
THE CHANGING STRUCTURE OF NEW JERSEY MUNICIPAL GOVERNMENT



STATE OF NEW JERSEY
County and Municipal Government Study Commission
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State of New Jersey

COUNTY AND MUNICIPAL GOVERNMENT
STUDY COMMISSION

**The Changing Structure
of
New Jersey Municipal Government**

*Prepared for the Commission
by*

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April 1985

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To His Excellency Governor Thomas H. Kean and Honorable Members of the Senate and General Assembly:

The County and Municipal Government Study Commission is pleased to submit its thirtieth report, *The Changing Structure of New Jersey Municipal Government*.

In discussions with Commission members and staff, local officials and interested citizens have continuously emphasized the need for up-to-date information on the structure of municipal government and the options that they may have in organizing their local governments most effectively. This report, which was prepared for the Commission by the Bureau of Government Research at Rutgers University, is intended to answer this important need by providing a comprehensive reference source on the structure and the forms of municipal government in New Jersey.

In addition, the report is designed to provide charter study commissions and the general public with information on the process and procedures for changing the form of government in a municipality. The report also includes a discussion of the concept of home rule, a description of the current forms of municipal government in New Jersey, and an overview of the trends and patterns of municipal government organization in the state.

As the complexity of the tasks facing New Jersey's municipal governments increases, it is essential that each municipality have the form of local administration most appropriate to meet its needs. The Commission is confident that this report will provide public officials and the general public with the information that they require as they confront the task of providing efficient and effective local government services to the citizens of New Jersey.

Respectfully submitted by the members of the County and Municipal Government Study Commission:

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/s/ Garrett W. Hagedorn
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/s/ John E. Trafford
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/s/ Benjamin R. Fitzgerald
/s/ Amy Piro

Acknowledgements

In the varied field of municipal government structure, the authors of any publication such as this must rely upon numerous other persons for assistance in identifying and describing the multiple patterns of local organization authorized by law and implemented in 567 different jurisdictions. Certainly high on this list are the municipal clerks in each community, who have responded promptly and willingly to periodic surveys as well as to special inquiries about their own municipalities.

In particular, we have benefitted from the advice and assistance of the following individuals:

John E. Trafford, executive director of the New Jersey State League of Municipalities, and Robert F. Casey, manager of the Township of Roxbury, both members of the County and Municipal Government Study Commission, who participated in reviewing early drafts of the report during its preparation.

David C. Mattek, executive director of the Commission, and Stanley C. Slachetka, Jr., and Frances L. Prestianni, Commission staff members, who assisted throughout the project.

Former Commission staff members Eugene Schneider, who first suggested the report and helped define its format and contents, and Kevin J. Kellenberger, who provided research materials and analyses.

Finally, several persons who gave freely of their time and knowledge of New Jersey municipal government: Frank W. Haines, executive director of the New Jersey Taxpayers Association; Michael Pane, attorney at law; and William H. Struwe, administrator of the Administrative Assistance Unit in the Bureau of Local Management Services, New Jersey Department of Community Affairs.

In conclusion, we should like to thank all of the members of the County and Municipal Government Study Commission for making this project possible and for their support in the publication of its results.

Ernest C. Reock, Jr.
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Chapter I

Introduction

The purpose of this publication is to provide a simple guide for charter study commissions, public officials, and private citizens who are interested in the organization of their municipal government. It is not intended as an in-depth study which breaks new ground; rather it draws upon previous work and the knowledge of numerous persons who have had experience in the field of municipal government. Neither is it intended to prescribe or recommend change, although change—both past and present—is a continuing theme. Instead, it is almost wholly descriptive, both of the forms of government that are in use and of the procedures which may be used to alter the form of government in the future.

Chapter II

The New Jersey Municipality

A municipality is a corporate body created to provide local government for the residents of a designated area. It has a charter granted by the state legislature, either as a separate document or as part of general state law, which states its name, geographic boundaries, form of organization, principal officers, and the powers which they may exercise.

