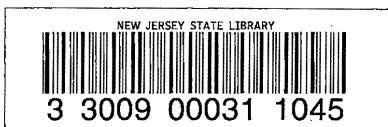


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Local Self-Government: A Proposed Optional Charter Plan

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TRENTON, NEW JERSEY

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TRENTON, 1950

WE have a long tradition in our State of what we are pleased to call municipal home rule. Experience has taught us that by and large this tradition, if properly and effectively supported by a sound legal framework of local government, can be one of the most effective instruments of service to the people. We must keep in mind, however, that there can be no true home rule without an adequate structure of local government responsible to local people, nor so long as our local governments are fiscally dependent upon outside aid from either State or nation.

When we look to our structure of local government today we find that little has been done to adapt it to modern needs and progressive thinking. On their face, our statute books offer local people a choice of a number of charters including the commission plan, the city manager plan, and the mayor-council plan. There has been considerable dissatisfaction experienced for many years with the operation of all three of these plans as presently constituted. In other words, we do not now have a truly effective system of optional forms of local government which either the Legislature, which is ultimately responsible or the local people who are immediately responsible for their selection, can accept with any confidence that they may serve as an adequate structure of local government.

It may well be that one of the reasons why so much dissatisfaction has been experienced by the operation of local government in our State is that we expect municipal governments to perform services which would better be performed by larger units, either the counties or the State itself. Much work has already been done on the need to readjust the service responsibilities and the areas of local government, and to relate them to local capacity to raise taxes. Adjustments such as these are closely related to achievement of an effective framework of local government. I would accordingly recommend that the entire subject be explored in all its implications by a specially constituted commission authorized and equipped to recommend the best way in which to bring up to date the structure and functions of our local government, in the same spirit of high-minded public service that has marked the outstanding accomplishments of our Constitutional Convention.

—GOVERNOR ALFRED E. DRISCOLL,
First Annual Message to the Legislature.
January 13, 1948.

STATE OF NEW JERSEY

Local Self-Government: A Proposed Optional Charter Plan

Second Report

OF THE

Commission on Municipal Government

- Part I: Summary of Recommendations*
II: Proposed Optional Municipal Charter Law
III: Proposed Optional Municipal Key Positions Law

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Plan
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TRENTON, NEW JERSEY

February, 1950

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STATE OF NEW JERSEY
COMMISSION ON MUNICIPAL GOVERNMENT

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Article 6 supplies the third variation of the basic mayor-council plan. The variations are: (a) choice as to size of council—five, seven or nine members; (b) ward and at large representation; (c) staggered (overlapping) terms of council wherein ward representatives and those elected at large are chosen at alternate biennial elections

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Article 7 provides the fourth variation of the basic mayor-council plan. An important change in approach is contained in this article in that elections are on a partisan fall election basis. The variations are: (a) choice as to size of council—five, seven or nine members; (b) partisan elections (c) terms of councilmen (all elected at large) are staggered (overlapping), a portion being elected in alternate years

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Plan F

Article 8 provides the fifth and final variation of the basic mayor-council plan. The variations are: (a) choice as to size of council—five, seven or nine members; (b) the addition of ward representation on the council; (c) partisan elections; (d) staggered (overlapping) terms of councilmen wherein ward representatives and those elected at large are chosen at alternate biennial elections.

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Council-Manager Plans

Plan A

Article 9 provides for the second basic optional form—a revised version of the council-manager form currently available to New Jersey municipalities. The new plan provides for a council of five members, restrains improper individual influence by councilmen in administration, and conforms the tenure provision for the manager with the Model City Charter of the National Municipal League. Throughout, the plan adheres to the basic theory of the manager form—that there should be a distinct separation of policy determination and administration

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Plan B

Article 10 provides the first variation of the basic council-manager plan. The variations from the basic plan are: (a) choice as to the size of council—five, seven or nine members; (b) term of councilmen are staggered (overlapping), a portion being elected in alternate years

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Plan C

Article 11 provides the second variation of the basic council-manager plan. The variations are: (a) choice as to size of council—five, seven or nine members; (b) the addition of ward representation on the council. In this plan a community may have from two to six wards. The plan provides for at large representation as well as for the election of one councilman from each ward

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Plan D

Article 12 provides the third variation of the basic council-manager plan. The variations are: (a) choice as to size of council—five, seven or nine members; (b) ward and at large representation; (c) staggered (overlapping) terms of councilmen wherein ward representatives and those elected at large are chosen at alternate biennial elections

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Small Municipality Plans

Plan A

Article 13, small municipality plan A, is the basic small municipality plan. This article is designed to meet the need for an improved form of government in New Jersey's hundreds of small communities which does not depart too radically from the long-established traditions in borough and township government. Basically this optional form combines the best elements of the present borough and township plans. The legislative power is vested in a mayor and two, four or six councilmen, all of whom serve for a three-year term. All are elected at large at a non-partisan spring election

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Plan B

Article 14 provides the first variation of the basic small municipality plan. It differs from the basic plan in only one particular: In this plan the mayor is not separately elected but is chosen from and by the council

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Plan C

Article 15 provides the second variation of the basic small municipality plan. It has two major variations: (a) elections are partisan; (b) terms of councilmen are staggered (overlapping) ...

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Plan D

Article 16 provides the third and final variation of the small municipality plan and differs from the basic plan as follows: (a) elections are partisan; (b) terms of councilmen are staggered (overlapping); (c) the mayor is not separately elected but is chosen from and by the council

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Additional Provisions Common to Optional Plans

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Article 17 brings together certain provisions which are in effect made part of each optional plan. These standard sections cover the subjects of elections, initiative and referendum, local legislation, officers and employees, the creation of wards where this type of option is chosen and transitional matters upon the adoption of a new plan

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PART III

Proposed Optional Key Positions Law

Adoption of this separate act may be recommended by the charter commission provided for under the Optional Municipal Charter Law and if so recommended, is voted upon by the electorate at a referendum. It may also be submitted at a referendum upon the petition of 10 per cent of the registered voters of any municipality. The act creates a Committee on Certification consisting of four municipal officials appointed by the Governor, and the Director of the State Division of Local Government, *ex officio*. It defines certain offices as key positions and persons occupying these positions may not acquire such tenure as may be provided by State law without first having obtained a certificate of qualification which any such key officer may obtain pursuant to the provisions of this act after five years of service

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LETTER OF TRANSMITTAL

STATE OF NEW JERSEY

COMMISSION ON MUNICIPAL GOVERNMENT

PYNE ADMINISTRATION BUILDING, PRINCETON, N. J.

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SENATOR EDWARD J. O'MARA
Jersey City

JOHN F. WARD
Palmyra

February 20, 1950.

To His Excellency, Governor Alfred E. Driscoll, and the Members of the Senate and General Assembly:

On February 14, 1949, we submitted to you a report on the forms, structure and powers of local government in New Jersey, pursuant to instructions contained in Joint Resolution No. 1 of the *Laws of 1948*. Legislation implementing the report was introduced in the Assembly but was not acted upon in view of an urgent request by municipal officials that additional opportunity be afforded for study of the bills. By Joint Resolution No. 10, *Laws of 1949*, the *Commission* was instructed to continue its work and further report.

The intervening period has been marked by intensive consideration of the problem. Many constructive suggestions have been offered, particularly by municipal officials, looking toward

improvement and expansion of the original program. With two important exceptions, we believe we have incorporated every major proposal for amendment and with those two exceptions we present herewith a revised legislative program for your consideration which is in effect a composite effort of municipal officials, of this *Commission* and of other interested citizens.

The three basic forms of municipal organization (the mayor-council, the council-manager and the small municipalities plans) are retained. Within these, however, there is provided a number of variations which have the effect of greatly expanding the area for local choice of form and structure. A community may choose, within reasonable limits, the number of councilmen it may deem best suited to its needs; select either concurrent or overlapping terms; determine whether it will have some ward representation or at large representation alone; or have partisan or non-partisan elections. In this connection it should be pointed out that the voters of New Jersey are about equally divided between those who now vote in partisan fall elections and those voting in non-partisan spring elections (Walsh Act and council-manager communities). We think it important that the choice of partisan or non-partisan elections be left to local determination in the interests of a fuller expression of local self-government. Various combinations of any of these choices are available.

Pursuing further this objective of local choice we have omitted in this revision many, if not most, of the service standards and rules for internal organization as being too difficult to adjust to the great varieties of local situations. This is particularly noteworthy in the small municipalities plan.

Before discussing the revisions, however, may we review in broad outline the legislation proposed in our report of February 14, 1949. We will then list the more important changes incorporated in the present report following which will be a discussion of the two remaining areas where full agreement has not been reached, and, finally, proposals for further activity.

Broad Outline of Legislation Proposed in Report of February, 1949

1. Three new optional forms of municipal government were offered: (a) mayor-council plan with choice as to non-partisan spring or partisan fall elections (b) a council-manager plan (c) a small municipalities plan with choice as to non-partisan spring or partisan fall elections.
2. To communities adopting one of these plans, there was offered a far broader area of home rule powers than any now available to New Jersey municipalities.
3. A modified commission form of government was suggested only, however, as a transitional device.
4. A method was suggested for examining into the need for improvement of local form and structure of government by use of an elected charter commission whose function would be to study and to recommend change, or, in the alternative, to recommend retention of the form then in use.
5. A proposal was made outlining qualifications for appointment of officials to "key positions" in local government and defining their tenure of office.

Suggested Major Revisions and Areas of Agreement

The following major suggestions for revision of the original program have been received, considered and adopted:

1. *Suggested:* That where a municipality has adopted one of the new forms of government, it be permitted, after an adequate period of trial, affirmatively to adopt one of the presently existing forms of municipal government.

Revision: In our earlier report we recommended that once a municipality had adopted an optional plan, subsequent changes would be confined within the new optional plans themselves and further that all future changes of form and structure, while wholly optional,

must be selected from the proposed new optional plans. Under this recommendation the forms provided under old law would no longer be available. Recognizing the argument that our first recommendation, while desirable, was nevertheless unduly restrictive of the area of local choice, we have stricken this earlier recommendation from this revision and in effect have provided that the principal old law forms will be available as heretofore, provided they are affirmatively adopted by a municipality. We are convinced that there will be little or no tendency for a municipality which gives the new plans a fair test, to return to the older forms presently on the statute books. The right to do so, however, will doubtless prove reassuring to communities considering the change.

2. *Suggested:* That provision be made for ward elections.

Revision: The program now provides for ward options in the mayor-council and council-manager plans, provided however, that where this option is used there shall also be representation at large. This combination of ward and at large representation is often looked upon by students of municipal government as advisable, particularly in the larger communities where area in addition to city-wide representation is desired. Since the small municipalities plan is limited to communities of 12,000 or less it was thought unnecessary to provide for ward representation in this plan.

3. *Suggested:* That within reasonable bounds, the local community should decide on the size of its governing body.

Revision: The size of the governing body is left to local choice as follows: in the mayor-council and council-manager forms there may be five, seven, or nine members; in the small municipalities plan there may be three, five or seven.

4. *Suggested:* That there be provision for overlapping terms of councilmen, in the non-partisan spring election plans.

Revision: This proposal is embodied in the mayor-council and council-manager plans.

5. *Suggested:* That all plans, particularly that for small municipalities, be made more flexible and that they omit certain service standards and requirements as to various internal procedures which it was believed might increase operating costs.

Revision: This revised report accepts the theory that the plans should in large part, and wherever practicable, deal with form, structure and powers only, rather than with service standards and matters of internal procedure. Minimum safeguards in fiscal and personnel fields are retained.

6. *Suggested:* That in the mayor-council plan the mayor's power to remove department heads be subject to council veto where hearing is requested by the discharged officer.

Revision: The mayor may in his discretion remove any department head after notice and an opportunity to be heard, subject to the council's veto power.

7. *Suggested:* That the number of signatures required in petitioning for election of a charter commission or for the direct adoption of a plan should be increased.

Revision: This is a difficult question since signature requirements should not be so high as to discourage citizen interest and yet so low as to encourage unnecessary disturbance of community life. A new approach to this problem has therefore been developed which requires a higher percentage of voter signatures in the smaller communities with the percentage graduating downward in the larger communities. In all cases the percentages would be based upon the number of voters in the last election for assemblymen. The net effect of these revisions is to increase the number of petitioning signatures required over those suggested in our first report.

8. *Suggested:* That a number of changes be made in the so-called "Key Positions" proposal. The more important of these follow:

- (a) That an outside state agency should not pass on qualifications of original appointees;
- (b) That political activity should not be barred;
- (c) That the composition of the state agency passing on qualifications for acquiring tenure should include municipal officials appointed by the governor; and
- (d) That the "Key Positions" proposal should be optional.

Revision: All of the above suggestions have been incorporated in the revised program. Particular attention is called to (c) above. In approving this suggestion we think it highly desirable that the municipal officials of the State be given the duty and responsibility of policing their own profession. Furthermore, the entire subject of "Key Positions" is left to local option.

In accepting these suggestions we have been guided by the desire to secure legislation which will afford the greatest possible measure of useful home rule, prove practicable in operation and meet the wishes of the men and women who are devoting their careers to public service. We feel that the revision has substantially improved and strengthened the program at important points. While we have reservations on some of the changes agreed upon, we feel there has been no sacrifice of principle, recognizing as we do that we are dealing with a problem where there is room for honest differences of opinion on many of these matters.

Suggested Major Revisions Where Full Agreement Has Not Been Reached

The following major suggestions for revision have been received and considered; but either full agreement, therewith, has not been reached or final decision has been deferred:

1. *Suggested:* That the following proposal be dropped: If by 1955 a community had failed either (a) to adopt one of the new forms of government or (b) to vote upon

the election of a charter commission, that automatically there would be placed on the ballot of that year the question of *electing a charter commission*.

Comment: We are strongly of the opinion that while the date of such an automatic referendum might well be changed to 1959, the provision is, nevertheless, a highly desirable requirement. "It is in part an educational provision, in part a matter of prudent government and in part an effort to urge citizen interest." This provision is the only so-called "mandatory" requirement in the entire program and is confined, *solely to the question of electing a "study" group of local citizens*.

2. *Suggested:* That commission form of government be included among the preferred forms.

Comment: We have not changed our position that the commission form of government does not meet accepted standards of efficient governmental administration. It will be recalled that in our earlier report, we suggested a modification of the Walsh Act, available to communities now operating under that law. It was proposed as a transitional device and in the hope that better forms would subsequently be adopted. The modification has not met with approval of Walsh Act officials although there appears to be general agreement that the act needs major revision. A year has elapsed since our earlier report and we have not received any suggestion in substitution of our proposed modification. We understand that these officials are now studying the problem, a recent meeting having designated a special committee to canvass the matter thoroughly. However, no early report from this group is anticipated. We assured the special committee of our prompt consideration of their suggestions when forthcoming, should our work be continued as suggested below.

In view of the fact that the subject of commission government is now under active review with the possibility of a marked future improvement in the Walsh Act, we have withdrawn our proposals for Walsh Act modifica-

tion; and suggest that the program now submitted can be dealt with on its own merits, without prejudice to future action on a revised commission government plan.

3. Other suggestions have been received but determinations deferred pending further study. One of the more interesting was a proposal that spring non-partisan elections be held on primary day. Several problems immediately present themselves in this connection and we feel that the suggestion should have much more study than we could accord it at this time. Recommendation has, therefore, been deferred.

