

CITY OF LAMBERTVILLE

ORDINANCE 03-2019

AN ORDINANCE SUPPLEMENTING CHAPTER 2 OF THE CITY CODE OF THE CITY OF LAMBERTVILLE ENTITLED "ADMINISTRATIVE CODE" TO CREATE THE POSITION OF CITY BUSINESS ADMINISTRATOR WITHIN THE CITY ADMINISTRATION

WHEREAS, N.J.S.A. 40A:9-136 provides that the governing body of any municipality may, by ordinance, appoint a municipal administrator; and

WHEREAS, the Mayor of the City of Lambertville has recommended that it is in the best interest of the City and the City Administration to create the position of city business administrator; and

WHEREAS, City Council of the City of Lambertville agree with the recommendation of the Mayor and have determined that it is in the best interest of the residents of the City of Lambertville to appoint a City Business Administrator to oversee the Department of Administration and other such Departments of the City as needed in the performance of their duties and to provide counsel and advise the Mayor and City Council on business affecting the City of Lambertville as needed;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lambertville in the County of Hunterdon, State of New Jersey that Chapter 2 of the City Code be and is hereby supplemented as follows:

ARTICLE II: AMENDED SECTIONS. Chapter 2 of this Code, entitled "ADMINISTRATION, DEPARTMENTS" is supplemented as follows:

1. §2-5.1 remains unchanged.
2. §2-5.1(A) is hereby created and entitled "City Business Administrator" and shall read as follows:

1. Appointment and compensation. The Administrator shall be appointed by and to serve at the pleasure of the Mayor. The Administrator shall receive such compensation as shall be prescribed by the Salary Ordinance. The Administrator need not be a resident of the City of Lambertville.
2. General powers and duties. Under the direction and supervision of the Mayor, the Administrator shall be the administrative officer of the municipality. The Administrator shall serve as the Personnel Officer and shall have the authority, except for the Police Department, to hire, transfer, promote, demote and discharge any employees, subject to approval of the Mayor. The Administrator shall have the authority to impose lesser forms of discipline than demotion or discharge without the approval of the Mayor and City Council, subject to any applicable ordinances of the City or laws of the State. The Administrator shall serve as the Purchasing Agent of the municipality, unless and until the City Council shall authorize the appointment of a Purchasing Agent. The Administrator shall, to the extent permitted by law:
 - a) Keep the Mayor advised of the financial condition of the municipality and make reports to the governing body as requested by the Mayor or Council.
 - b) Study the governmental and administrative operations and needs of the municipal government and prepare and recommend to the Mayor and Council necessary and desirable plans and programs to meet present and foreseeable needs.
 - c) Any time he or she deems, investigate, at the direction of the Mayor or Council, the affairs of any office or department of the municipality.
 - d) Manage and resolve inquiries and complaints concerning affairs affecting the City government, provide information and assistance and remedy or cause to be remedied the source of any just complaint.
 - e) Perform such other duties as may be required of him/her by ordinance or resolution of the City Council.

3. Administrative supervision and direction. The Administrator, to the extent permitted by law, shall be empowered to:

- a) Direct and supervise the office of Administration, Finance and other departments or offices that may be created by the governing body, and have consultation with and input from those departments for the sound personnel policies and administrative practices.
- b) Audit all bills and vouchers for payment prior to final approval by the City Council.
- c) Maintain a continuing review and analysis of budget operations, work programs and costs of municipal services.
- d) Establish for working personnel vacation and sick leave schedules and appropriate records and reports any applicable ordinances of the City or laws of the State.
- e) Recommend, implement and enforce the procedures and policies of the Department of Administration, Finance and other departments or offices that may be created by the governing body.

3. §2-5.2 entitled "Department Heads and Subordinates" is amended and shall read as follows:

- a. The head of each department, with the exception of the Department of Public Safety, shall be a Director appointed by the Mayor, with the advice and consent of Council.
- b. The head of the Department of Finance shall have the title of Chief Financial Officer, and the City Business Administrator, Director of the Department of Administration.
- c. The Mayor shall recruit, select and appoint persons qualified by training and experience for their respective office as department heads.