Historical Background

Local government began in New Jersey during the colonial period. Patterns of organization were influenced in the area of East Jersey by the system of town government brought in by settlers from New England. In West Jersey, bounded by a line running roughly from Little Egg Harbor on the coast in the direction of the Delaware Water Gap, local government began with a system of subdivisions called "tenths," areas running inland from points measured off along the east bank of the Delaware River.

The structure of local government remained fairly vague during the colonial period but, by 1776, the entire area of New Jersey had been covered by a pattern of counties, the counties had been divided into townships, and a scattered handful of other municipalities had been awarded charters granting them the authority to perform more extensive governmental functions for areas of concentrated population.

When New Jersey became a state, the colonial pattern of local government was continued, though on a more formal basis. A law in 1798 named 104 townships covering the entire state, provided a uniform form of township organization, and authorized townships to provide four services for their residents: support of the poor, maintenance of pounds, construction of roads, and destruction of noxious wild animals and birds.¹ The townships defined at this time gradually were subdivided, sometimes for political reasons, sometimes for the convenience of the residents. A burst of township incorporations followed

implementation of the new state constitution of 1844 and subsequent legislation, which required that elections, formerly held on two different days at two township polling places, be held on a single date in a single place. Many townships were so large that transportation to a single location for voting was inconvenient, and one solution was to divide the township.²

As population concentrations developed, the authorized powers of the township government often were found inadequate to meet the needs of the more urban inhabitants. When this happened, a petition to the state legislature frequently produced a special law establishing a new incorporated municipality, usually within the boundaries of a township, but with its own local officials and its own authorization to perform additional specified municipal services. The terms city, town, borough, and village often were used interchangeably, and each act of incorporation was unique, with organization and delegated powers varying from place to place.

Many of the new municipalities can be traced to construction of the state's railroads, which encouraged population growth around stations, ultimately resulting in the establishment of small boroughs or towns as islands within larger townships.

During the late 1860s, members of the state legislature discovered that their power to legislate for individual municipalities had great political potential. The abuse of this power resulted in an amendment to the state constitution in 1875 which prohibited the enactment of ". . . private, special, or local laws: . . . appointing local officers or commissions to regulate municipal affairs . . . (or) regulating the internal affairs of municipalities formed for local government. . . ." Instead, the legislature was limited to dealing with local governments through general laws applying to all municipalities or to broad classes of municipality.

In an attempt to conform to the general law rule, the legislature in the late nineteenth century provided for the creation of new municipalities through local initiative, eliminating the need for special legislation each time. These laws extended the practice of establishing uniform patterns of local government organization for each type of municipality—cities, towns, boroughs, and villages, an approach used since 1798 for townships. While municipalities incorporated prior to 1875 with special charters might continue to function under those charters, most municipalities gradually came under the uniform pattern relating to their type.

Concurrently, another change was taking place. This was the elevation of townships to the same status as other forms of municipal government. Originally conceived as a lower level of local government with limited powers, the township by 1917 was recognized as having essentially the same governmental powers as cities, towns, boroughs, and villages.³

During the same period, the idea of a city, town, borough, or village functioning within a township, with overlapping jurisdiction, faded out, and each municipality became a discrete unit of government, having distinct geographic boundaries within which it exercised all of the municipal powers delegated by the legislature.

With the authority to create new municipalities delegated to local communities, new incorporations multiplied. In 1894, for example, twenty-eight new boroughs were incorporated in Bergen County alone, mainly to evade the effect

of a state law consolidating local school districts. The state legislature finally acted in 1897 to withdraw its delegation of the authority to form new boroughs. Similar action was taken in 1960 for villages, in 1961 for cities, and in 1982 for towns. The general laws controlling organization within each municipality remained, however, with sections of the state statutes constituting, in effect, the charters for each type of municipality—cities, towns, boroughs, villages, and townships.

Although the power to create new municipalities has been retrieved by the legislature, local communities are authorized by state law to make changes in boundaries through annexation from one municipality to another. Also, it is possible through mainly local action to eliminate municipalities by consolidating one or more places into a single governmental unit.