Proposals for Further Activity

As suggested in our earlier report, we recognize that improvement in form and structure is but a first step in the process of modernizing local government in New Jersey. We propose continuance of the work of this *Commission* over the next year with these goals particularly in mind:

1. To watch the operation of such program as the Legislature may adopt with a view to improving and refining it in the light of experience;
2. To be available for advice and consultation with citizens and municipal officials of communities wishing to understand and perhaps to act under the program; and
3. To study the feasibility of setting up a technical and an in-service training program for municipalities, such as is used in other progressive states.

In Conclusion

We have earnestly sought to make this revised program of state action in the field of municipal form and structure a thoroughly workable and effective instrument of better local government in New Jersey. It is indeed a composite effort and we are happy to acknowledge the contribution made to it by the municipal officials of the State.

We are convinced that the democratic process must be strengthened at its roots and we trust you will agree with us

the program herewith presented, constitutes a long step forward in placing New Jersey at the forefront of municipal progress. This legislation opens doors that have hitherto been closed to the citizens and officials of New Jersey municipalities, and closes none that have been open. While it imposes no new burdens or restrictions, it makes it possible for municipalities to free themselves from outmoded requirements and procedures under which both citizens and officials have been restive for many years. It is, in short, a declaration and charter of self-government for New Jersey communities, designed to release local initiative and energy long held in check by State-imposed restrictions.

In the following pages will be found drafts and summaries of legislation designed to implement this report.

Respectfully submitted,

THE COMMISSION ON MUNICIPAL GOVERNMENT



William B. Kinross

Frank Coggoline

William W. Evans

Kenneth C. Hand*

Rachel S. Heiny

Chas. H. McKeever

John D. Ward

* Senator Kenneth C. Hand signs with a reservation as to Article 1-24 (provision for automatic referendum in 1959).

Senator Edward J. O'Mara has been unable to participate in the *Commission's* deliberations and has therefore refrained from joining in this report.

PART I

Summary of Recommendations

Optional Municipal Charter Law

ARTICLE 1

PROCEDURE FOR ADOPTION OF OPTIONAL CHARTER PLANS

The purpose of this article is to provide for an orderly and systematic consideration of local charter needs by a local charter commission of five members; and to define the procedure by which charter changes may be made under various alternatives.

Charter Commission: The question of electing a five-member charter commission, and the election itself may be submitted to the voters, at a regular municipal or general election, in either of two ways:

- (a) upon resolution of the local governing body, or
- (b) upon petition of the registered voters as follows:
Of the total number of votes cast in the municipality at the preceding Assembly election—
 - 20% in communities of 12,000 population or less
 - 15% where population is 12,000 to 100,000
 - 10% where population is more than 100,000

Nomination and Election: Members of the charter commission are to be nominated solely by petition; election on a non-partisan ballot; and the five receiving the greatest number of votes are elected provided the charter commission question carries by a majority of those voting on it.

Powers and Duties of the Commission: The charter commission is required to make a study of the local government's needs, and to recommend one of the following courses of action:

- (a) Adoption of one of the new optional forms
- (b) Adoption of a special charter or amendments to an existing charter

- (c) Retention of the existing form
- (d) Any other pertinent recommendation, including the adoption of the Optional Municipal Key Positions Law.

If the charter commission recommends the adoption of one of the optional charters, it may, under some of the plans, specify the size of the council and the number of wards. The recommendations of the commission are given positive effect by requiring the holding of a referendum where one is needed.

Petition and Referendum: The older method of adopting an optional plan of government by petition and referendum is authorized. Petition requirements are the same as those outlined above for a charter commission referendum.

Vote Required: A new plan may go into effect upon affirmative vote of a majority of those voting on the question.

Automatic Submission by 1959: Each municipality is required to consider the question of having a charter commission in 1959 if the voters have not meanwhile voted upon this question or adopted a new charter form.

ARTICLE 2

INCORPORATION AND POWERS

This article is a key article in the proposed new system of optional charter plans. It establishes practical inducements to charter improvement, by offering municipalities extensive powers of local self-government and relief from the need for specific legislative approval to undertake new or different municipal services.

Incorporation: Provides for the incorporation of the inhabitants of a municipality adopting one of the optional forms, for their retention of an old municipal name or selection of a new one and for their government under an optional plan, together with provisions here and elsewhere in the act common to all plans.

Classification: Provides for elimination of classification, so far as possible, in general laws applying to municipalities which adopt an optional plan. The powers of municipalities adopting these plans are made sufficiently broad to eliminate the need for classified legislative treatment so far as possible.

New Powers: The act would grant broad new powers to municipalities governed by any of the optional forms:

- (1) The new powers are stated in general terms rather than by specific enumeration, so as to provide the maximum home rule under the new Constitution.
- (2) The provisions of the new Constitution intended to broaden the legal powers of local government are given legislative effect.
- (3) Although municipal government still remains subject to the control of the Legislature as required by the new Constitution, legislative control is expressed in a broad and complete authorization which leaves the widest possible discretion with each municipality to determine the organization of its departments, the compensation of its officers and employees, the range and character of its services, subject to the provisions of general law which apply to all municipalities.

ARTICLES 3 THROUGH 16

Articles 3 to 16, inclusive, outline the three basic forms of government proposed by this report. Articles 3 to 8, inclusive, deal with the basic mayor-council plan and its five variations. Articles 9 to 12, inclusive, outline the basic council-manager plan and its three variations. Articles 13 to 16, inclusive, describe the basic small municipality plan and its three variations.

The Mayor-Council Plans

ARTICLE 3

MAYOR-COUNCIL PLAN A

This article presents the features of the first of the basic optional forms—a strong mayor-council plan. This plan provides for a concentration of administrative authority in an elected mayor, who is also given a veto power over ordinances.

A significant feature of the plan is the provision for a business administrator who, under the direction of the mayor, shall have considerable responsibility in the budget, personnel, and purchasing processes. The legislative power is exercised by an elected council, which selects the municipal clerk, may select a municipal comptroller, and always retains adequate checks on the executive. The mayor, however, is given power commensurate with his administrative responsibilities.

Governing Body: Any municipality adopting this plan shall be governed by an elected council and an elected mayor. The council shall consist of five members. The mayor and council are elected at large for terms of four years at non-partisan spring elections.

Powers of Council: The legislative power shall be exercised by the council, except such powers as under general law are given to certain boards and commissions. Additional powers of council include passing on appointments of department heads, veto power on removal by the mayor of department heads, the investigation of departments and the removal of municipal officers for cause.

Office of Mayor: The executive power shall be exercised by a mayor elected for a four-year term. Supervisory powers of the mayor include the enforcement of laws, supervision of departments and the power to make recommendations to the council. General powers of the mayor include appointment of boards or commissions, nomination, appointment and removal of department heads and a veto over ordinances that can be overridden only by an extraordinary majority of the council.

Departments: Departments shall include a Department of Administration and shall not exceed ten in number. Department heads serve at the pleasure of the mayor, subject to the veto power of the council. Departmental officers and employees are appointed by the department heads, who may remove such employees with consent of the mayor. The Department of Administration shall be headed by a business administrator, serving under the mayor, with a responsible

role in the budget process, in purchasing, and in the administration of a sound personnel system.

Budget: The municipal budget shall be prepared by the mayor with the assistance of the business administrator. Provision is made for a schedule of preparation and for public hearings. Reductions in budget items may be made by majority vote of the council; an increase in any item or items may become effective upon an affirmative vote of two-thirds of the council.

Comptroller: Council is required to provide by ordinance for the exercise of the control function by some officer other than the business manager.

ARTICLE 4

MAYOR-COUNCIL PLAN B

This article is the first variation of the basic mayor-council plan outlined in Article 3. The only variations from the basic plan are:

- (a) Choice as to size of the council which may be of five, seven or nine members.
- (b) Terms of the councilmen are staggered (overlapping); a portion being elected in alternate years.

ARTICLE 5

MAYOR-COUNCIL PLAN C

This article is the second variation of the basic mayor-council plan (Article 3). The two variations are as follows:

- (a) Choice as to size of council which may be of five, seven or nine members.
- (b) The addition of ward representation on the council. In this plan a community may have up to, but not more than, six wards, each having a member of council. In the interest of community-wide representation, councilmen elected at large are also provided under the following combinations:

Where two wards are chosen there shall be three councilmen at large.

Where three wards are chosen there shall be two councilmen at large.

Where four wards are chosen there shall be three councilmen at large.

Where five wards are chosen there shall be four councilmen at large.

Where six wards are chosen there shall be three councilmen at large.

ARTICLE 6

MAYOR-COUNCIL PLAN D

This article supplies the third variation of the basic mayor-council plan (Article 3). The variations are:

- (a) Choice as to the size of the council which may be of five, seven or nine members.
- (b) Ward and at large representation, all as outlined in the preceding Article 5.
- (c) Staggered (overlapping) terms of the council wherein ward representatives and those elected at large are chosen at alternate biennial elections.

ARTICLE 7

MAYOR-COUNCIL PLAN E

This article is the fourth variation of the basic mayor-council plan (Article 3). An important change in approach is contained in this article in that elections are on a partisan fall election basis. The variations are:

- (a) Choice as to the size of council which may be of five, seven or nine members.
- (b) Elections are partisan.
- (c) Terms of councilmen (all elected at large) are staggered (overlapping) a portion being elected in alternate years.

ARTICLE 8

MAYOR-COUNCIL PLAN F

This article is the fifth and final variation of the basic mayor-council plan (Article 3). The variations are:

- (a) Choice as to the size of council which may be of five, seven or nine members.

(b) The addition of ward representation on the council as outlined in Article 5.

(c) Elections are partisan.

(d) Staggered (overlapping) terms of councilmen wherein ward representatives and those elected at large are chosen at alternate biennial elections.

IN BRIEF

The mayor-council or strong mayor plans outlined in articles 3, 4, 5, 6, 7 and 8 constitute a wide selection of variations and alternatives of this basic type of government, including:

Choice as to size of council.

Partisan or non-partisan elections.

Ward with at large or straight at large representation.

Staggered or non-staggered terms of council.

In the chart which follows, these variations, together with those available under the other two basic forms of government proposed in this report, are set out for ready comparison.

The Council-Manager Plans

ARTICLE 9

COUNCIL-MANAGER PLAN A

This article provides for the second basic optional form—a revised version of the council-manager form currently available to New Jersey municipalities. The new plan alters the composition of the council, prevents improper council influence in administration, and modifies the tenure provision for the manager in accordance with the Model City Charter of the National Municipal League. Throughout, the plan adheres to the basic theory of the manager form—that there should be a distinct separation of policy determination and administration.

Council: A municipality adopting this plan shall be governed essentially by an elected council and by its appointed manager. The council shall be a five-member body. Members shall be elected at large for a term of four years at a non-partisan spring election.

Mayor: Council shall select one of its members as mayor. He shall have a voice and vote in the proceedings of council, but shall have no veto.

Powers of Council: The legislative power shall be exercised by the council, which shall also appoint the municipal manager and clerk. It may provide for the manner of appointing the municipal attorney, boards and commissions and shall have the power to create and abolish departments. Prohibited is interference with administrative officers by any councilman with a penalty of forfeiture of the office for violation of this prohibition.

Municipal Manager: Provision is made for the appointment of a fully qualified manager and the fixing of his salary by the council. The manager shall serve at the pleasure of the council. The duties of the manager shall include acting as chief executive official, preparation of the annual budget, appointing all department heads, negotiating contracts, making recommendations to the council, and investigating the affairs of any officer or department.

Municipal Budget: The budget shall be prepared by the manager in accordance with a time schedule and with the provisions of general law.

Appointing Power: The mayor is not permitted to have any appointing power, except in cases involving the appointment of members of the board of education and of the trustees of the public library.

ARTICLE 10

COUNCIL-MANAGER PLAN B

This is the first variation of the basic council-manager plan outlined in Article 9. The variations from the basic form are:

- (a) Choice as to the size of council which may be of five, seven or nine members.
- (b) Terms of the councilmen are staggered (overlapping), a portion being elected in alternate years.

ARTICLE 11

COUNCIL-MANAGER PLAN C

This is the second variation of the basic council-manager plan (Article 9). The variations are as follows:

- (a) Choice as to the size of council which may be of five, seven or nine members.
- (b) The addition of ward representation on the council. In this plan a community may have up to, but not more than, six wards, each having a member of council. In the interest of community-wide representation, councilmen elected at large are also provided under the following combinations:

Where two wards are chosen there shall be three councilmen at large.

Where three wards are chosen there shall be two councilmen at large.

Where four wards are chosen there shall be three councilmen at large.

Where five wards are chosen there shall be four councilmen at large.

Where six wards are chosen there shall be three councilmen at large.

ARTICLE 12

COUNCIL-MANAGER PLAN D

This is the third variation of the basic council-manager plan (Article 9). The variations are as follows:

- (a) Choice as to size of council which may be of five, seven or nine members.
- (b) Ward and at large representation, all as outlined in the preceding Article 11.
- (c) Staggered (overlapping) terms of the council whereunder ward representatives and those elected at large are chosen at alternate biennial elections.

IN BRIEF

The council-manager plans outlined in articles 9, 10, 11 and 12 constitute a wide selection of variations and alternatives of this basic type of government. It should be noted that elections are all non-partisan, this being a fundamental aspect of this

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TRENTON, NEW JERSEY

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form of government as it is used throughout the United States. The variations available under these articles are:

- Choice as to size of council.
- Ward with at large or straight at large representation.
- Staggered or non-staggered terms of council.

In the chart attached these variations, together with those available under the other two basic forms of government proposed in this report, are set out for ready comparison.

The Small Municipality Plans

ARTICLE 13

SMALL MUNICIPALITY PLAN A

The purpose of this article is to meet the need for an improved form of government in New Jersey's hundreds of small communities which does not depart too radically from long-established traditions in borough and township government. Basically, this optional form combines the best elements of the present borough and township plans.

Small Communities: Small communities are defined as those of less than 12,000 population. The governing body shall consist of an elective mayor and two, four or six councilmen as determined by local choice. All are elected at large and at a non-partisan spring election for a three-year term. No other local officials are to be elected.

Mayor and Council: The legislative power is vested in the mayor and council, and the mayor participates and votes as other council members. The mayor has no veto power but is given separate executive power.

Appointing Power: The mayor is to appoint all municipal officers and employees but with the advice and consent of council as to principal officers. The principal officers will be the municipal clerk, treasurer, assessor, tax collector and attorney. One person may be appointed to hold two or more of these offices, except for prescribed incompatible offices. ✕

Administration: A simple system of financial management by the treasurer and tax collector is set forth. The Budget is prepared by the mayor in co-operation with the council.

ARTICLE 14

SMALL MUNICIPALITY PLAN B

This is the first variation of the basic small municipality plan outlined in Article 13. It differs from the basic plan in only one particular. In this variation the mayor is not separately elected, but is chosen from among their number by the council.

ARTICLE 15

SMALL MUNICIPALITY PLAN C

This is the second variation of the basic small municipality plan (Article 13). It differs in two respects as follows:

- (a) Elections are partisan.
- (b) Terms of councilmen are staggered (overlapping).

ARTICLE 16

SMALL MUNICIPALITY PLAN D

This is the third and final variation of the basic small municipality plan and differs from the basic plan in three particulars.

- (a) Partisan fall elections are provided.
- (b) Terms of council are staggered (overlapping).
- (c) The mayor is not separately elected, but is chosen from among their number by the council.

IN BRIEF

The small municipality plans outlined in articles 13, 14, 15 and 16 are deemed suited to communities of 12,000 and less in population. They include choice as to—

- Size of council.
- Partisan or non-partisan elections.
- Separate election or election of the mayor by council.
- Staggered or non-staggered terms.

In the chart attached these variations, together with those available under the other two basic forms of government proposed in this report, are set out for ready comparison.

