

1. The board shall approve the contract if it determines that the execution and the performance of the contract will be consistent with the financial plan.

2. In approving a contract, the board may establish appropriate terms and conditions to achieve the purposes of the financial plan, provided that the terms and conditions are not otherwise inconsistent with other requirements of law, including, but not limited to the "Local Public Contracts Law," P.L. 1971, c.198 (N.J.S.A. 40A:11-1 et seq.).

(d) Upon receipt of notice of approval of a contract, the City may proceed to enter into the contract subject to the terms and conditions as may have been established by the board.

5:30-13.11 Orders and directives

(a) The board shall be authorized to issue orders and directives to any officer or employee of the City that it deems necessary to accomplish the board's purposes; including, but not limited to, timely and satisfactory implementation of the provisions of the approved financial plan of the City.

(b) Any order or directive shall be binding upon the officer or employee to whom it is issued.

(c) No officer or employee of the City shall:

1. Take any action in violation of any valid order or directive of the board;

2. Fail or refuse to take any action required by any such order or directive; or

3. Prepare, present or certify any information or report, including any projections or estimates, for the board or any of its agents that are willfully false or misleading.

(d) In addition to any penalty or liability under any other law, any officer or employee of the City who shall violate the provisions of this section shall be subject to appropriate administrative discipline including, when circumstances warrant, suspension from duty without pay or removal from office by order of the mayor or the board.

(e) In the case of a violation of the provisions of this section by an officer or employee of the City, the mayor shall immediately report to the board all pertinent facts together with a statement of the action taken thereon.

(f) Orders and directives issued by the board may be enforced by a proceeding in lieu of prerogative writ, by an action for injunctive relief in appropriate cases, or by a mandamus action to compel performance by the governing body or by any officer or employee of the City.

SUBCHAPTER 14. EMERGENCY SERVICE VOLUNTEER LENGTH OF SERVICE AWARD PROGRAM

Authority

N.J.S.A. 40A:14-183 et seq., particularly 40A:14-194.

Source and Effective Date

R.2001 d.36, effective January 16, 2001.
Sec: 32 N.J.R. 3683(a), 33 N.J.R. 254(a).

5:30-14.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

"Accounting date" means the annual date at the close of the fiscal year when the sponsoring agency provides an accounting of its length of service award agreement and appraises all participants of the value of their accounts.

"Active volunteer member" means a person who has been so designated by the governing board of a duly created emergency service organization and who is faithfully and actually performing volunteer service in that organization.

"Beneficiary" means the person, persons or legal entity designated by a participant to receive any undistributed compensation which becomes payable in the event of a participant's death.

"Complete application package" means the documentation to be submitted to the Director by a contractor for approval of a prototypical length of service award plan agreement which may include other supporting documentation as required.

"Contractor" means any person or entity, other than the sponsoring agency, authorized to do business in New Jersey, that provides investments or services or both regarding the sponsoring agency's length of service award plan agreement.

"Director" means the Director of the Division of Local Government Services within the Department of Community Affairs.

"Division" means the Division of Local Government Services within the Department of Community Affairs.

"Emergency service organization" means a fire or first aid organization, whether organized as a volunteer fire company, volunteer fire department, fire district or duly incorporated emergency service squad.

"Emergency service squad" means a duly incorporated volunteer first aid, emergency or volunteer ambulance or rescue squad association.

"Independent auditor" means a registered municipal accountant for a municipality or county pursuant to N.J.S.A.

40A:5-4, or a certified public accountant for a fire district pursuant to N.J.S.A. 40A:5A-15.

"Joinder agreement" means the document signed by a participant to authorize participation in a length of service award program.

"Length of service award program" or "LOSAP" means a system established to provide tax-deferred income benefits to active volunteer members of an emergency service organization.

"Local plan administrator" means the person or group of local public officials or employees, including the local governing body, appointed by the sponsoring agency to act as the agreement representative with respect to the contractor and to perform the agreement duties, if any, that are not to be performed by the contractor under the terms of a length of service award plan agreement.

"Participant" means an active volunteer member who is eligible for benefits under a length of service award program.

"Prototypical length of service award plan," "LOSAP plan" or "plan" means a length of service award plan prepared by a contractor and approved by the Director.

"Sponsoring agency" means the governing body of a municipality or fire district.

"Vesting" means the length of time a bona fide volunteer must serve in order to secure the right to receive the benefits of participation in a length of service award program.

"Year of active emergency service" means a 12-month period during which an active volunteer member participates in the fire or first aid service and satisfies the minimum requirements of participation established by the sponsoring agency on a consistent and uniform basis.

5:30-14.2 Creating LOSAPs: Determining the sponsoring agency for volunteer fire organizations

(a) LOSAPs shall be created by voluntary action of a sponsoring agency, which shall be a municipality or fire district. If the sponsoring agency is a municipality, the LOSAP shall be created by ordinance. If the sponsoring agency is a fire district, the LOSAP shall be created by resolution.

(b) In determining the sponsoring agency and creation process for volunteer fire organizations, the following shall apply:

1. A LOSAP shall be created by municipal ordinance for volunteer fire organization(s) in a municipality that is not served by a fire district.

2. A LOSAP shall be created by resolution of a Fire District Board of Fire Commissioners in a municipality that is served by one or more fire districts.

3. Where there is more than one fire district in a municipality, each district may have its own LOSAP for its fire companies.

4. The municipality or fire district may have only one LOSAP for each emergency service, regardless of how many fire companies or first aid organizations operate within their jurisdiction.

5. If a volunteer fire organization serves more than one municipality, the sponsoring agency shall be the municipality where the fire company is located, unless otherwise agreed to, as per the terms of an interlocal services agreement.

5:30-14.3 Creating LOSAPs: Determining the sponsoring agency for emergency service squads

(a) If there is no fire district, and one or more emergency service squads serve a single municipality, the LOSAP shall be created by the municipality. The provisions at N.J.A.C. 5:30-14.15 shall apply if the squad(s) serve(s) multiple municipalities.

(b) If an emergency service squad serves an entire municipality that is served by multiple fire districts, the municipality shall serve as sponsoring agency.

(c) A fire district shall serve as sponsoring agency for an emergency service squad whose jurisdiction is limited to, or is within the boundaries of a fire district, provided that the squad is organizationally affiliated with, or receives permitted financial support from, the district.

(d) If an independent emergency service squad serves an entire municipality which is served by a single fire district, the sponsoring agency shall be the jurisdiction that provides the greater amount of financial support or has an organizational or operational support relationship.

(e) In a municipality that has multiple fire districts, if there are several emergency service squads that are independent of fire district organizations, or whose coverage areas overlap district boundaries, the municipality shall serve as sponsor.

(f) If an emergency service squad serves more than one municipality, the sponsoring agency shall be the municipality where the squad is located, unless otherwise agreed to, as per the terms of an interlocal service agreement.

(g) If an emergency service squad serves more than one sponsoring agency, N.J.A.C. 5:30-14.15 shall apply.