- d. Each department head shall serve during the term of the Mayor appointing him/her, unless removed from office by the Mayor, and shall continue to serve until a successor is appointed and qualified.
- e. Each department head shall serve at the pleasure of the Mayor.
- f. Personnel subordinate to the Director of a department shall be appointed by the Director with the approval of the Mayor, except as otherwise provided by this Code, and shall serve during the term of the Mayor by whom they are appointed, unless otherwise provided by the Charter, general law, this Code or other ordinances.
- g. Personnel subordinate to the Director of a department may be removed by the Director with the approval of the Mayor, unless otherwise provided by the Charter, general law, this Code or other ordinances.
- h. Nothing in this Code shall be construed to prevent the Mayor from appointing to any position for which the Mayor has the responsibility of making appointments, any otherwise qualified person, including him/herself or herself, Council members or other municipal officers, except as specifically prohibited by the Charter, general law or this Code.
- i. The Mayor shall send to Council the names of his or him/her appointees to the position of department heads within forty-five (45) days of assuming office.
- j. Council shall act when required by the Charter, this Code or general law, on appointments of department heads within fifteen (15) days of assuming office.
- k. No new department, division, office, officer or employee position shall be created except by

action of the Council, and no existing department, division, office, officer or employee position shall be abolished except by action of the Council; the creation and/or the abolition of any position by Council shall be specifically noted as appropriate in the annual budget; and any ordinance establishing a new department, division, office, officer or employee position shall include a statement of the powers, duties and responsibilities of the function therein created, and this Code shall be appropriately amended.

4. §2-5.3 entitled "Interim Appointments" is amended and shall read as follows:

Whenever a vacancy exists in any office required by the Charter or by this Code to be filled by the Mayor with the advice and consent of Council and there is no holdover incumbent, the Mayor may temporarily fill such vacancy, in the absence of any contrary provision in the Charter or in this Code, by appointing an acting officer, including the designation of him/herself or herself as an acting department head in the event of a vacancy in such office. Such appointee shall have all of the functions, powers and duties of the office until it shall be permanently filled. Any such appointment shall terminate not later than sixty (60) days after the date of the appointment, unless the Council shall by resolution authorize one (1) or more extensions of such a period.

5. §2-5.4 entitled "Powers and Duties of Department Heads." is amended and shall read as follows:

The head of each department, under the supervision of the Mayor and subject to the Charter and to this Code, shall:

- a. Prescribe the internal organization of the department and the duties of subordinate officers and employees within the department with the approval of the City Business Administrator, except as provided by the Charter, this Code or by ordinance.

- b. Ensure that all powers, functions and duties assigned to the department are carried out with diligence.
- c. Operate his or her department in an efficient and effective manner.
- d. Report in writing to the Mayor and City Business Administrator recommendations for improving departmental performance, requirements of the department and the results of the assignments made to the department.
- e. Report promptly to the Mayor, City Business Administrator and to the Chief Financial Officer projected deviations in the financial performance of the department.
- f. Report at least monthly to the Mayor and Council, in such form as shall be approved by the Mayor, on the work of the department during the preceding month.
- g. Cooperate with the Mayor, City Business Administrator, Chief Financial Officer and Council in the preparation of the annual budget, providing supporting information for all budgetary requirements and explanation of all deviations from previous budgets.
- h. Assign, with the City Business Administrator's approval, functions, powers and duties to subordinate officers and employees within the department and modify such assignments as need appears.
- i. Assign priorities to the conduct of the functions, powers and duties allocated to the department.
- j. Supervise the work of the department through the divisions established by this Code and supervise and direct the work of the employees of the department.