ARTICLE 17

ADDITIONAL PROVISIONS COMMON TO OPTIONAL PLANS

The purpose of this article is to bring together certain standard provisions which are in effect made part of each optional plan. These standard sections cover the subjects of elections, officers and employees, the recall, local legislation, initiative and referendum, the creation of wards where this type of option is chosen, and succession in government.

Elections: Provides for the manner of electing municipal officials. In non-partisan elections under the mayor-council and council-manager plans, a run off election is provided whenever the candidate for mayor or ward councilman or a required number of candidates for councilmen at large do not receive a majority of the votes cast. These run off provisions are inserted to insure that elected mayors, and, at least a required number of councilmen, are representative of a majority of those voting at the final election.

Initiative, Referendum and Recall: Standard provisions are provided for the use of these important tools of local self-government.

Local Legislation: Outlines procedures relating to the adoption of local laws.

Wards: This section deals with the procedures for establishing wards where an optional charter is selected calling for ward representation on the council. There is further provision for a decennial review of ward boundaries.

Succession in Government: Herein is outlined the steps to be taken after adoption of one of the optional charters. Generally, election of officers follows at the next regular election in November following adoption of a partisan type plan and at the next regular municipal election in May following adoption of a non-partisan type plan. Provision is made for the continuance of all ordinances and resolutions not inconsistent with the new form of government; for the termination of offices existing under prior charters and for protecting the tenure of certain officers such as policemen, firemen,

teachers, and any other person protected by Title 11 of the Revised Statutes (Civil Service) or by any other tenure of office law.

The Optional Municipal Key Positions Law

This act is not a part of the Optional Municipal Charter Law, but is a separate act available to such communities as may desire to adopt it. The act may, however, be recommended by the charter commission provided for under the Optional Municipal Charter Law and if so recommended is voted upon by the electorate at a referendum. It may also be submitted at a referendum upon the petition of 10% of the registered voters of any municipality.

The act creates a Committee on Certification consisting of four municipal officials appointed by the Governor, and the Director of the State Division of Local Government, *ex officio*.

Certain important offices are defined as key positions and persons occupying these positions may not acquire such tenure as may be provided by State law without having first obtained from the committee a certificate of qualification, which any such key officer may obtain pursuant to the provisions of this act after five years of service.

**DESCRIPTIVE SCHEDULE OF CERTAIN ASPECTS OF OPTIONAL FORMS OF GOVERNMENT
REPORT TO GOVERNOR AND LEGISLATURE, FEBRUARY, 1950**

Article	Type	Partisan or Non-Partisan Elections	Officers, When Elected	Mayor	COUNCIL					
					Size of Council	Staggered or Non-Staggered Terms	Elected At Large or by Wards and At Large	Initial Term	Term Thereafter	
MAYOR-COUNCIL										
3	Plan A	Non	2nd Tues., May	Elected At Large For a	5	Non	At Large	Four Years	Four Years	
4	Plan B	Non	2nd Tues., May		5, 7 or 9	Staggered	At Large	Two and Four	Four Years	
5	Plan C	Non	2nd Tues., May		5, 7 or 9	Non	Wards and At Large	Four	Four Years	
6	Plan D	Non	2nd Tues., May		Four	5, 7 or 9	Staggered	Wards and At Large	Two and Four	Four Years
7	Plan E	Partisan	Regular Election November		Year	5, 7 or 9	Staggered	At Large	Two and Four	Four Years
8	Plan F	Partisan	Regular Election November	Term	5, 7 or 9	Staggered	Wards and At Large	Two and Four	Four Years	
COUNCIL-MANAGER										
9	Plan A	Non	2nd Tues., May	Elected By The Council	5	Non	At Large	Four Years	Four Years	
10	Plan B	Non	2nd Tues., May		5, 7 or 9	Staggered	At Large	Two and Four	Four Years	
11	Plan C	Non	2nd Tues., May		5, 7 or 9	Non	Wards and At Large	Four Years	Four Years	
12	Plan D	Non	2nd Tues., May		Council	5, 7 or 9	Staggered	Wards and At Large	Two and Four	Four Years
SMALL MUNICIPALITY										
13	Plan A	Non	2nd Tues., May	Elected At Large for 3 Years	3, 5 or 7	Non	At Large	Three Years	Three Years	
14	Plan B	Non	2nd Tues., May	Elected by the Council	3, 5 or 7	Non	At Large	Three Years	Three Years	
15	Plan C	Partisan	Regular Election November	Elected At Large for 3 Years	3, 5 or 7	Staggered	At Large	One and Two	Three Years	
16	Plan D	Partisan	Regular Election November	Elected by the Council	3, 5 or 7	Staggered	At Large	One Two and Three	Three Years	

NOTES—IN THE MAYOR-COUNCIL AND COUNCIL-MANAGER PLANS.

Where staggered at large plans are chosen, the initial term of individual councilmen is determined by lot with the minority serving for two years and the majority for four years. All elections thereafter biennially for four years.

Where the staggered, ward-at large plans are chosen, the initial term of the ward representatives would be for two years and the at large representatives for four years. Thereafter biennially for four years.

IN THE SMALL MUNICIPALITY PLANS.

Under Plan C, the separately elected mayor's term is for three years and the initial term of individual councilmen is determined by lot with a minority for one year and the majority for two years. All elections thereafter are for three year terms.

PART II

Proposed Optional Municipal Charter Law

ARTICLE I

PROCEDURE FOR ADOPTION OF OPTIONAL CHARTER PLANS
A. Charter Commission

1-1. Whenever authorized by resolution of the governing body or upon petition of the registered voters of any municipality, an election shall be held in the municipality upon the question: "Shall a charter commission be elected to study the charter of and to consider a new charter or improvements in the present charter and to make recommendations thereon?" The petition calling for such election shall be signed by registered voters equal in number to the following per centum of the number of valid votes cast in the municipality at the last preceding election for members of the General Assembly:

- (a) twenty per centum (20%) in municipalities of 12,000 or less inhabitants;
- (b) fifteen per centum (15%) in municipalities of more than 12,000 and less than 100,000 inhabitants;
- (c) ten per centum (10%) in municipalities of 100,000 or more inhabitants.

In either event, the municipal clerk shall provide for the submission of the question and for the election of a charter commission at the next general or regular municipal election, occurring not less than seventy-five days after the adoption of the resolution or the filing of the petition with the clerk. At the election the question above stated shall be submitted as other public questions are submitted to the voters of a single municipality.

1-2. A charter commission of five members shall be elected by the qualified voters at the same time as the public question is submitted. Only nominated candidates for the office of charter

commissioner shall be placed upon the ballot containing the public question in the same manner as is provided by law for candidates nominated by petition for other officers elective by the people of a single municipality, except that they shall be listed without any designation or slogan. Each voter shall be instructed to vote on the question and, regardless of the manner of his vote on the question, to vote for five members of a charter commission who shall serve if the question is determined in the affirmative.

1-3. Candidates for the charter commission shall be registered voters of the municipality. They may be nominated by petition signed by at least one per centum (1%), but not less than ten, of the registered voters of the municipality, and filed with the municipal clerk not less than sixty days prior to the date of the election.

(a) Each nominating petition shall set forth the names, places of residence, and post-office addresses of the candidate or candidates thereby nominated, that the nomination is for the office of charter commissioner and that the petitioners are legally qualified to vote for such candidate or candidates. Every voter signing a nominating petition shall add to his signature, his place of residence, post-office address and street number, if any. No voter shall sign a petition or petitions for more than five candidates.

(b) Each nominating petition shall, before it may be filed with the municipal clerk, contain an acceptance of such nomination in writing, signed by the candidate or candidates therein nominated, upon or annexed to such petition, or if the same person or persons be named in more than one petition, upon or annexed to one of such petitions. Such acceptance shall certify that the candidate is a registered voter of the municipality, that the nominee consents to stand as a candidate at the election and that if elected he agrees to take office and serve.

(c) Each nominating petition shall be verified by an oath or affirmation of one or more of the signers thereof, taken and subscribed before a person qualified under the laws of New Jersey to administer an oath, to the effect that the petition was signed by each of the signers thereof in his proper handwriting, that the signers are, to the best knowledge and belief of the

affiant, registered voters of the municipality, and that the petition is prepared and filed in good faith for the sole purpose of endorsing the person or persons named therein for election as stated in the petition.

1-4. The result of the votes cast for and against the adoption of the public question shall be returned by the election officers, and a canvass of such election had, as is provided by law in the case of other public questions put to the voters of a single municipality. The votes cast for members of the charter commission shall be counted, and the result thereof returned by the election officers, and a canvass of such election had as is provided by law in the case of the election of members of the local governing body. The five candidates receiving the greatest number of votes shall be elected and shall constitute the charter commission, provided that if a majority of those voting on the public question shall vote against the election of a charter commission, none of the candidates shall be elected. If two or more candidates shall be equal and greatest in votes they shall draw lots to determine which one shall be elected.

1-5. As soon as possible and in any event no later than fifteen days after its election, the charter commission shall organize and hold its first meeting and elect one of its members as chairman, fix its hours and place of meeting, and adopt such rules for the conduct of its business as it may deem necessary and advisable. A majority of the members of said commission shall constitute a quorum for the transaction of business but no recommendation of said commission shall have any legal effect pursuant to sections 1-15 and 1-16 of this act unless adopted by a majority of the whole number of the members of the commission.

1-6. Any vacancy occurring in the charter commission shall be filled by the unsuccessful candidate receiving the greatest number of votes in the charter commission election who shall be available to fill such vacancy. In the event that the vacancy cannot be filled in this manner, the remaining members of the charter commission shall appoint some other properly qualified citizen.

1-7. It shall be the function and duty of the charter commission to study the form of government of the municipality, to compare it with other available forms under the laws of this State, to determine whether or not in its judgment the government of the municipality could be strengthened, made more clearly responsive or accountable to the people or whether its operation could be more economical or efficient, under a changed form of government.

1-8. Members of the charter commission shall serve without compensation but shall be reimbursed by the municipality for their necessary expenses incurred in the performance of their duties.

Within the limits of such appropriations and privately contributed funds and services as shall be made available to it, the charter commission may appoint one or more consultants and clerical and other assistants to serve at the pleasure of the commission and may fix a reasonable compensation to be paid such consultants and clerical and other assistants.

1-9. The charter commission shall hold public hearings, may hold private hearings and sponsor public forums and generally shall provide for the widest possible public information and discussion respecting the purposes and progress of its work.

1-10. The charter commission shall report its findings and recommendations to the citizens of the municipality within nine calendar months from the date of its election. It shall publish or cause to be published sufficient copies of its report for public study and information and shall deliver to the municipal clerk sufficient copies of the report to supply it to any interested citizen upon request. If the charter commission shall recommend the adoption of any of the optional plans of government as authorized in sections 1-12 (a) or 1-13, the report shall contain the complete plan as recommended.

1-11. The charter commission shall be discharged upon the filing of its report; *provided*, that if the commission's recommendations require further procedure on the part of the governing body or the people of the municipality pursuant to section 1-15 or 1-16 of this act, the commission shall not be discharged

until the procedure required under those sections has been finally concluded.

1-12. The charter commission may report and recommend:

(a) that a referendum shall be held to submit to the qualified voters of the municipality the question of adopting one of the optional forms of government authorized in articles 3 through 16, inclusive, of this act, to be specified by the commission; or

(b) that the governing body shall petition the Legislature for the enactment of a special charter or for one or more specific amendments of or to the charter of the municipality, the text of which shall be appended to the charter commission's report pursuant to Article IV, Sec. VII, Par. 10, of the Constitution of 1947 and to the enabling legislation enacted thereunder to the extent that such legislation is not inconsistent herewith; or

(c) that the form of government of the municipality shall remain unchanged; or

(d) such other action as it may deem advisable consistent with its functions as set forth in section 1-7 of this article.

1-13. (a) If the charter commission shall recommend the adoption of any of the optional forms of government set forth in articles 4, 5, 6, 7, 8, 10, 11 or 12 of this act, it may also specify that the municipal council shall consist of seven or nine members instead of five members as provided in said articles; or if the charter commission shall recommend the adoption of any of the optional forms of government set forth in articles 13, 14, 15 or 16 of this act, it may also specify that the council shall consist of five or seven members instead of three members as provided in said articles.

(b) If the charter commission shall recommend the adoption of any of the optional forms of government set forth in articles 5, 6, 8, 11 or 12 of this act it may further specify that the municipality shall be divided into three, four, five or six wards instead of two wards as provided in said articles within the limitations hereinafter provided:

(1) where the council is to consist of five members, the municipality may be divided into three wards;

(2) where the charter commission specifies that the council shall consist of seven members, the municipality shall be divided into four wards; and

(3) where the charter commission specifies that the council shall consist of nine members, the municipality shall be divided into five or six wards.

1-14. The question to be submitted to the voters for the adoption of any of the optional plans of government authorized by articles 3 through 16, inclusive, of this act, including any of the alternatives contained in section 1-13 of this act shall be submitted in the following form or such part thereof as shall be applicable:

“Shall of the
(insert name of plan)
Optional Municipal Charter Law, providing for (a division of the municipality into wards, with)
(insert number)
..... councilmen, (one to be elected from each
(insert number)
ward and to be elected at large) be
(insert number)
adopted by?”
(insert name of municipality)

1-15. If the charter commission shall recommend that the question of adopting one of the optional forms of government authorized by articles 3 through 16, inclusive, of this act shall be submitted to the voters of the municipality, it shall be the duty of the municipal clerk to cause the question of adoption or rejection to be placed upon the ballot at such time as the commission shall in its report specify. The commission may cause the question to be submitted to the people at the next general or regular municipal election, occurring not less than sixty days following the filing of a copy of the commission's report with the clerk, or at a special election occurring not less than sixty days or more than one hundred twenty days after the filing of the report, at such time as the commission's report shall direct. At such election the question of adopting that form of government recommended by the charter commission shall be submitted to the voters of the municipality in the same man-

ner as other public questions to be voted upon by the voters of a single municipality. The charter commission shall frame the question to be placed upon the ballot as provided in section 1-14 and, if it deems appropriate, an interpretative statement to accompany such question.

1-16. If the charter commission shall propose a special charter or specific amendment or amendments of or to the existing charter of the municipality, it shall be the duty of the governing body of the municipality to forthwith petition the Legislature for a special law or laws, pursuant to the Constitution of 1947 and in the manner provided by general enabling legislation thereunder, to carry out the recommendations of the charter commission.

1-17. When a resolution or petition for the election of a charter commission has been duly filed with the municipal clerk, no other such resolution or petition may be filed while proceedings are pending pursuant to an ordinance passed or petition filed pursuant to statute for the adoption of any other charter or form of government available to the municipality.

B. Procedure by Petition and Referendum

1-18. The legally qualified voters of any municipality may adopt any of the optional plans provided in articles 3 through 16, inclusive, of this act upon petition and referendum, without a charter commission, as hereinafter provided.

1-19. Upon petition of the registered voters of any municipality, an election shall be held in the municipality upon the question of adopting any of the optional plans of government provided in articles 3 through 16, inclusive, of this act. The petition calling for such election shall be signed by registered voters equal in number to the following per centum of the number of valid votes cast in the municipality at the last preceding election for members of the General Assembly:

- (a) twenty per centum (20%) in municipalities of 12,000 or less inhabitants;
- (b) fifteen per centum (15%) in municipalities of more than 12,000 and less than 100,000 inhabitants;
- (c) ten per centum (10%) in municipalities of 100,000 or more inhabitants.

The petition shall designate the plan to be voted upon, which may include any of the alternatives provided in section 1-13 of this article and the question to be placed upon the ballot shall be in the same form as is required by section 1-14 of this article.