From the 1840s through the 1920s, an average of about five new municipalities were incorporated every year. During this same period, laws were enacted authorizing the establishment of a variety of special districts within municipalities. In general, the state government sought to meet the problems of local government in growth areas by creating new governmental units. By 1930, however, with the number of municipalities approaching 600, this solution became less attractive. Since 1930, only a few new municipalities have been incorporated,⁴ and the problems of local government have been addressed by other means. Consolidation of municipalities, used frequently in the late nineteenth century to expand the boundaries of the central cities, has rarely been accomplished in recent decades. With only a few exceptions, the map of municipal boundaries in New Jersey has changed little since 1930.

The proliferation of municipalities, brought on by a variety of forces over the history of New Jersey, may have a beneficial effect in keeping local government close to the individual citizen. On the other hand, it frequently makes the process of government more difficult. The flow of air and water, the pressure of development, and the needs of transportation do not stop at the boundaries of 567 municipalities which may have been established decades ago in a different society. In many cases, the solution to one community's problems may lie within another municipality's boundaries. Local government in a small place may have to be an amateur, part-time government, when professional, full-time government might provide more effective and efficient service.

The new development of the twentieth century has been the authorization by the state legislature of optional forms of municipal government which may be adopted by the voters of any municipality to replace the form of governmental organization specified by the general laws applying to each type of municipality. Thus, for example, a municipality organized as a borough under the borough laws of the nineteenth century might remain known as a borough, but if the voters approve, its internal organization might be changed to conform with one of the optional charter laws enacted by the legislature.

Three of these optional charter laws have been enacted, and all of them remain available to the voters of any municipality. They are the Commission Form of Government Act of 1911 (also known as the Walsh Act), the Municipal Manager Form of Government Act of 1923, and the Optional Municipal Charter Law of 1950 (also known as the Faulkner Act). In addition, it now has again

become possible, as a result of the new state constitution of 1947, for a municipality to obtain a special charter from the legislature, providing a unique form of governmental organization for that community. Details of these laws and the procedures for adopting them are contained in the pages that follow.

Home Rule⁵

Home rule generally refers to the powers of a municipality to shape its charter and to exercise local self-government, subject to constitutional and statutory laws. Within this broad definition, however, are many different interpretations, and some misconceptions, as to the extent and discretion of home rule powers.

There is no single classification of “home rule” that can be said to cover all aspects of state–local relationships. While New Jersey is not known as a home rule state, at least in a legal sense, delegations of authority and responsibility do exist, and they go further in some areas than others. “Home rule” probably is discussed and invoked at least as frequently in New Jersey as in other states. It has been said that home rule is a state of mind in New Jersey. While this undoubtedly is so, it is more than a state of mind if the range of alternative patterns is recognized. To some extent, legal home rule—in both constitutional and statutory form—does exist in New Jersey in a variety of forms, depending upon the area of state–local relationships involved.

A second observation is that the balance between state and local powers is not a static phenomenon. It changes constantly as conditions change and as new constitutional and statutory provisions are enacted. In New Jersey, powers have been granted to local government units and they have been withdrawn from the local level.

Home Rule Concepts

The opinions and writings of two nineteenth-century state jurists, Judge John F. Dillon of Iowa and Judge Thomas M. Cooley of Michigan, have formed the basis for a continuing debate over the last hundred years regarding the relative powers of the states and their local governments.

“Dillon’s Rule”—“Dillon’s Rule” provides for a strict construction approach of state supremacy over local government. Judge Dillon stated in an Iowa case in 1868, and in later books, that municipal corporations possess only those powers granted by state legislatures in express terms, together with those necessarily implied by the powers granted, and those indispensable powers essential to the objectives of the municipal corporation.

The “Cooley Doctrine”—In contrast to Judge Dillon’s “Rule,” Judge Cooley, in an 1871 Michigan case, described what he considered to be a basic tenet of American political philosophy, namely, that there exists an inherent right of local government. The “Cooley Doctrine” was based on Judge Cooley’s reading of the common law and American historical tradition. He considered the right to local self-government to be an absolute right which could not be abridged. Many local governments existed before the state governments, he argued, and therefore were parallel to the states and should continue for “all time.” Local government came out of the fabric of American life and was the “cradle” and guardian of American liberty and democracy.