- k. Delegate to other officers or employees of his department such of his or her powers as he or she may deem necessary for efficient administration and operation.
- l. Prohibit the expenditure of municipal funds or the commitment of municipal funds by the department except as provided by law.
- m. Provide liaison with other departments, divisions, boards, etc., as required for the efficient and effective operation of the administrative branch.
- n. Familiarize him/herself or herself with general law affecting his or her department and with funds available for the performance of the functions of his department from sources outside the City.

6. §§2-5.5 through 2-6.1 remain unchanged.

7. §2-7.1 entitled "Administrative Divisions" is amended and shall read as follows:

- a. Under the supervision of the Mayor as chief executive, there shall be a Department of Administration, the head of which shall be the City Business Administrator. Within the Department there shall be the following divisions:
 - 1. Division of Municipal Operations.
 - 2. Department of Finance.
 - 3. Office of the City Clerk.
 - 4. Division of Law.
- b. *Departmental Powers and Duties Generally.* The Department shall assist the Mayor in the direction and supervision of the departments established by this Code; coordinate the operation and administration of the various departments, divisions and agencies of the City government; conduct the business operations of the City and perform such other duties as the

Mayor may designate. With respect to the statutory agencies herein designated, the Department shall have the authority of overseeing such agencies and the departments herein established.

8. §2-7.2 entitled "Division of Municipal Operations" is amended and shall read as follows:

Within the Department there shall be a Division of Municipal Operations, the head of which shall be the City Business Administrator. The Division shall include such other personnel as shall be authorized by ordinance.

a. *Powers and Duties.* Under the supervision of the Business Administrator, the Division shall:

1. Maintain operating reports of the various departments, divisions, offices and agencies of the municipal government.
2. Collect, report upon and turn over to the Chief Financial Officer all fees for which no other collection procedures are established by general law or by this Code.
3. Maintain financial records of City operations.
4. Prescribe and enforce rules and regulations for the efficient management of the City government, subject to the Charter and to this Code.
5. Develop and enforce sound personnel and purchasing practices and procedures for all of the departments, divisions, offices and agencies of the City government.
6. Assist the Mayor in coordinating the operation and administration of the departments herein established.
7. Maintain a continuing review and analysis of budget operations, work programs and costs of municipal services, including an

inventory and depreciation schedule of all property owned by the City.

8. Have custody of all City property, real or personal, not assigned in other departments, and assign such property within the departments.
9. Perform such other duties as may be prescribed.

b. *Preparation of Budget.* The Division shall prepare the budget document.

1. On or before November 1 of each year, each department head shall submit to the Department of Administration requests for appropriation for the ensuing budget year, including a statement of departmental programs, expenditures and employees for the last-completed fiscal year as estimated, together with the departmental request for the ensuing fiscal year. Significant deviation of the requested amount from the amount currently budgeted shall be accompanied by explanatory information. In a separate capital section, the departmental requests shall also set forth the estimated capital needs and appropriation requests for capital purposes of the department for the then-current fiscal year and for the two (2) ensuing fiscal years.
2. The Division of Municipal Operations shall compile and evaluate the requests for appropriations received from the department heads, for consideration by the Mayor. During the month of November, each department head shall appear before the Mayor and the Finance Committee of Council for hearings on the various requests.
3. On or before December 15 of each year, the Chief Financial Officer shall prepare estimates of property and nonproperty tax revenues which may be anticipated for the

support of the budget for the ensuing fiscal year.

4. On or before the 31st day of January, the Mayor shall submit the proposed budget to the Council. After consideration by the Council, there shall be appended to the budget a detailed analysis of all items of expenditure and revenue. Said analysis shall include for each line item a comparison of the amounts budgeted for the current year and the amounts budgeted and expended in the previous year.
5. There shall be appended to the budget document a capital section which shall include a budget of capital projects proposed or continued for the current budget year, together with a forecast of capital needs for the ensuing year.

c. Adoption of Budget. The budget shall be considered, approved and adopted after public hearing and certification by the Director of Local Government Services in accordance with Local Budget Law.

d. Operation of Budget.