1-20. The municipal clerk shall provide for the submission of the question at the next general or regular municipal election if one is to be held not less than sixty days nor more than one hundred twenty days after the filing of the petition, and if a general or regular municipal election is not to be held within that time, at a special election within such time. The question of adoption of an optional plan of government shall be submitted to the voters of the municipality in the same manner as other public questions to be voted upon by the voters of a single municipality.

1-21. No petition for submission of the question of adopting an optional plan of government pursuant to this act may be filed while proceedings are pending pursuant to an ordinance passed or petition filed pursuant to statute for the adoption of any other charter or form of government available to the municipality.

C. Provisions Applicable to All Referenda on Charter Changes

1-22. Whenever the legally qualified voters of any municipality by a majority of those voting on the question, vote in favor of adopting a change in their form of government pursuant to this act, either by the charter commission method or by direct petition and referendum, the proposed charter or charter amendment or amendments shall take effect according to its terms.

1-23. The voters of any municipality which has adopted an optional form of government pursuant to this act may not vote on the question of adopting another form of government until five years thereafter.

1-24. Wherever the qualified voters of a municipality have not adopted a special charter or any optional form of government pursuant to this act and have not voted on the question of electing a charter commission, subsequent to the effective date

of this act and prior to the seventy-fifth day preceding the general election in the year 1959, the municipal clerk shall place the charter commission question upon the ballot in the general election in the year 1959. The question shall be submitted to the voters in the same manner as if a petition of qualified voters for submission of the question had been duly filed pursuant to this article on the seventy-fifth day preceding such general election. If a majority of those voting thereon vote in favor of a charter commission, members of the commission shall be nominated and elected at the next general or regular municipal election, in the manner otherwise provided by this article for the election of charter commissioners.

1-25. For the purposes of this act each of the optional forms of government provided in articles 3 through 16, inclusive, of this act, and each of said optional forms as modified by any available provisions concerning size of council and number of wards, is hereby declared to be a complete and separate form of government provided by the Legislature for submission to the voters of the municipality.

ARTICLE 2

INCORPORATION AND POWERS

2-1. Upon the adoption by the qualified voters of any municipality of any of the optional forms of government set forth in this act, the municipality shall thereafter be governed by the plan adopted, by the provisions of this act common to optional plans and by all applicable provisions of general law, subject to the transitional provisions of article 17 of this act.

2-2. Upon such adoption of a plan under this act, the inhabitants of any municipality or municipalities within the corporate limits as now or hereafter established shall be and remain a body corporate and politic with perpetual succession, and with such corporate name as it has heretofore adopted or may hereafter adopt.

2-3. For the purposes of this act, a "general law" shall be deemed to be any law or provision of law, not inconsistent with this act, heretofore or hereafter enacted which is by its terms

applicable or available to all municipalities, and the following additional laws whether or not such additional laws are so applicable or available to all municipalities: legislation relating to taxation, local courts, education, health, public authorities serving more than one municipality, and municipalities in unsound financial condition.

2-4. Each municipality governed by an optional form of government pursuant to this act shall, subject to the provisions of this act or other general laws, have full power to:

(a) organize and regulate its internal affairs, and to establish, alter, and abolish offices, positions and employments and to define the functions, powers and duties thereof and fix their term, tenure and compensation;

(b) adopt and enforce local police ordinances of all kinds and impose penalties of fine not exceeding five hundred dollars or imprisonment for any term not exceeding ninety days or both for the violation thereof; to construct, acquire, operate or maintain any and all public improvements, projects or enterprises for any public purpose, subject to referendum requirements otherwise imposed by law, and to exercise all powers of local government in such manner as its governing body may determine;

(c) sue and be sued, to have a corporate seal, to contract and be contracted with, to buy, sell, lease, hold and dispose of real and personal property, to appropriate and expend moneys, and to adopt, amend and repeal such ordinances and resolutions as may be required for the good government thereof;

(d) exercise powers of condemnation, borrowing and taxation in the manner provided by general law.

2-5. The general grant of municipal power contained in this article is intended to confer the greatest power of local self-government consistent with the Constitution of this State. Any specific enumeration of municipal powers contained in this act or in any other general law shall not be construed in any way to limit the general description of power contained in this article, and any such specifically enumerated municipal powers shall be construed as in addition and supplementary to the powers conferred in general terms by this article. All grants of municipal

power to municipalities governed by an optional plan under this act, whether in the form of specific enumeration or general terms, shall be liberally construed, as required by the Constitution of this State, in favor of the municipality.

ARTICLE 3

MAYOR-COUNCIL PLAN A

A. *Form of Government*

3-1. The form of government provided in this article shall be known as the "mayor-council plan A" and shall, together with articles 2 and 17, govern any municipality the voters of which have adopted it pursuant to this act.

3-2. Each municipality hereunder shall be governed by an elected council, and an elected mayor and by such other officers and employees as may be duly appointed pursuant to this article, general law or ordinance.

B. *Elected Officials*

3-3. The mayor shall be elected by the voters of the municipality at a regular municipal election, and shall serve for a term of four years beginning on the first day of July next following his election.

3-4. The council shall consist of five members who shall be elected at large by the voters of the municipality at a regular municipal election and shall serve for a term of four years beginning on the first day of July next following their election.

3-5. Vacancies in any elective office shall be filled by election for the remainder of the unexpired term at the next general election occurring not less than sixty days after the occurrence of the vacancy. Such election to fill a vacancy shall be upon direct nomination by petition in the manner provided by law for the filling of vacancies in municipal offices where candidates are nominated by direct petition for a general election. Council shall fill such vacancies temporarily by appointment to serve until the qualification of a person so elected.

C. Council

3-6. The legislative power of the municipality shall be exercised by the municipal council, except as may be otherwise provided by general law.

3-7. The council, in addition to such other powers and duties as may be conferred upon it by this charter or otherwise by general law, may:

(a) require any municipal officer, in its discretion, to prepare and submit sworn statements regarding his official duties in the performance thereof, and otherwise to investigate the conduct of any department, office or agency of the municipal government;

(b) remove any municipal officer, other than the mayor or a member of council, for cause, upon notice and an opportunity to be heard.

3-8. The council shall appoint a municipal clerk, who shall serve as clerk of the council, keep its minutes and records of its proceedings, maintain and compile its ordinances and resolutions as this act requires, and perform such functions as may be required by law. The municipal clerk shall, prior to his appointment, have been qualified by training or experience to perform the duties of the office.

D. Mayor and Administration

3-9. The executive power of the municipality shall be exercised by the mayor.

3-10. The mayor shall enforce the charter and ordinances of the municipality and all general laws applicable thereto. He shall annually report to the council and the public on the work of the previous year and on the condition and requirements of the municipal government and shall from time to time make such recommendations for action by the council as he may deem in the public interest. He shall supervise all of the departments of the municipal government and shall require each department to make an annual and such other reports of its work as he may deem desirable.

3-11. (a) Ordinances adopted by the council shall be submitted to the mayor, and he shall within ten days after receiving any ordinance, either approve the ordinance by affixing his signature thereto or return it to the council by delivering it to the municipal clerk together with a statement setting forth his objections thereto or to any item or part thereof. No ordinance or any item or part thereof shall take effect without the mayor's approval, unless the mayor fails to return an ordinance to the council within ten days after it has been presented to him, or unless council upon reconsideration thereof on or after the third day following its return by the mayor shall by a vote of two-thirds of the members resolve to override the mayor's veto.

(b) The mayor may attend meetings of council and may take part in discussions of council but shall have no vote except in the case of a tie on the question of filling a vacancy in the council, in which case he may cast the deciding vote.

3-12. The mayor shall designate the business administrator, any other department head, or the municipal clerk to act as mayor whenever the mayor shall be prevented by absence from the municipality, disability or other cause from attending to the duties of his office. During such time the person so designated by the mayor shall possess all the rights, powers, and duties of mayor. Whenever the mayor shall have been unable to attend to the duties of his office for a period of sixty consecutive days for any of the above stated reasons, an acting mayor shall be appointed by the council, who shall succeed to all the rights, powers and duties of the mayor or the then acting mayor.

3-13. (a) The municipality shall have a department of administration and such other departments, not exceeding nine in number, as council may establish by ordinance. All of the administrative functions, powers and duties of the municipality shall be allocated and assigned among and within such departments.

(b) Each department shall be headed by a director, who shall be appointed by the mayor with the advice and consent of the council. Each department head shall serve during the term of office of the mayor appointing him, and until the appointment and qualification of his successor.

(c) The mayor may in his discretion remove any department head after notice and an opportunity to be heard. Prior to removing a department head the mayor shall first file written notice of his intention with the council, and such removal shall become effective on the twentieth day after the filing of such notice unless the council shall prior thereto have adopted a resolution by a two-thirds vote of the whole number of the council, disapproving the removal.

(d) Department heads shall appoint subordinate officers and employees within their respective departments and may, with approval of the mayor, remove such officers and employees subject to the provisions of the Revised Statutes, Title 11, Civil Service, where that title is effective in the municipality, or other general law; provided, however, that council may provide by ordinance for the appointment and removal of specific boards or commissions by the mayor.

3-14. The department of administration shall be headed by a director who shall be known and designated as business administrator. He shall be chosen solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the municipality or State, but during his tenure of office he may reside outside the municipality only with the approval of council. He shall have, exercise and discharge the functions, powers and duties of the department. The department, under the direction and supervision of the mayor shall:

- (a) assist in the preparation of the budget;
- (b) administer a centralized purchasing system;
- (c) be responsible for the development and administration of a sound personnel system; and
- (d) perform such other duties as council may prescribe.

E. Budget and Control

3-15. The municipal budget shall be prepared by the mayor with the assistance of the business administrator. During the month of November, the mayor shall require all department

heads to submit requests for appropriations for the ensuing budget year, and to appear before the mayor or the business administrator at public hearings, which shall be held during that month, on the various requests.

3-16. On or before the fifteenth day of January the mayor shall submit to council his recommended budget together with such explanatory comment or statement as he may deem desirable. The budget shall be in such form as is required by law for municipal budgets, and shall in addition have appended thereto a detailed analysis of the various items of expenditure and revenue. Council may reduce any item or items in the mayor's budget by a vote of a majority of the council, but an increase in any item or items therein shall become effective only upon an affirmative vote of two-thirds of the members of council.

3-17. The council shall where practicable provide for the maintenance of a system of work programs and quarterly allotments, for operation of the budget. It shall be the duty of the officer or department administering any such program to develop and report appropriate unit costs of budgeted expenditures.

3-18. The council shall provide by ordinance for the exercise of a control function, in the management of the finances of the municipality, by some officer other than the business administrator. The control function shall include provision for an encumbrance system of budget operation, for expenditures only upon written requisition, for the pre-audit of all claims and demands against the municipality prior to payment, and for the control of all payments out of any public funds by individual warrants for each payment to the official having custody thereof.

ARTICLE 4

MAYOR-COUNCIL PLAN B

4-1. The form of government provided in this article shall be known as the "mayor-council plan B" and shall, together with articles 2 and 17 and sections 3-6 through 3-18, inclusive, of article 3, govern any municipality the voters of which have adopted it pursuant to this act.

4-2. Each municipality hereunder shall be governed by an elected council, and an elected mayor and by such other officers and employees as may be duly appointed pursuant to this article, general law or ordinance.

4-3. The mayor shall be elected by the voters of the municipality at a regular municipal election, and shall serve for a term of four years beginning on the first day of July next following his election.

4-4. The council shall consist of five members, unless pursuant to the authority granted under sections 1-13 or 1-19 of article 1 of this act, the municipality shall be governed by a council of seven or nine members. Members of the council shall be elected at large by the voters of the municipality at a regular municipal election and shall serve for a term of four years, except as hereinafter provided for those first elected, beginning on the first day of July next following their election.

4-5. At the first election as provided in article 17 of this act, following the adoption by a municipality of this plan, five, seven, or nine councilmen as provided in section 4-4 of this article shall be elected and shall serve for the following terms: if the municipal council is to consist of five members, two shall serve for four years and three for two years; if the municipal council is to consist of seven members, three shall serve for four years and four for two years; if the municipal council is to consist of nine members, four shall serve for four years and five for two years. The length of the term of the respective members of the first council shall be determined by lot immediately upon the organization of the council next following the election.

4-6. Vacancies in any elective office shall be filled by election for the remainder of the unexpired term at the next general or regular municipal election occurring not less than sixty days after the occurrence of the vacancy. Whenever such election to fill a vacancy shall be at the general election, the nomination of candidates shall be by petition in the manner provided by law for the filling of vacancies in municipal offices where candidates are nominated by direct petition for a general election. Council shall fill vacancies temporarily by appointment to serve until the qualification of a person so elected.

ARTICLE 5

MAYOR-COUNCIL PLAN C

5-1. The form of government provided in this article shall be known as the "mayor-council plan C" and shall, together with articles 2 and 17 and sections 3-6 through 3-18, inclusive, of article 3, govern any municipality the voters of which have adopted it pursuant to this act.

5-2. Each municipality hereunder shall be governed by an elected council, and an elected mayor and by such other officers and employees as may be duly appointed pursuant to this article, general law or ordinance.

5-3. The municipality shall be divided into two wards unless pursuant to the authority granted under sections 1-13 or 1-19 of article 1 of this act, the municipality is to consist of from three to six wards.

5-4. The mayor shall be elected by the voters of the municipality at a regular municipal election, and shall serve for a term of four years beginning on the first day of July next following his election.

5-5. The council shall consist of five members, unless pursuant to the authority granted under sections 1-13 or 1-19 of article 1 of this act, the municipality shall be governed by a council of seven or nine members. Councilmen shall serve for a term of four years beginning on the first day of July next following their election. They shall be elected at large and by wards at a regular municipal election in the following manner:

(a) in a municipality having two wards and five councilmen, one councilman shall be elected from each ward and three at large;

(b) in a municipality having three wards and five councilmen, one councilman shall be elected from each ward and two at large;

(c) in a municipality having four wards and seven councilmen, one councilman shall be elected from each ward and three at large;

(d) in a municipality having five wards and nine councilmen, one councilman shall be elected from each ward and four at large;

(e) in a municipality having six wards and nine councilmen, one councilman shall be elected from each ward and three at large.

5-6. Vacancies in any elective office shall be filled by election for the remainder of the unexpired term at the next general election occurring not less than sixty days after the occurrence of the vacancy. Such election to fill a vacancy shall be upon direct nomination by petition in the manner provided by law for the filling of vacancies in municipal offices where candidates are nominated by direct petition for a general election. Council shall fill vacancies temporarily by appointment to serve until the qualification of a person so elected.

ARTICLE 6

MAYOR-COUNCIL PLAN D

6-1. The form of government provided in this article shall be known as the "mayor-council plan D" and shall, together with articles 2 and 17 and sections 3-6 through 3-18, inclusive, of article 3, govern any municipality the voters of which have adopted it pursuant to this act.

6-2. Each municipality hereunder shall be governed by an elected council, and an elected mayor and by such other officers and employees as may be duly appointed pursuant to this article, general law or ordinance.

6-3. The municipality shall be divided into two wards unless pursuant to the authority granted under sections 1-13 or 1-19 of article 1 of this act, the municipality is to consist of from three to six wards.

6-4. The mayor shall be elected by the voters of the municipality at a regular municipal election, and shall serve for a term of four years beginning on the first day of July next following his election.

