) Mosquito Extermination Commission (absorbed by the Department of Public Works)
- (3) Bergen County Park Commission (absorbed by the Department of Parks ~~and~~ Recreation)
- (4) Welfare Board (replaced by the Board of Social Services)

c. All agencies not specifically indicated in this Article have been abolished.

12.2 State Civil Service Commission. All officers and employees who were in the classified service of the State Department of Personnel on the effective date of this Code, were transferred to the appropriate department, division or agency to which their respective functions, powers and duties are allocated and assigned by the Code, subject to one (1) requirement of N.J.S.A. 40:41A-129.

"It is the intention of this Code to permit the appointing authority to make appointments in the unclassified service pursuant to N.J.S.A. 11:22-2 and as provided by law."

12.3 Offices Continued. All offices, positions and employments, which were continued or reestablished by this Code, were transferred to the respective departments, offices and agencies to which their functions are allocated and assigned by this Code. The terms of all incumbents heretofore appointed for a fixed term to such offices, positions and employments and the terms of all members of existing boards, agencies, commissions or authorities terminated as of the effective date of this Code, except that such officers or

members of boards, commissions and authorities that were continued may continue to serve until appointment and qualification of their successors, or may be reappointed to serve out the unexpired portion of their terms.

12.4 Transfers of Personnel, Records and Property. As of the effective date of this Code, except as otherwise provided herein, all personnel and all records and property of the County were transferred to the respective departments, offices and agencies to which their administrative functions, powers and duties are allocated and assigned by the Code.

12.5 Salaries and Wages. Unless otherwise provided by ordinance, or otherwise permitted by law, rates of compensation established for persons holding office or employment on the effective date of the Code were continued with respect to the office, position or employment to which they, respectively, may be transferred.

12.6 Resolutions or Ordinances Saved or Repealed. All County resolutions or ordinances heretofore adopted and in force and effect on the effective date of this Code shall remain in full force and effect to the extent that they are not inconsistent with the Charter or this Code. All resolutions or ordinances and parts of resolutions or parts of ordinances heretofore enacted which are inconsistent with any provision of the Charter or this Code are, to the extent of such inconsistency, hereby repealed.

12.7 Severability. If any Article, section or part of this Code shall be declared to be unconstitutional, invalid or inoperative in whole or in part, by a court of competent jurisdiction, such Article, section or parts shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect, and no such determination shall be deemed to invalidate the remaining Articles, sections or parts of this Code.

12.8 Effective Date. This Code took effect on April 1, 1987. \_\_\_\_\_

**LIST OF AMENDING ORDINANCES**

Reference	Introduced	Effective
(1) Ordinance # 87-06	April 15, 1987, <del>1987</del>	May 6, 1987
(2) Ordinance # 89-49	September 6, 1989	September 20, 1989
(3) Ordinance # 89-62	December 6, 1989	December 20, 1989
(3a) Ordinance # 92-05	March 4, 1992	March 18, 1992
(4) Ordinance # 93-16	May 5, 1993	May 19, 1993

(4a) Ordinance # 94-08	April 6, 1994	April 20, 1994
(5) Ordinance # 94-40	August 3, 1994	August 17, 1994
(6) Ordinance # 97-48	July 23, 1997	August 13, 1997
(7) Ordinance #97-49	July 23, 1997	August 13, 1997
(8) Ordinance # 98-01	January 7, 1998	January 21, 1998
(9) Ordinance # 98-15	March 18, 1998	April 1, 1998
(10) Ordinance # 99-45	November 3, 1999	November 23, 1999
(11) Ordinance # 01-07	March 21, 2001	April 4, 2001
(12) Ordinance # 01-18	May 16, 2001	June 6, 2001
(13) Ordinance # 03-05	February 5, 2003	February 19, 2003
(14) Ordinance # 03-19	June 18, 2003	July 16, 2003
(15) Ordinance # 04-01	January 7, 2004	January 21, 2004
(16) Ordinance # 04-25	July 7, 2004	August 4, 2004
(17) Ordinance # 11-19	December 7, 2011	December, 21, 2011
(18) Ordinance #13-01	February 6, 2013	February 20, 2013
(18a) Ordinance #13-07	—April 17, 2013	May 1, 2013
(19) Ordinance #13-24	September 3, 2013	September 17, 2013
(20) Ordinance #13-27	October 2, 2013	October 16, 2013
(21) Ordinance #14-07	February 19, 2014	March 4, 2014
(22) Ordinance #15-04	February 25, 2015	March 11, 2015
(23) Ordinance #15-09	March 11, 2015	March 25, 2015
(24) Ordinance # 15-21	August 5, 2015	August 19, 2015



(25) Ordinance # 17-15	June 28, 2017	July 12, 2017
(26) Ordinance # 19-33	November 13, 2019	December 4, 2019