1. The Mayor and City Business Administrator, as head of the Department of Administration, shall supervise the administration of each annual budget. Quarterly, or such other periodic allotments of appropriations as may be deemed desirable, shall be established. Each department shall administer its expenditures within the limits of such allotments.
2. No deficits may be incurred within a department. However, upon consultation with the Finance Committee and approval of Council, priorities and allotments may be shifted within the confines of an annual budget.

e. *Purchasing.* All purchases of any supplies, materials or equipment or contractual services for a department shall be made by the Department of Administration pursuant to a written request from the head of the department whose appropriation will be charged and the certification of the Chief Financial Officer that a sufficient unencumbered balance of appropriation is available to pay therefor. All such purchase contracts shall conform to applicable requirements of State statutes for competitive bidding. Except as the City Council may authorize in case of emergency, no purchase shall be made and no bill, claim or voucher shall be approved unless the procedures prescribed by or pursuant to this Code has been followed.

1. Award of Contracts. Where contracts are let to public bidding the Council may, upon recommendation from the head of the department whose appropriation will be charged, let the contract in the manner prescribed by law. Any such contract shall be executed in the manner provided by this Code and by general law.
2. Purchase by Quotation. Where purchases in excess of one thousand (\$1,000.00) dollars are made without competitive, bidding, the department head shall obtain, wherever possible, at least three (3) price quotations for the items to be purchased and shall attach them to the voucher submitted to the Chief Financial Officer for approval as required by subsection 3-11.1. Wherever circumstances permit, the purchase shall be made from the lowest of such quotations.
3. Emergency Purchases. The City Business Administrator shall establish a procedure for the purchase of any item or items required for the immediate protection of the public health, safety or welfare, which will permit such emergency purchases to be made for specific purposes in a manner other than that prescribed by this Article.

4. Acceptance of Material. Upon delivery of materials purchased, the receiving department shall immediately inspect said materials as to quantity, quality and condition in accordance with the purchase order and shall immediately notify the Department of Administration.
 5. Purchasing of Capital Items. All requisitions for capital items shall include references to the appropriate line item in the budget.
 - f. *Personnel.* The Division shall supervise the hiring policy of the City as herein established and shall receive and distribute applications for employment, schedule interviews and maintain personnel files and records for all employees of the City.
9. §2-7.3 remains unchanged.
10. §2-7.4 entitled "Office of the City Clerk" is amended and shall read as follows:

Within the Department there shall be the Office of the City Clerk, the head of which shall be the City Clerk, who shall be appointed by the Mayor with the advice and consent of Council. The Clerk shall be the Clerk of the Council, perform such functions as may be required by law of Municipal Clerks generally and perform such other duties as may be prescribed for Clerk of the Council by Article III of this Chapter and have such other powers and duties as Council may prescribe, including:

- 1) Maintaining records of ordinances and resolutions of the Council.
- 2) Receiving and replying to inquiries and complaints concerning affairs affecting the City government in coordination with the City Business Administrator.
- 3) Serving as Clerk of the Council. He or she shall attend all meetings of the Council and shall keep the minutes of the proceedings of the Council.

- 4) Ensuring the custody of and shall safely keep all records, books and documents of the City, except those committed by Charter or ordinance to any other office or transferred thereto by the Business Administrator. He or she shall, upon request and upon the payment of the fees prescribed therefor by resolution of the Council for the use of the City, furnish a certified copy of any such paper in his or her custody.
- 5) Be the depository and custodian of all: Official surety bonds furnished by or on account of any officer or employee, except his or her own bond (which shall be placed in the custody of the CFO); Insurance policies upon or with respect to risks insured for the benefit of the City or to protect it against any claim, demand or liability whatsoever; Formal contracts for work, labor services, supplies, equipment and materials to which the municipality may be a party; Be the depository for and have custody of all performance bonds running to the City as obligee, or any other form of security given by any contractor, subdivision developer or other persons on account of work done or to be done in or for the City; and have custody of all leases of property owned by the City. The Clerk shall also report to the City Business Administrator, at such time as the Administrator may require, on the coverage, expiration date and premium of each surety bond and contract of insurance, the nature and terms of outstanding leases, the rent reserved by each and their respective expiration dates.
- 6) Administer the provisions of the City ordinances with reference to the licensing of occupations and activities for which licenses are required by law or ordinance to be obtained from the Clerk.
- 7) Perform all of the functions required of municipal clerks by the General Election Law (Title 19 of the Revised Statutes of the State of New Jersey) and any other law or ordinance.