6-5. The council shall consist of five members, unless pursuant to the authority granted under sections 1-13 or 1-19 of article 1 of this act, the municipality shall be governed by a council of seven or nine members. Councilmen shall serve for

a term of four years, except as hereinafter provided for those first elected, beginning on the first day of July next following their election. They shall be elected at large and by wards at regular municipal elections in the following manner:

(a) in a municipality having two wards and five councilmen, one councilman shall be elected from each ward and three at large;

(b) in a municipality having three wards and five councilmen, one councilman shall be elected from each ward and two at large;

(c) in a municipality having four wards and seven councilmen, one councilman shall be elected from each ward and three at large;

(d) in a municipality having five wards and nine councilmen, one councilman shall be elected from each ward and four at large;

(e) in a municipality having six wards and nine councilmen, one councilman shall be elected from each ward and three at large.

6-6. At the first election as provided in article 17 of this act, following the adoption by a municipality of this plan, five, seven or nine councilmen as provided in section 6-5 of this article, shall be elected. The councilmen elected at large shall serve for a term of four years and the councilmen elected from wards, for a term of two years.

6-7. Vacancies in any elective office shall be filled by election for the remainder of the unexpired term at the next general or regular municipal election occurring not less than sixty days after the occurrence of the vacancy. Whenever such election to fill a vacancy shall be at the general election, the nomination of candidates shall be by petition in the manner provided by law for the filling of vacancies in municipal offices where candidates are nominated by direct petition for a general election. Council shall fill vacancies temporarily by appointment to serve until the qualification of a person so elected.

ARTICLE 7

MAYOR-COUNCIL PLAN E

7-1. The form of government provided in this article shall be known as the "mayor-council plan E" and shall, together with articles 2 and 17 and sections 3-6 through 3-18, inclusive, of article 3, govern any municipality the voters of which have adopted it pursuant to this act.

7-2. Each municipality hereunder shall be governed by an elected council, and an elected mayor and by such other officers and employees as may be duly appointed pursuant to this article, general law or ordinance.

7-3. The mayor shall be elected by the voters of the municipality at the general election to be held on the first Tuesday after the first Monday in November or at such other times as may be provided by law for holding general elections, and shall serve for a term of four years beginning on the first day of January next following his election.

7-4. The council shall consist of five members, unless pursuant to the authority granted under sections 1-13 or 1-19 of article 1 of this act, the municipality shall be governed by a council of seven or nine members. Members of the council shall be elected at large by the voters of the municipality at the general election to be held on the first Tuesday after the first Monday in November or at such other time as may be provided by law for holding general elections and shall serve for a term of four years, except as hereinafter provided for those first elected, beginning on the first day of January next following their election.

7-5. At the first election as provided in article 17 of this act, following the adoption by a municipality of this plan, five, seven or nine councilmen, as provided in section 7-4 of this article, shall be elected and shall serve for the following terms: if the municipal council is to consist of five members, two shall serve for four years and three for two years; if the municipal council is to consist of seven members, three shall serve for four years and four for two years; if the municipal council is to consist of nine members, four shall serve for four years and five for two

years. The length of the term of the respective members of the first council shall be determined by lot immediately after the organization of the council next following the election.

7-6. Vacancies in any elective office shall be filled for the remainder of the unexpired term at the next general election to be held not less than sixty days after the occurrence of the vacancy. The council shall fill the vacancy temporarily by appointment to serve until the qualification of the person so elected. Any person appointed to fill a vacancy shall be a member of the same political party as the prior incumbent.

ARTICLE 8

MAYOR-COUNCIL PLAN F

8-1. The form of government provided in this article shall be known as the "mayor-council plan F" and shall, together with articles 2 and 17 and sections 3-6 through 3-18, inclusive, of article 3, govern any municipality the voters of which have adopted it pursuant to this act.

8-2. Each municipality hereunder shall be governed by an elected council, and an elected mayor and by such other officers and employees as may be duly appointed pursuant to this article, general law or ordinance.

8-3. The municipality shall be divided into two wards unless pursuant to the authority granted under sections 1-13 or 1-19 of article 1, of this act, the municipality is to consist of from three to six wards.

8-4. The mayor shall be elected by the voters of the municipality at the general election to be held on the first Tuesday after the first Monday in November or at such other times as may be provided by law for holding general elections, and shall serve for a term of four years beginning on the first day of January next following his election.

8-5. The council shall consist of five members, unless pursuant to the authority granted under sections 1-13 or 1-19 of article 1 of this act, the municipality shall be governed by a council of seven or nine members. Members of the council shall

serve for a term of four years, except as hereinafter provided for those first elected, beginning on the first day of January next following their election. They shall be elected at large and by ward at the general election to be held on the first Tuesday after the first Monday in November or at such other time as may be provided by law for holding general elections in the following manner:

(a) in a municipality having two wards and five councilmen, one councilman shall be elected from each ward and three at large;

(b) in a municipality having three wards and five councilmen, one councilman shall be elected from each ward and two at large;

(c) in a municipality having four wards and seven councilmen, one councilman shall be elected from each ward and three at large;

(d) in a municipality having five wards and nine councilmen, one councilman shall be elected from each ward and four at large;

(e) in a municipality having six wards and nine councilmen, one councilman shall be elected from each ward and three at large.

8-6. At the first election as provided in article 17 of this act, following the adoption by a municipality of this plan, five, seven or nine councilmen, as provided in section 8-5 of this article, shall be elected. The councilmen elected at large shall serve for a term of four years and the councilmen elected from wards, for a term of two years.

8-7. Vacancies in any elective office shall be filled for the remainder of the unexpired term at the next general election to be held not less than sixty days after the occurrence of the vacancy. The council shall fill the vacancy temporarily by appointment to serve until the qualification of the person so elected. Any person appointed to fill a vacancy shall be a member of the same political party as the prior incumbent.

ARTICLE 9

COUNCIL-MANAGER PLAN A

A. *Form of Government; Election of Councilmen*

9-1. The form of government provided in this article shall be known as the "council-manager plan A" and shall, together with articles 2 and 17, govern any municipality, the voters of which have adopted this plan pursuant to this act.

9-2. Each municipality under this article shall be governed by an elected council and by an appointed municipal manager, and by such other officers and employees as may be duly appointed pursuant to this article, general law or ordinance.

9-3. The municipal council shall consist of five members, who shall serve for a term of four years, beginning on the first day of July next following their election.

9-4. Members of the municipal council shall be elected at large by the voters of the municipality, at a regular municipal election.

9-5. Vacancies in the council shall be filled by election for the remainder of the unexpired term at the next general election occurring not less than sixty days after the occurrence of the vacancy. Such election to fill a vacancy shall be upon direct nomination by petition in the manner provided by law for the filling of vacancies in municipal offices where candidates are nominated by direct petition for a general election. Council shall fill the vacancy temporarily by appointment to serve until the qualification of a person so elected.

B. *Council*

9-6. On the first day of July following their election, the members elect of the municipal council shall assemble at the usual place of meeting of the governing body of the municipality and organize and elect one of their number as mayor. The mayor shall be chosen by ballot by majority vote of all members of the municipal council. If the members shall be unable, within five ballots to be taken within two days of said organization meeting, to elect a mayor, then the member who in the election

for members of the municipal council received the greatest number of votes shall be the mayor. Should such person decline to accept the office, then the person receiving the next highest vote shall be the mayor, and so on, until the office is filled.

9-7. The mayor shall preside at all meetings of the municipal council and shall have a voice and vote in its proceedings. He shall fill vacancies occurring in the trustees of the public library and in the board of education where the municipality is operating under chapter 6 of Title 18 of the Revised Statutes for such terms of office as are provided by law. All bonds, notes, contracts and written obligations of the municipality shall be executed on its behalf by the mayor or, in the event of his inability to act, by such councilman as the municipal council shall designate to act as mayor during his absence or disability. The powers and duties of the mayor shall be only such as are expressly conferred upon him by this article.

9-8. All powers of the municipality and the determination of all matters of policy shall be vested in the municipal council, except as otherwise provided by this act or by general law.

9-9. The municipal council shall appoint a municipal manager and a municipal clerk. Both of such offices may be held by the same person. The council may provide for the manner of appointment of a municipal attorney, any planning board, zoning board of adjustment or personnel board in the municipality, and may create commissions and other bodies with advisory powers.

9-10. The municipal council shall continue or create, and determine and define the powers and duties of such executive and administrative departments, boards and offices, in addition to those provided for herein, as it may deem necessary for the proper and efficient conduct of the affairs of the municipality, including the office of deputy manager which shall not be included in the classified service under Title 11 of the Revised Statutes. Any department, board or office so continued or created may at any time be abolished by the municipal council.

9-11. It is the intention of this article that the municipal council shall act in all matters as a body, and it is contrary to

the spirit of this article for any of its members to seek individually to influence the official acts of the municipal manager, or any other officer, or for the council or any of its members to direct or request the appointment of any person to, or his removal from, office; or to interfere in any way with the performance by such officers of their duties. The council and its members shall deal with the administrative service solely through the manager and shall not give orders to any subordinates of the manager, either publicly or privately. Nothing herein contained shall prevent the municipal council from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any officer or department, or any matter relating to the welfare of the municipality, and delegating to such committees or commissions such powers of inquiry as the municipal council may deem necessary. Any councilman violating the provisions of this section shall, upon conviction thereof in a court of competent jurisdiction, be disqualified as councilman.

C. *Municipal Manager*

9-12. The municipal manager shall be chosen by the council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the municipality or State, but during his tenure of office he may reside outside the municipality only with the approval of council.

9-13. The municipal manager shall hold office for an indefinite term and may be removed by a majority vote of the council. At least thirty days before such removal shall become effective, the council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his removal. The manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the council by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution the council

may suspend the manager from duty, but shall in any case cause to be paid him forthwith any unpaid balance of his salary and his salary for the next three calendar months following adoption of the preliminary resolution.

9-14. The manager may designate a qualified administrative officer of the municipality to perform his duties during his temporary absence or disability. In the event of his failure to make such designation, the council may by resolution appoint an officer of the municipality to perform the duties of the manager during such absence or disability until he shall return or his disability shall cease.

9-15. The municipal manager shall:

(a) be the chief executive and administrative official of the municipality;

(b) execute all laws and ordinances of the municipality;

(c) appoint and remove a deputy manager if one be authorized by the council, all department heads and all other officers, subordinates, and assistants for whose selection or removal no other method is provided in this article, except that he may authorize the head of a department to appoint and remove subordinates in such department, supervise and control his appointees, and report all appointments or removals at the next meeting thereafter of the municipal council;

(d) negotiate contracts for the municipality subject to the approval of the municipal council, make recommendations concerning the nature and location of municipal improvements, and execute municipal improvements as determined by the municipal council;

(e) see that all terms and conditions imposed in favor of the municipality or its inhabitants in any statute, public utility franchise or other contract are faithfully kept and performed, and upon knowledge of any violation call the same to the attention of the municipal council;

(f) attend all meetings of the municipal council with the right to take part in the discussions, but without the right to vote;

(g) recommend to the municipal council for adoption such measures as he may deem necessary or expedient, keep the council advised of the financial

condition of the municipality, make reports to the council as requested by it, and at least once a year make an annual report of his work for the benefit of the council and the public;

(h) investigate at any time the affairs of any officer or department of the municipality;

(i) perform such other duties as may be required of the municipal manager by ordinance or resolution of the municipal council.

The municipal manager shall be responsible to the council for carrying out all policies established by it and for the proper administration of all affairs of the municipality within the jurisdiction of the council.

9-16. The municipal budget shall be prepared by the municipal manager. During the month of November in each year, the municipal manager shall require all department heads to submit requests for appropriations for the ensuing budget year, and to appear before him at public hearings, which shall be held during that month, on the various requests.

9-17. On or before the fifteenth day of January the municipal manager shall submit to council his recommended budget together with such explanatory comment or statement as he may deem desirable. The budget shall be in such form as is required by law for municipal budgets, and shall in addition have appended thereto detailed analysis of the various items of expenditure and revenue.

The council shall, where practicable, provide by ordinance for the operation of a system of work programs and quarterly allotments for operation of the budget, and for development and reporting of appropriate unit costs of budgeted expenditures.

9-18. Any provision of general law conferring the appointing power or other power upon the mayor or other executive head of the municipality shall be construed as meaning the municipal manager in a municipality governed under this article, and the appointments or the power exercised by the municipal manager in accordance with such provision shall be classified and given the same force and effect as if executed by the official named therein, except that members of the board of education

and of the trustees of the public library, whenever required to be appointed by any such provision by any board or official of the municipality, shall be appointed under this article by the mayor.

ARTICLE 10 COUNCIL-MANAGER PLAN B

10-1. The form of government provided in this article shall be known as the "council-manager plan B" and shall, together with articles 2 and 17 and sections 9-6 through 9-18 of article 9, govern any municipality, the voters of which have adopted this plan pursuant to this act.

10-2. Each municipality under this article shall be governed by an elected council and by an appointed municipal manager, and by such other officers and employees as may be duly appointed pursuant to this article, general law, or ordinance.

10-3. The municipal council shall consist of five members, unless pursuant to the authority granted under sections 1-13 or 1-19 of article 1 of this act, the municipality shall be governed by a council of seven or nine members. Members of the municipal council shall be elected at large by the voters of the municipality at a regular municipal election and shall serve for a term of four years, except as hereinafter provided for those first elected, beginning on the first day of July next following their election.

10-4. At the first election as provided in article 17 of this act, following the adoption by a municipality of this plan, five, seven or nine councilmen, as provided in section 10-3 of this article, shall be elected and shall serve for the following terms: if the municipal council is to consist of five members, two shall serve for four years and three for two years; if the municipal council is to consist of seven members, three shall serve for four years and four for two years; if the municipal council is to consist of nine members, four shall serve for four years and five for two years. The length of the term of the respective members of the first council shall be determined by lot immediately after the organization of the council next following the election.

10-5. Vacancies in the council shall be filled by election for the remainder of the unexpired term at the next general or municipal election occurring not less than sixty days after the occurrence of the vacancy. Whenever such election to fill a vacancy shall be at the general election, the nomination of candidates shall be by petition in the manner provided by law for the filling of vacancies in municipal offices where candidates are nominated by direct petition for a general election. Council shall fill the vacancy temporarily by appointment to serve until the qualification of a person so elected.

ARTICLE 11 COUNCIL-MANAGER PLAN C

11-1. The form of government provided in this article shall be known as the "council-manager plan C" and shall, together with articles 2 and 17 and sections 9-6 through 9-18 of article 9, govern any municipality, the voters of which have adopted this plan pursuant to this act.

11-2. Each municipality under this article shall be governed by an elected council and by an appointed municipal manager, and by such other officers and employees as may be duly appointed pursuant to this article, general law, or ordinance.

11-3. The municipality shall be divided into two wards unless pursuant to the authority granted under sections 1-13 or 1-19 of article 1 of this act, the municipality is to consist of from three to six wards.

11-4. The council shall consist of five members, unless pursuant to the authority granted under sections 1-13 or 1-19 of article 1 of this act, the municipality shall be governed by a council of seven or nine members. Councilmen shall serve for a term of four years beginning on the first day of July next following their election. They shall be elected at large and by wards at a regular municipal election in the following manner:

(a) in a municipality having two wards and five councilmen, one councilman shall be elected from each ward and three at large;

(b) in a municipality having three wards and five councilmen, one councilman shall be elected from each ward and two at large;

(c) in a municipality having four wards and seven councilmen, one councilman shall be elected from each ward and three at large;

(d) in a municipality having five wards and nine councilmen, one councilman shall be elected from each ward and four at large;

(e) in a municipality having six wards and nine councilmen, one councilman shall be elected from each ward and three at large.

11-5. Vacancies in the council shall be filled by election for the remainder of the unexpired term at the next general election occurring not less than sixty days after the occurrence of the vacancy. Such election to fill a vacancy shall be upon direct nomination by petition in the manner provided by law for the filling of vacancies in municipal offices where candidates are nominated by direct petition for a general election. Council shall fill the vacancy temporarily by appointment to serve until the qualification of a person so elected.

ARTICLE 12

COUNCIL-MANAGER PLAN D

12-1. The form of government provided in this article shall be known as the "council-manager plan D" and shall, together with articles 2 and 17 and sections 9-6 through 9-18 of article 9, govern any municipality the voters of which have adopted this plan pursuant to this act.

12-2. Each municipality under this article shall be governed by an elected council and by an appointed municipal manager, and by such other officers and employees as may be duly appointed pursuant to this article, general law, or ordinance.

12-3. The municipality shall be divided into two wards unless pursuant to the authority granted under sections 1-13 or 1-19 of article 1 of this act, the municipality is to consist of from three to six wards.

12-4. The municipal council shall consist of five members, unless pursuant to the authority granted under sections 1-13 or 1-19 of article 1 of this act, the municipality shall be governed by a council of seven or nine members. Members of the municipal council shall serve for a term of four years, except as hereinafter provided for those first elected, beginning on the first day of July next following their election. They shall be elected at large and by wards at regular municipal elections in the following manner:

(a) in a municipality having two wards and five councilmen, one councilman shall be elected from each ward and three at large;

(b) in a municipality having three wards and five councilmen, one councilman shall be elected from each ward and two at large;

(c) in a municipality having four wards and seven councilmen, one councilman shall be elected from each ward and three at large;

(d) in a municipality having five wards and nine councilmen, one councilman shall be elected from each ward and four at large;

(e) in a municipality having six wards and nine councilmen, one councilman shall be elected from each ward and three at large.

12-5. At the first election as provided in article 17 of this act, following the adoption by a municipality of this plan, five, seven or nine councilmen, as provided in section 12-4 of this article, shall be elected. The councilmen elected at large shall serve for a term of four years and the councilmen elected from wards, for a term of two years.

12-6. Vacancies in the council shall be filled by election for the remainder of the unexpired term at the next general or municipal election occurring not less than sixty days after the occurrence of the vacancy. Whenever such election to fill a vacancy shall be at the general election, the nomination of candidates shall be by petition in the manner provided by law for the filling of vacancies in municipal offices where candidates are nominated by direct petition for a general election. Council shall fill the vacancy temporarily by appointment to serve until the qualification of a person so elected.

ARTICLE 13

SMALL MUNICIPALITY PLAN A

13-1. The form of government provided in this article shall be known as the "small municipality plan A." It may be adopted by any municipality having a population of less than 12,000 inhabitants and shall, together with articles 2 and 17, govern any municipality the voters of which have adopted the plan pursuant to this act.

13-2. Each municipality shall be governed by an elected mayor and councilmen and such other officers as shall be appointed pursuant to this article, general law or ordinance.

13-3. The council shall consist of the mayor and two councilmen, unless pursuant to the authority granted under sections 1-13 or 1-19 of article 1 of this act, the municipality shall be governed by a mayor and four or six councilmen. Members of the council shall be elected at large by the voters of the municipality and shall serve for a term of three years beginning on the first day of July next following their election.

13-4. The mayor and council shall be elected at a regular municipal election at which time the candidates for mayor and for councilmen, two, four or six as the case may be, receiving the greatest number of votes shall be elected.

13-5. Vacancies shall be filled by election for the remainder of the unexpired term at the next general election occurring not less than sixty days after the occurrence of the vacancy. Such election to fill a vacancy shall be upon direct nomination by petition in the manner provided by law for the filling of vacancies in municipal offices where candidates are nominated by direct petition for a general election. Council shall fill the vacancy temporarily by appointment to serve until the qualification of a person so elected.

13-6. The legislative power of the municipality shall be exercised by the council, except as may be otherwise provided by general law. The mayor shall participate and vote as other council members. A majority of the whole number of the governing body shall constitute a quorum for the transaction of

business but a smaller number may meet and adjourn from time to time. The mayor shall preside over all meetings of the council. The council shall select from among its members a president of the council who shall serve in place of the mayor in the event of his absence, disability or refusal to act.

13-7. The executive power of the municipality shall be exercised by the mayor. It shall be his duty to see that all laws and ordinances in force and effect within the municipality are observed. He shall address the council and report to the residents annually, and at such other times as he may deem desirable, on the condition of the municipality and upon its problems of government.

13-8. An assessor, a tax collector, an attorney, a clerk, a treasurer and such other officers as may be provided by ordinance shall be appointed by the mayor with the advice and consent of the council. One person may be appointed to two or more such offices, except that one person shall not be the assessor and treasurer, or assessor and collector.

13-9. The mayor shall also appoint a finance committee of council, which may consist of one or more councilmen, and may appoint and designate other committees of council of similar composition.

13-10. All officers and employees whose appointment or election is not otherwise provided for in this article or by general law shall be appointed by the mayor. If the municipality has not adopted the provisions of Title 11 of the Revised Statutes (Civil Service), it shall be the duty of the mayor to recruit, select and appoint persons qualified by training and experience for their respective offices, positions and employments.

13-11. Appointive officers and employees need not be residents of the municipality unless council shall so require.

13-12. A municipal clerk shall be appointed by the mayor with the advice and consent of council. The municipal clerk shall be qualified by previous training or experience to perform the duties of his office. He shall serve at the pleasure of the council, except as otherwise provided by this act.

13-13. The municipal clerk shall serve as clerk of the council, perform such functions as may be required by law of municipal clerks generally, have such other powers and duties as council may prescribe. He shall maintain the records and minutes of the governing body.

13-14. The mayor shall prepare the annual budget with the assistance of the treasurer and the co-operation of the other members of the council.

13-15. The treasurer shall be the chief financial officer of the municipality and shall keep and maintain books and records of all financial transactions of the municipality in accordance with the standards and requirements of the State Division of Local Government. The treasurer shall have custody of all public moneys of the municipality. He shall make monthly reports to council of all receipts, expenditures, commitments and unencumbered appropriation balances.

13-16. No municipal funds shall be disbursed except pursuant to and within the limits of appropriations made in accordance with law. All disbursements shall be by bank check or draft signed by the mayor and countersigned by the treasurer, upon warrant of the chairman of the finance committee of council approved by council.

13-17. The municipal tax collector shall receive and collect all moneys assessed or raised by taxation or assessment for any purpose. The collector shall enter in suitable books or other records to be kept by him the sums received each day together with the account to which each receipt is credited. Within forty-eight hours after the receipt of any moneys of the municipality, or on the first banking day thereafter, the collector shall deposit such moneys in the authorized public depository of the municipality to the credit of the appropriate account. He shall report to council at least once each month at the same time as the treasurer is required to report, all receipts and deposits and cash on hand belonging to the municipality. Within sixty days after the end of the fiscal year, and at such other times as may be required by council, the collector shall make and furnish a detailed and true list of all delinquent taxpayers for the next preceding year or for such period as council may require.

13-18. The treasurer and the collector shall each give bond, at the expense of the municipality, in accordance with general law.

ARTICLE 14

SMALL MUNICIPALITY PLAN B

14-1. The form of government provided in this article shall be known as the "small municipality plan B." It may be adopted by any municipality having a population of less than 12,000 inhabitants and shall, together with articles 2 and 17 and sections 13-6 through 13-18, inclusive, of article 13, govern any municipality the voters of which have adopted this plan pursuant to this act.

14-2. Each municipality shall be governed by an elected council, a mayor elected from and by the council, and such other officers as shall be appointed pursuant to this article, general law or ordinance.

14-3. The council shall consist of three members, unless pursuant to the authority granted under sections 1-13 or 1-19 of article 1 of this act, the municipality shall be governed by a council of five or seven members. Councilmen shall be elected at large and shall serve for a term of three years beginning on the first day in July next following their election.

14-4. Members of the council shall be elected at a regular municipal election at which election the councilmen, three, five or seven as the case may be, receiving the greatest number of votes shall be elected.

14-5. Vacancies shall be filled by election for the remainder of the unexpired term at the next general election occurring not less than sixty days after the occurrence of the vacancy. Such election to fill a vacancy shall be upon direct nomination by petition in the manner provided by law for the filling of vacancies in municipal offices where candidates are nominated by direct petition for a general election. Council shall fill the vacancy temporarily by appointment to serve until the qualification of a person so elected.

14-6. On the first day of July following their election, the members elect of the municipal council shall assemble at the usual place of meeting of the governing body of the municipality and organize and elect one of their number as mayor. The mayor shall be chosen by ballot by majority vote of all members of the municipal council. If the members shall be unable, within five ballots to be taken within two days of said organization meeting, to elect a mayor, then the member who in the election for members of the municipal council received the greatest number of votes shall be the mayor. Should such person decline to accept the office, then the person receiving the next highest vote shall be the mayor, and so on, until the office is filled.

ARTICLE 15

SMALL MUNICIPALITY PLAN C

15-1. The form of government provided in this article shall be known as the "small municipality plan C." It may be adopted by any municipality having a population of less than 12,000 inhabitants and shall, together with articles 2 and 17 and sections 13-6 through 13-18, inclusive, of article 13, govern any municipality the voters of which have adopted this plan pursuant to this act.

15-2. Each municipality shall be governed by an elected mayor and councilmen and such other officers as shall be appointed pursuant to this article, general law or ordinance.

15-3. The council shall consist of the mayor and two councilmen, unless pursuant to the authority under sections 1-13 or 1-19 of article 1 of this act, the municipality shall be governed by a mayor and four or six councilmen. Members of the council shall be elected at large by the voters of the municipality and shall serve for a term of three years, except as hereinafter provided for those first elected, beginning on the first day of January next following their election.

15-4. At the first election as provided in article 17 of this act, following the adoption by a municipality of this plan, a mayor shall be elected to serve for a term of three years and two, four or six councilmen, as provided in section 15-3 of this act, shall

be elected and shall serve for the following terms: if the council is to consist of three members, one shall serve for one year and one for two years; if the council is to consist of five members, two shall serve for a term of one year and two for two years; or if the municipal council is to consist of seven members, three shall serve for a term of one year and three for a term of two years. The length of term of the respective members of council shall be determined by lot immediately after the organization of the council following their election.

15-5. The mayor and councilmen shall be elected at the general election to be held on the first Tuesday after the first Monday in November or at such other time as may be provided by law for holding general elections. Vacancies in the council shall be filled by election for the remainder of the unexpired term at the next general election to be held not less than sixty days after the occurrence of the vacancy. Council shall fill the vacancy temporarily by appointment to serve until the qualification of a person so elected. Any person appointed to fill a vacancy shall be a member of the same political party as the prior incumbent.

ARTICLE 16

SMALL MUNICIPALITY PLAN D

16-1. The form of government provided in this article shall be known as the "small municipality plan D." It may be adopted by any municipality having a population of less than 12,000 inhabitants and shall, together with articles 2 and 17 and sections 13-6 through 13-18, inclusive, of article 13, govern any municipality the voters of which have adopted this plan pursuant to this act.

16-2. Each municipality shall be governed by an elected council, a mayor elected from and by the council, and such other officers as shall be appointed pursuant to this article, general law or ordinance.

16-3. The council shall consist of three members, unless pursuant to the authority granted under sections 1-13 or 1-19 of article 1 of this act the municipality shall be governed by a council of five or seven members. Councilmen shall be elected

at large and shall serve for a term of three years, except as hereinafter provided for those first elected, beginning on the first day of January next following their election.

16-4. At the first election as provided in article 17 of this act, following the adoption by a municipality of this plan, three, five or seven members of the council, as provided in section 16-3 of this article, shall be elected and shall serve for the following terms: if the council is to consist of three members, one shall serve for one year, one for two years and one for three years; if the council is to consist of five members, two shall serve for one year, two for two years and one for three years; or if the council is to consist of seven members, three shall serve for a term of one year, two for a term of two years and two for a term of three years. The length of the term of the respective members of the council shall be determined by lot immediately after the organization of the council following their election.

16-5. Members of the council shall be elected at the general election to be held on the first Tuesday after the first Monday in November or at such other time as may be provided by law for holding general elections. Vacancies in the council shall be filled by election for the remainder of the unexpired term at the next general election to be held not less than sixty days after the occurrence of the vacancy. Council shall fill the vacancy temporarily by appointment to serve until the qualification of a person so elected. Any person appointed to fill a vacancy shall be a member of the same political party as the prior incumbent.

16-6. On the first day of January next following their election, the members elect of the municipal council shall assemble at the usual place of meeting of the governing body of the municipality and organize and elect one of their number as mayor. The mayor shall be chosen by ballot by majority vote of all members of the municipal council. If the members shall be unable, within five ballots to be taken within two days of said organization meeting to elect a mayor, then the member who in the election for members of the municipal council received the greatest number of votes shall be the mayor. Should such person decline to accept the office, then the person receiving the next highest vote shall be the mayor, and so on, until the office is filled.

ARTICLE 17

ADDITIONAL PROVISIONS COMMON TO OPTIONAL PLANS

A. Elections in General

17-1. Regular municipal elections shall be held in each municipality on the second Tuesday in May in the years in which municipal officers are to be elected, where the election of such officers is not provided to be at the general election.

17-2. The municipal election shall be held at the same place or places and conducted in the same manner, so far as possible, as the general election, and the polls shall be open from seven o'clock in the forenoon until eight o'clock at night at the prevailing time. The election officers conducting such elections shall be those provided for conducting the general election.

17-3. Every municipal officer elected under any of the plans provided in this act shall serve for the term of office specified in the plan and until his successor is elected and qualified.

B. Regular Municipal Elections

17-4. At least forty-five days prior to a regular municipal election, and at least forty-five days prior to the first election for municipal officers in municipalities which have adopted articles 3 through 6, inclusive, or 9 through 14, inclusive, of this act, the names of candidates for all offices shall be filed with the municipal clerk in the manner and form and under the conditions hereinafter set forth:

(a) The petition of nomination shall consist of individual certificates, equal in number to at least one per centum (1%), but in no event less than ten of the legally qualified voters, and shall read substantially as follows:

"I, the undersigned, a qualified elector of the municipality of _____, residing at _____, certify that I do hereby join in a petition of the nomination of _____ for the office of mayor (or councilman as the case may be) to be voted for at the election to be held in such municipi-

pality on the _____, 19____, and I further certify that I know this candidate to be a qualified elector of said municipality and a man of good moral character, and qualified, in my judgment, to perform the duties of said office and I further certify that I have not signed more petitions or certificates of nominations than there are places to be filled for the above office.

(Signed) _____

(b) The signatures on the petition need not be appended to one paper but each signer shall add to his signature his place of residence, giving the street and number, if any. One of the signers of each such paper shall make an oath before an officer competent to administer oaths that the statements therein made are true to his best knowledge and belief, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be.

17-5. (a) The municipal clerk shall furnish, upon application, a reasonable number of forms of individual certificates of the above character.

(b) Each certificate shall contain the name of one candidate, and no more. Each signer must not, at the time of signing the certificate, have signed more certificates for candidates for that office than there are places to be filled for such office, and all certificates of an elector whose certificate or certificates have not complied substantially with the foregoing provisions shall be rejected.

(c) When such a petition of nomination is presented for filing to the municipal clerk, he shall forthwith examine the same and ascertain whether it conforms to the provisions of this section, and if not found in conformity thereto, he shall designate the defect and return the petition to the person making the oath. Such petition may again be presented when properly amended if this can be done at least thirty days before the election.