Have such other, different and additional functions, powers and duties as may be prescribed by law or ordinance or delegated to him/her by the City Administrator.

11. §2-7.5 remains unchanged.

12. §2-8.1 entitled "Department Established" is amended and shall read as follows:

a. Appointment of Director; City Business Administrator to Supervise this Department. Under the supervision of the City Business Administrator there shall be a Department of Public Works, Parks and Public Property, the head of which shall be the Director, who shall be appointed by the Mayor.

b. Department Powers and Duties Generally. This Department shall provide for the proper and efficient conduct of all public works' functions of the municipal government and shall provide technical advice and assistance to other departments and agencies as needed. It shall administer and control the following functions and the construction, operation and maintenance of public works, improvements, facilities and services relating thereto:

1. Storm sewers and drains.
2. Streets, bridges, roads and sidewalks.
3. Rivers, streams, waterfronts and flood damage control and reduction.
4. Traffic engineering and street lighting.
5. Public buildings.
6. Parks, greens, trees and recreational facilities.
7. Garbage and recycling.

13. §§2-8.2 through 2-9.1 remain unchanged.
14. §2-9.2 entitled "Powers and Duties of the Board of Health" is amended and shall read as follows:

The Board of Health shall have all the functions, powers and duties of a local Board of Health under Title 26 of the New Jersey Revised Statutes.
15. §§2-9.3 through 2-9.5 remain unchanged.
16. §2-9.2 entitled "**Department of Public Safety Established.**" is amended and shall read as follows:

Under the supervision of the City Business Administrator, there shall be a Department of Public Safety composed of a Police Director, the Police Department and the Office of Emergency Management.
17. §§2-10.2 through 2-10.4 remain unchanged.

ARTICLE TWO. Repealer, Severability and Effective Date.

1. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
2. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the City Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the City to meet the goals of the Ordinance.
3. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

MAYOR

CITY CLERK, RMC/CMR

CITY OF LAMBERTVILLE
NOTICE OF PENDING ORDINANCE
Ordinance No. 03-2019

AN ORDINANCE SUPPLEMENTING CHAPTER 2 OF THE CITY CODE OF THE
CITY OF LAMBERTVILLE ENTITLED "ADMINISTRATIVE CODE" TO CREATE
THE POSITION OF CITY BUSINESS ADMINISTRATOR WITHIN THE CITY
ADMINISTRATION

Take Notice that the Ordinance identified above which amends Chapter 2 entitled "ADMINISTRATIVE CODE" of the City Code of the City of Lambertville and authorizes the City to create the position of City Business Administrator for the City of Lambertville, has been adopted on first reading by the City Council of the City of Lambertville, County of Hunterdon, State of New Jersey, held on February 19, 2019. It will be considered for final passage after public hearing to be held on March 21, 2019, at 7:00 P.M. in the Phillip L. Pittore Justice Center, 25 S. Union Street, Lambertville, New Jersey.

The Ordinance will take effect immediately upon adoption and publication as required by law.

Copies of the full ordinance are on file with the City Clerk of the City of Lambertville in City Hall. Copies may be obtained free of charge on request and a copy is posted on the municipal bulletin board in City Hall, 18 York Street, Lambertville, NJ 08530.

Cynthia Ege, CMR/RMC, City Clerk