17-6. Any candidate whose name is to be printed on the ballot may petition the municipal clerk to print opposite his name on the ballot, a designation, in not more than six words, as named by him in such petition, for the purpose of indicating either an official act or policy to which he is pledged or com-

mitted, but the designation shall not indicate political party affiliations. On the filing of such petition the clerk shall cause the designation to be printed opposite the name of such candidate upon the ballot. If several candidates for the same office shall petition that their names be grouped together and that the one designation named by them shall be printed opposite their names, the clerk shall group their names in a bracket, and opposite the bracket shall print the same designation as aforesaid. Petitions requesting a designation or grouping of candidates shall be filed with the clerk on or before the last day fixed for filing the petition for nomination. If two candidates or groups select the same designation the clerk shall notify the candidate or group whose petition was last filed, and such candidate or group shall select a new designation.

17-7. The municipal clerk shall draw lots to determine the order in which the names of the candidates or groups of candidates shall appear upon the ballots. The name of the person or group of candidates first drawn shall occupy first place on the ballot, or voting machine, and the name of the person or group of candidates next drawn shall occupy second place, and so forth. The manner of drawing by lot shall be as follows: Paper cards with the name of each candidate or group of candidates written thereon shall be placed in a covered box with an aperture in the top large enough to allow the cards to be drawn therefrom. The municipal clerk in the presence of any candidate shall draw from the box each card without knowledge on his part as to which card he is drawing. The municipal clerk shall at least two days prior to the drawing notify each candidate by registered mail of the time and place of the drawing. The candidate or his representative shall have the right to examine the cards prior to their being placed in the covered box.

17-8. Immediately after the expiration of the time for filing certificates, statements and petitions for candidates, and the drawing for position, the municipal clerk shall cause the names of the candidates as they are to appear upon the ballots to be published in proper form for three successive days in all the daily newspapers published in the municipality, or if there be no daily newspaper, then in two successive issues of any other newspapers published or circulated in the municipality.

17-9. When persons bearing the same name are nominated for the same office, any or either of them can file with the municipal clerk a statement in writing containing not more than six words as a means of identification of such candidate. The statement or designation so filed shall be printed upon the official ballot to be used at the election.

17-10. The municipal clerk shall cause the ballots to be printed and authenticated by his signature. Upon the ballots shall be printed the title of each office to be filled. Under each of the titles of office shall be printed the names of the candidates for each office with a square to the left of each name. Below the names of such candidates for each office the words "vote for one (two, three, four, five or six as the case may be)." The ballot shall be printed upon plain, substantial white paper, and shall be substantially in the following form:

"Municipal election of (here insert corporate name of municipality), county of (here insert name of county), held (here insert the date of the election). To vote for any person make a cross (X) or (+) mark in the square preceding the name voted for. Vote only for as many persons as there are officers to be elected. If you wrongly mark the ballot, tear or deface same and return it to election officer and obtain new ballot."

Blank spaces equal to the number of offices to be filled shall be left below the printed names of the candidates for each office to be voted for, wherein the voter may write the name or names of any person or persons for whom he may wish to vote.

The municipal clerk shall deliver ballots to the election officials at each polling place equal in number to one and one-tenth times the number of registered voters in each election district, except that where voting machines are used ballots shall be furnished as otherwise provided by law.

17-11. At the regular municipal election in any municipality which has adopted articles 3 through 6, inclusive, or 9 through 12, inclusive, of this act, the candidates receiving the greatest number and a majority of votes cast shall be elected to the respective offices; *provided, however, that if:*

(a) five councilmen at large are to be elected and two or more candidates for said office receive a ma-

majority of the votes cast in the election, the five candidates receiving the greatest number of votes shall be elected; or

(b) four councilmen at large are to be elected and two or more candidates for said office receive a majority of the votes cast in the election, the four candidates receiving the greatest number of votes shall be elected; or

(c) three councilmen at large are to be elected and one or more candidates for said office receive a majority of the votes cast in the election, the three candidates receiving the greatest number of votes shall be elected; or

(d) two councilmen at large are to be elected and one or more candidates for said office receive a majority of the votes cast in the election, the two candidates receiving the greatest number of votes shall be elected.

17-12. In any regular municipal election referred to in section 17-11, if a sufficient number of candidates do not receive a majority of the votes cast to elect the required number of councilmen at large, or no candidate for mayor or no candidate for ward councilman receives a majority of the votes cast for his respective office, a run-off election in the municipality or ward, as the case may be, shall be held on the fifth Tuesday next following such municipal election. The candidates for councilmen at large not elected at such municipal election, equal in number to twice the number of councilmen at large remaining to be elected, who received the greatest number of votes at such municipal election and the two candidates for mayor or for ward councilman who received the greatest number of votes at such election, shall be the candidates for the office for which they were nominated, at such run-off election. Military service ballots shall forthwith be printed and distributed for the run-off election in the same manner, so far as possible, as for other municipal elections.

The candidate or candidates who receive the greatest number of votes at such run-off election shall be elected to the office or offices to be filled. If two or more candidates shall be equal and greatest in votes, for any of the purposes of this section, they

shall draw lots to determine which one shall enter the run-off election or be elected therein, as the case may be.

17-13. In any municipality which has adopted articles 13 or 14 of this act, the candidate for mayor, if there be one, who receives the greatest number of votes shall be elected and the number of candidates for councilmen equal to the number of places to be filled in the council, receiving the greatest number of votes shall be elected.

C. Officers and Employees

17-14. No officer or employee elected or appointed in any municipality shall be interested directly or indirectly in any contract or job for work or materials, or the profits thereof, or services to be furnished or performed for the municipality, and no such officer or employee shall be interested directly or indirectly in any contract or job for work or materials or the profits thereof, or services to be furnished or performed, for any person operating any interurban railway, street railway, gas works, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange, or other public utility within the territorial limits of such municipality.

17-15. No officer or employee shall accept or receive, directly or indirectly, from any person operating within the territorial limits of a municipality, any interurban railway, street railway, gas works, waterworks, electric light or power plant, heating plant, telegraph line, telephone exchange or other business using or operating under a public franchise, any frank, free pass, free ticket or free service, or accept or receive, directly or indirectly, from any person, any other service upon terms more favorable than is granted to the public generally, except that such prohibition of free transportation shall not apply to policemen or firemen in uniform. Nor shall any free service to the municipal officials heretofore provided by any franchise or ordinance be affected by this section.

17-16. No candidate for office, appointment or employment, and no officer, appointee, or employee in any municipality shall directly or indirectly give or promise any person any office, posi-

tion, employment, benefit or anything of value for the purpose of influencing or obtaining the political support, aid or vote of any person, under the penalty of being disqualified to hold the office or employment to which he may be or may have been elected or appointed.

17-17. Any person convicted of a crime or offense involving moral turpitude shall be ineligible to assume any municipal office, position or employment in a municipality governed pursuant to this act, and upon conviction thereof while in office shall forfeit his office. Any person who shall violate any of the provisions of sections 17-14, 17-15 or 17-16 of this article shall upon conviction thereof in a court of competent jurisdiction forfeit his office.

17-18. If any person hereafter elected or appointed to any office or position in a municipality governed under this act shall, after lawful notice or process, wilfully refuse or fail to appear before any court or judge, any legislative committee, or any officer, board or body authorized to conduct any hearing or inquiry, or having appeared shall refuse to testify or to answer any question regarding the property, government or affairs of the municipality, or regarding the nomination, election appointment or official conduct of any officer or employee of the municipality on the ground that his answer would tend to incriminate him, or shall refuse to waive immunity from prosecution on account of any such matter in relation to which he may be asked to testify upon any such hearing or inquiry, his term or tenure of office or employment shall terminate and such office or employment shall be vacant, and he shall not be eligible for election or appointment to any office or employment in such municipality.

D. Recall

17-19. Any elective officer shall be subject to removal from office upon the filing of a recall petition and the affirmative vote of a majority of those voting on the question of removal at any general, regular municipal or special election.

17-20. A recall petition shall demand the removal of a designated incumbent, shall be signed by qualified voters equal in number to at least twenty-five per centum (25%) of the regis-

tered voters of the municipality, and shall be filed with the municipal clerk. It shall set forth a general statement of the grounds upon which the removal is sought.

17-21. The signatures to a recall petition need not all be appended to one paper but each signer shall add to his signature his place of residence giving the street and number or other sufficient designation if there shall be no street and number. One of the signers to each such paper shall take an oath before an officer competent to administer oaths that the statement therein made is true as he believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within ten days from the date of filing the petition the municipal clerk shall complete its examination and ascertain whether or not such petition is signed by the requisite number of qualified voters, and shall attach to the petition his certificate showing the result of his examination. If by that certificate the petition is shown to be insufficient it may be amended within ten days from the date of said certificate. The municipal clerk shall, within five days after such amendment, make a similar examination and determination of the amended petition, and if the certificate shall show the same to be insufficient, it shall be returned to the person filing it without prejudice to the filing of a new petition to the same effect.

17-22. If the petition shall be sufficient the municipal clerk shall within two days notify the mayor, councilman or councilmen whose recall is sought thereby. If such notice cannot be served personally upon the mayor, councilman or councilmen affected, service may be made by registered mail addressed to the officer's last known address. If within five days after the service of the notice by the municipal clerk the mayor, councilman or councilmen sought to be recalled by such petition do not resign, or having tendered their resignation it shall not have been accepted by the municipal council, the municipal clerk shall order and fix a date for holding a recall election not less than sixty nor more than ninety days from the filing of the petition. Notice of the filing of the petition and of the date of the election shall be posted for public view in the office of the municipal clerk and he shall also insert the notice forthwith in a newspaper published in the municipality, or if there be no such newspaper,

then in a newspaper having general circulation in such municipality.

17-23. The ballots at the recall election shall conform to the requirements respecting the election of municipal officers in the municipality, as provided in this article or in Title 19 of the Revised Statutes (Elections), whichever shall apply in the municipality in accordance with the provisions of this act, except that the words "recall election" shall appear on the ballot. The recall features of the ballot shall appear at the top thereof and shall be separated from the portion of the ballot for the election of officers by a heavy black line. The proposal for recall shall be placed on the ballot in the following manner:

"Shall (here insert name of incumbent) be removed from office by recall?" This matter shall occupy two lines in bold-face type. Immediately below the above wording shall appear the phrase "for recall," and immediately underneath such phrase the words "against recall." Immediately at the left of each of these two phrases shall be printed a square, in which the voter may make a cross (X) or plus (+) or a check (V) mark. Immediately below the foregoing shall appear the following:

"Indicate your vote by placing a cross (X) or plus (+) or a check (V) mark in one of the squares above."

17-24. If the removal of more than one officer is sought the same provisions for submitting to the electors the question and direction hereinbefore described shall be repeated in the case of each officer concerned and their position on the ballot for their recall shall be in the order of the filing of the petition with the municipal clerk.

17-25. The same ballot used for submitting the question or questions of recall shall be used for the election of a successor to the incumbent sought to be removed and immediately under the black line following the recall question shall appear the phrase "Nominees for successors of (here insert name of incumbent) in the event he is recalled." The names of all persons nominated as successors shall be placed upon the ballot in the same manner provided for other elections of municipal officers in the municipality.

17-26. The provisions of this article or of Title 19 of the Revised Statutes (Elections), whichever shall apply in the municipality in accordance with the provisions of this act, concerning the nomination of municipal officers, preparation of the ballot, election of municipal officers, counting and canvassing of the results of the election of such officers, shall apply to the election for the recall of officers and the election of their successors. Where the plan of government in effect in the municipality provides for partisan elections, the county committee of each political party shall be authorized to select a candidate for successor of a recalled incumbent in the same manner as provided by Title 19 of the Revised Statutes for nominations to fill a vacancy after the last day for filing petitions for nominations in the primary elections.

17-27. The municipal clerk shall cause to be made due publication of notices of arrangements for holding all recall elections and they shall be conducted as are other elections for municipal officers in the municipality.

17-28. (a) If a majority of votes in connection with the recall of any officer be in favor of the recall, the term of office of such officer shall terminate, upon the certification of the results of election by the municipal clerk.

(b) If the results of such recall election shall, by the certificate of the municipal clerk, be shown to be against the recall of the officer he shall continue in office as if no recall election had been held, and the vote for the election for the successor of such officer taken at the time of such attempted recall shall be void.

17-29. If the office of the incumbent shall become vacant either by his resignation or by the result of the recall election, his successor shall be the nominee receiving the greatest number of votes at the recall election. The person so elected shall serve for the remainder of the unexpired term.

E. Local Legislation

17-30. The council shall by ordinance designate the time of holding regular meetings, which shall be at least monthly. The mayor may, and upon written request of a majority of the mem-

bers of the council, shall, call a special meeting of the council. In the call he shall designate the purpose of the special meeting and no other business shall be considered. All meetings of the council shall be open to the public. The municipal clerk shall keep a journal of its proceedings and record the minutes of every meeting.

17-31. (a) Council shall determine its own rules of procedure, not inconsistent with ordinance or statute. A majority of the whole number of members of the council shall constitute a quorum, but no ordinance shall be adopted by the council without the affirmative vote of a majority of all the members of the council.

(b) Each ordinance or resolution shall be introduced in written or typewritten form and shall be read and considered as provided by general law. The vote upon every motion, resolution or ordinance shall be taken by roll call and the yeas and nays shall be entered on the minutes. The minutes of each meeting shall be signed by the officer presiding at such meeting and by the municipal clerk.

17-32. (a) Except as may otherwise be provided in this act, all ordinances shall be adopted and published in the manner required by general law; *provided, however*, that any ordinance may incorporate by reference any standard technical regulations or code, official or unofficial, which need not be so published whenever ten copies of said regulations or code have been placed on file in the office of the municipal clerk and in the office of the body or department charged with the enforcement of said ordinance for the examination of the public so long as said ordinance is in effect.

(b) No ordinance other than the local budget ordinance shall take effect less than twenty days after its final passage by council and approval by the mayor where such approval is required, unless the council shall adopt a resolution declaring an emergency and at least two-thirds of all the members of the council vote in favor of such resolution.

17-33. The municipal clerk shall record all ordinances and resolutions adopted by council and at the close of each year,

with the advice and assistance of the municipal attorney, shall include such ordinances and resolutions in a compilation or codification of all the ordinances and resolutions of the municipality which then remain in force and effect. He shall also properly index the record, compilation and codification of ordinances and resolutions.

17-34. No rule or regulation made by any department, officer, agency or authority of the municipality, except such as relates to the organization or internal management of the municipal government or a part thereof, shall take effect until it is filed either with the municipal clerk or in such other manner as may be provided by ordinance. The council shall provide for the prompt publication of such rules and regulations.

F. Initiative and Referendum

17-35. The voters of any municipality may propose any ordinance and may adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the municipal council by a petition signed by qualified voters of the municipality equal in number to at least fifteen per centum (15%) of the valid votes cast in the municipality at the last preceding election for members of the General Assembly.

17-36. The voters shall also have the power of referendum which is the power to approve or reject at the polls any ordinance submitted by the council to the voters or any ordinance passed by the council, against which a referendum petition has been filed as herein provided. No ordinance passed by the municipal council, except when otherwise required by general law or remitted by the provisions of Section 17-32 (b) of this act, shall take effect before twenty days from the time of its final passage and its approval by the mayor, where such approval is required. If within twenty days after such final passage and approval of such ordinance a petition signed by voters of the municipality equal in number to at least fifteen per centum (15%) of the valid votes cast in the municipality at the last preceding election for members of the General Assembly

protesting against the passage of such ordinance shall be filed with the municipal clerk, the ordinance shall be suspended from taking effect until proceedings are had as herein provided.

17-37. All petition papers circulated for the purposes of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any such petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition paper the names and addresses of five voters, designated as the Committee of the Petitioners, who shall be regarded as responsible for the circulation and filing of the petition and for its possible withdrawal as hereinafter provided. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

17-38. All petition papers comprising an initiative or referendum petition shall be assembled and filed with the municipal clerk as one instrument. Within twenty days after a petition is filed, the municipal clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters. After completing his examination of the petition, the municipal clerk shall certify the result thereof to the council at its next regular meeting. If he shall certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective and shall at once notify at least two members of the Committee of the Petitioners of his findings.

17-39. An initiative or referendum petition may be amended at any time within ten days after the notification of insufficiency has been served by the municipal clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The municipal clerk shall, within five days after such an amendment is filed, examine the amended petition and, if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the Committee of the Petitioners of his findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

17-40. Upon the filing of a referendum petition with the municipal clerk, the ordinance shall be suspended until ten days following a finding by the municipal clerk that the petition is insufficient or, if an amended petition be filed, until five days thereafter; or, if the petition or amended petition be found to be sufficient, until it be withdrawn by the Committee of the Petitioners or until repeal of the ordinance by vote of the council or approval or disapproval of the ordinance by the voters.

17-41. Upon a finding by the municipal clerk that any petition or amended petition filed with him in accordance with this act is sufficient, the clerk shall submit the same to the municipal council without delay. An initiative ordinance so submitted shall be deemed to have had first reading and provision shall be made for a public hearing.

17-42. If within sixty days of the submission of a certified petition by the municipal clerk the council shall fail to pass an ordinance requested by an initiative petition in substantially the form requested or to repeal an ordinance as requested by a referendum petition, the municipal clerk shall submit the ordinance to the voters unless, within ten days after final adverse action by the council or after the expiration of the time allowed for such action, as the case may be, a paper signed by at least four of the five members of the Committee of the Petitioners shall be filed with the municipal clerk requesting that the peti-

tion be withdrawn. Upon the filing of such a request, the original petition shall cease to have any force or effect.

17-43. Any ordinance to be voted on by the voters in accordance with section 17-36 or section 17-42 of this article shall be submitted at the next general or regular municipal election occurring not less than sixty days after the date of final action by council or the expiration of the time allowed for action by council in section 17-42 of this article, as the case may be, provided that if no such election is to be held within ninety days the council may in its discretion provide for a special election.

17-44. Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this article, but there shall not be more than one special election in any period of six months for such purpose.

17-45. Whenever an ordinance is to be submitted to the voters of the municipality at any election in accordance with this article, the clerk shall cause the ordinance to be published in at least two of the newspapers published or circulated in the municipality. The publication shall be not more than twenty nor less than five days before the submission of the ordinance or proposition to be voted on.

17-46. The ballots to be used at such election shall be in substantially the following form:

"To vote upon the public question printed below, if in favor thereof mark a cross (X) or plus (+) or check (✓) in the square at the left of the word YES, and if opposed thereto mark a cross (X) or plus (+) or check (✓) in the square to the left of the word NO."

	YES	"Shall the ordinance (indicate whether submitted by council or initiative or referendum petition) providing for (here state nature of proposed ordinance or proposition) be adopted?"
	NO	

17-47. If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance

shall thereupon become a valid and binding ordinance of the municipality and be published as in the case of other ordinances. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the greatest affirmative vote shall control.

G. Wards

17-48. Whenever any municipality adopts articles 5, 6, 8, 11 or 12 of this act, said municipality shall be divided into wards by the ward commissioners as hereinafter provided.

17-49. The members of the county board of elections of the county in which such municipality is situated, together with the municipal clerk of the municipality, shall constitute the ward commissioners.

17-50. Within five days following the election at which the voters of the municipality shall have adopted one of said optional plans, the ward commissioners shall meet and, having first taken and subscribed before some officer authorized to administer oaths, an oath faithfully and impartially to perform the duties imposed upon them, shall forthwith proceed to divide the municipality into such number of wards as is specified in the adopted plan.

17-51. The ward commissioners shall fix and determine the ward boundaries so that each ward is formed of compact and contiguous territory. The wards so created shall not differ in population, according to the most recent Federal census, by more than ten per centum (10%) of the population of the least populous ward created.

17-52. Within thirty days after the adoption of one of said optional plans, the ward commissioners shall make and file their report and certificate over at least three of their signatures setting forth and properly describing the ward boundaries fixed and determined, to which there shall be annexed a map of the municipality with the ward boundaries clearly marked thereon.

The report so certified shall be filed in the office of the clerk of the county, and a copy thereof shall also be filed with the

Secretary of State and in the office of the clerk of the municipality.

17-53. A notice of the ward boundaries as fixed and determined by the ward commissioners shall be published by the clerk of the municipality at least once in at least one newspaper circulating in the municipality within two weeks immediately next succeeding the filing of the report and certificate required by section 17-52 of this article.

Upon completion of the publication, the former wards, if any, shall be superseded, and thereafter all officers elected or appointed in the municipality for or representing the wards thereof shall be elected from or appointed for the wards fixed by the ward commissioners hereunder.

17-54. Within three months following each decennial Federal census, the ward commissioners shall meet, in the manner heretofore provided in this article for the purpose of making such adjustments in ward boundaries as shall be necessary pursuant to section 17-51 of this article. Within thirty days following such meeting, they shall discharge their duties and report to the municipality in the same manner as provided in sections 17-52 and 17-53 of this article.

17-55. All officers elected for existing wards in any municipality wherein ward lines are changed pursuant to section 17-54 of this article, shall continue in office until their respective terms of office shall expire and until their successors are elected and qualified.

H. Succession in Government

17-56. The schedule of installation of an optional plan adopted pursuant to this act shall, as provided herein, take the following course:

(a) An election to submit the question of adoption of an optional plan may be held at any time in accordance with the provisions of article 1 of this act;

(b) In the event of a favorable vote of the voters at the above election, the first election of officers under the adopted plan shall take place on (1) the second Tuesday in May occurring not less than seventy-five days next

following the adoption of one of the optional plans in municipalities adopting articles 3, 4, 9, 10, 13 or 14 of this act; (2) the second Tuesday in May occurring not less than one hundred twenty days following the adoption of one of the optional plans in municipalities adopting articles 5, 6, 11, or 12 of this act; (3) at the next general election occurring not less than seventy-five days next following the adoption of one of the optional plans, in municipalities adopting articles 7, 15, and 16 of this act; or (4) at the next general election occurring not less than one hundred twenty days next following the adoption of one of the optional plans in municipalities adopting article 8 of this act.

Whenever a municipality has adopted any of the articles referred to in subsections (3) or (4) above, at a later date than the one fixed for the filing of nominating petitions at the primary election, the candidates to be first elected shall be nominated by direct petition in the manner provided by law for nomination by direct petition for a general election.

(c) An optional plan shall take effect, in accordance with the further provisions of this article at (1) twelve o'clock noon on the first day of July next following the first election of officers in municipalities adopting articles 3 through 6, inclusive, or 9 through 14, inclusive, of this act, or (2) twelve o'clock noon on the first day of January next following the first election of officers in municipalities adopting articles 7, 8, 15 or 16 of this act.

17-57. Upon the effective date of an optional charter adopted pursuant to this act, any other charter and its amendments and supplements theretofore applicable to the municipality shall be superseded with respect to such municipality. All ordinances and resolutions of the municipality to the extent that they are not inconsistent with the provisions of this act shall remain in full force and effect until modified or repealed as provided by law.

17-58. At twelve o'clock noon on the effective date of an optional plan adopted pursuant to this act, all offices then existing in such municipality shall be abolished and the terms of all elected and appointed officers shall immediately cease and determine; *provided*, that nothing in this section shall be con-

strued to abolish the office or terminate the term of office of any member of the board of education, trustees of the free public library, or of any official or employee now protected by any tenure of office law, or of any policeman, fireman, teacher, principal or school superintendent whether or not protected by a tenure of office law. If the municipality is operating under the provisions of Title 11 of the Revised Statutes (Civil Service) at the time of the adoption of an optional plan under this act, nothing herein contained shall affect the tenure of office of any person holding any position or office coming within the provisions of said Title 11 as it applies to said officers and employees.

17-59. All actions and proceedings of a legislative, executive or judicial character which are pending upon the effective date of an optional plan adopted pursuant to this act may continue, and the appropriate officer or employee under such optional plan shall be substituted for the officer or employee theretofore exercising or discharging the function, power or duty involved in such action or proceeding.

I. General Provisions

17-60. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined on its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have rendered.

17-61. This act shall be known as the Optional Municipal Charter Law.

17-62. This act shall take effect immediately.

PART III

Proposed Optional Municipal Key Positions Law

1. This act shall be known as the "Optional Municipal Key Positions Law."

2. Any municipality may, by referendum as hereinafter provided, adopt the provisions of this act and be governed thereby.

3. For the purposes of this act, unless the context clearly requires another meaning:

(a) "Committee" shall mean the Committee on Certification of Local Officers created by this act.

(b) "Appointing authority" shall mean any officer, board or governing body of any municipality empowered to make appointments.

(c) "Key position" shall mean the following offices or positions in a municipality governed under this act: municipal clerk; tax assessor, or board of assessors; tax collector (or receiver of taxes) by whatever title he may be known; and such other appointive officers as may by general law now or hereafter have or be entitled to acquire any protection against removal in their tenure of office, provided that key positions shall not include policemen, firemen, teachers and other school district employees and any person holding any office or position for which a license is or may be required by law prior to appointment.

4. In any municipality governed under this act, no person now holding or hereafter appointed to a key position in such municipality shall hereafter acquire any protected tenure of office provided by general law unless and until he shall have obtained a certificate of qualification as herein provided.

5. There is hereby created a Committee on Certification of Local Officers. The committee shall consist of the Director of the State Division of Local Government and four municipal

officials to be appointed by the Governor to serve for a term of four years and until the appointment and qualification of their respective successors.

No member shall receive any additional compensation for service on the committee; but members shall be reimbursed out of funds appropriated to the Department of Local Government for necessary expenses incurred in pursuance of duties as members of the committee. The committee shall organize, adopt rules of procedure, and shall annually select one of its members as chairman.

6. Subject to the provisions of this act and other applicable laws, the committee shall:

(a) establish and define standards of proficiency and competence for key positions, not inconsistent with the provisions of law;

(b) provide and issue certificates of qualification to applicants who have successfully taken such noncompetitive examinations and met such standards of character, health, training and achievement as the committee may determine to be reasonably required for fully competent performance of the duties of each key position with due regard to the nature and character of the work and to the training and achievement of persons generally engaged in such work;

(c) formulate or propose in-service training programs for persons holding key positions;

(d) have such other powers and perform such other duties as may be prescribed by this act, or otherwise by law.

7. Upon request of any person holding a key position in any municipality governed under the provisions of this act who has served in such key position for a period of at least five years from the date of his appointment, the committee shall within a reasonable time examine applicants and issue certificates of qualification to those found qualified. The committee may require attendance upon and successful completion of one or more programs of in-service training for the certificate of qualification authorized by this act.

8. For the purposes of this act, the committee may:

(a) use the facilities of State departments as may be necessary or desirable to carry out any of the purposes or requirements of this act;

(b) use such municipal, school, and other public buildings, facilities and personnel as may be made available to it;

(c) make, modify, amend and repeal such rules and regulations as may be necessary to carry out the purposes of this act;

(d) issue certificates of proficiency, training, or qualification signed by the chairman of the committee and attested by the Secretary of State;

(e) appoint advisory committees to serve without compensation, and designate specially qualified persons to assist the committee for a limited period;

(f) designate an executive secretary within the Department of Local Government and appoint such other personnel as may be required for the performance of its functions pursuant to this act within the limits of the available appropriations.

9. The committee may delegate such of its functions, powers, and duties as it may deem appropriate to its executive secretary, or to other officers and employees of the State. The committee may call upon any State department, institution or agency, and upon any county or municipal official for information, assistance, or services in furtherance of the purposes of this act; and it shall be the duty of the State, county and municipal officials to co-operate fully with the committee in furnishing information, assistance or services. The committee may in its discretion establish an examination fee to be charged applicants for certificates of qualification, in an amount not exceeding ten dollars (\$10.00), and all such fees shall be paid into the State Treasury pursuant to law.

10. Tests as required by this act may be written, oral, physical or in the form of demonstration or evidence of education or skill, or any combination of these, and shall be of such character as fairly to test and determine the qualifications, fit-

ness and ability of the person tested actually to perform the duties of the position for tenure in which he seeks to qualify.

11. Any person who, for the purpose of defeating, deceiving or obstructing the provisions and purpose of this act shall:

(a) willfully, by himself or in co-operation with one or more persons defeat, deceive or obstruct a person in respect to his right of taking a test for a certificate of qualification; or

(b) willfully or corruptly or falsely mark, rate, grade, estimate or report upon the test or proper standing of a person tested, or aid in so doing or willfully make any false representation concerning the same or the person tested; or

(c) willfully and corruptly furnish to a person special or secret information for the purpose of either improving or injuring the prospects or chances of a person tested or certified or being tested or certified; or

(d) willfully impersonate another person or permit or aid another person to impersonate him in any test or appointment or request to be tested, certified or appointed.

shall be guilty of a misdemeanor.

12. Key positions shall be exempt from the provisions of this act when the key positions are within the classified service of the civil service in any municipality operating under Title 11, Civil Service, of the Revised Statutes. No municipal manager, deputy municipal manager or business administrator who serves also in a key position shall acquire tenure in such key position while he is manager, deputy manager or business administrator.

13. Any person who hereafter acquires tenure in a key position may, upon reasonable notice, be retired from active service in such position by action of the governing body of the municipality at any time after he has reached the age of sixty-five (65) years, or prior to that age if he has become so incapacitated as substantially to prevent him from performing the duties of his office. The Committee on Certification of Local Officers shall adopt reasonable regulations for giving notice of intention to retire a key official, for establishing a procedure for determining

incapacity and for recalling retired persons to temporary or part-time service in connection with the work of their respective offices.

14. The qualified voters of any municipality may adopt this act at any regular municipal or general election or at any election at which they vote on the adoption of any of the optional forms of government provided by the Optional Municipal Charter Law.

Upon recommendation of a charter commission constituted pursuant to the Optional Municipal Charter Law or upon petition in writing of ten per centum (10%) of the registered voters of a municipality filed with the municipal clerk, the clerk shall submit the question to the voters. If there is an election pending on the adoption of one of the said optional forms of government not less than sixty days after the filing of the petition or recommendation of the charter commission, the clerk shall submit the question at said election. If no such election of an optional form of government is pending the clerk shall submit the question of the adoption of this act at the next regular municipal or general election to be held not less than sixty days after the filing of the petition or the recommendation of the charter commission. In any case he shall give public notice of the submission of the question by publication in one or more newspapers published in the municipality, if there be one published in the municipality; if not, then in one or more newspapers published in the county in which the municipality is located, to be designated by the clerk, once a week for at least four weeks, and by posting such notice in five of the most public places in the municipality for at least four weeks before the election. The question of adoption of this act shall be submitted as other public questions, and shall be stated as follows: Shall the Optional Municipal Key Positions Act be adopted by (insert name of municipality)?

15. The municipal clerk shall certify the results of the election to the legislative body of the municipality at its first meeting thereafter, enter the same at large in its minutes and certify the same to the Secretary of State. If it appears by the certificate of the clerk that a majority of the votes cast on the question are in favor of the adoption of this act, the act shall be operative in such municipality.

16. This act shall take effect immediately.