A Constitutional Blending

In the absence of state constitutional guidelines, most legislatures and courts in the nineteenth century opted for "Dillon's Rule," rather than the "Cooley Doctrine." Nevertheless, the idea of inherent local government rights has remained an attractive concept for the general public, for local government officials, and, increasingly in the earlier years of the twentieth century, for writers on local government.

Thus, attempts were initiated to write specific language into state constitutions that would turn the legislatures and the courts away from the full force of state supremacy, as stated by Judge Dillon, and would begin to provide for some blending of the views of the two judges. In general, these efforts have been characterized as home rule movements. Their results can be categorized under a handful of headings, although the actual classification of state legislative and constitutional provisions into one category or another may not always be simple.

State Supremacy—This category, at one end of the spectrum, presumes full acceptance of Judge Dillon's "Rule." A local government is a creature of the state—subject to creation, abridgement, and destruction by the state—and it may exercise only those powers granted in express terms, together with those necessarily implied by the powers granted, and those powers essential to the objectives of the local government corporation.

Modified State Supremacy—A second category of home rule approach accepts the general validity of "Dillon's Rule," but places some specific limitations on the powers of the state government with regard to local government. For example, the state constitution might prohibit the legislature from enacting laws dealing with the internal affairs of individual municipalities without their consent.

Legislative Grant of Home Rule—An approach known as legislative home rule has the potential for going somewhat beyond the modified state supremacy category. Here, the state legislature delegates home rule powers to local governmental units by statute.

Constitutional Home Rule—A more drastic step than legislative home rule is the development of constitutional language which not only limits state legislative action in relation to local government, but provides explicitly for certain powers and functions to be exercised by local governments. Two variations generally are identified: constitutional non-self-executing home rule and constitutional self-executing home rule.

1. *Non-Self-Executing Home Rule* includes provisions in a state constitution which designate certain functions or powers as appropriate for local government, but require an action of the legislature to implement the constitutional provision.
2. *Self-Executing Home Rule*, the second variation of constitutional home rule, involves language which provides authority for local government action without the need for legislative authorization.

Local Home Rule as an Inherent Right—To complete the spectrum, a full implementation of Judge Cooley's "Doctrine" would involve no specific constitutional language, since the powers of local government would be recognized as inherent and universally acknowledged.

Home Rule in New Jersey

The task of categorizing any state with regard to home rule powers is far from simple, and New Jersey is no exception. Some generalizations are possible, however.

State supremacy does seem to exist in several areas. The power to create new local government units was returned to the legislature after a century of progressively greater local government fragmentation through home rule procedures. Although local units may be eliminated or their boundaries changed through the use of legislative grants of consolidation and annexation powers, these are rather special and limited situations. A second area of state supremacy is in the power to determine local government processes. In order to ensure uniformity of procedure, the state legislature has established statutory rules for the conduct of elections, the administration of local finance, and the method of enacting ordinances. Thirdly, the state legislature exercises supremacy in New Jersey by mandating uniform procedures for local taxation and borrowing, and by imposing statutory limitations both on the amount which a local government can borrow and the amount by which a local budget may be increased annually.

Beyond the areas of state supremacy which have been described, the legislature has moved to provide a substantial degree of local option through its own acts. Optional charters offer home rule organizational forms to every community. Most local government services are authorized on an optional basis, and the list is extensive. The power to regulate both the use of private property and various aspects of personal behavior is largely optional and, again, the list is extensive. There are some indications, however, that if local governmental units do not use their authority effectively, more of the optional regulatory powers granted by the legislature may be made mandatory, just as uniform building construction regulation was mandated in 1975.

The area where constitutional authorization of home rule powers is most obvious is in the regulation of the use of private property. This may have developed because such activities were less common and accepted in earlier years and required more explicit constitutional authorization. Zoning for the construction of buildings and the use of land, clearance of blighted areas, and the power of eminent domain all have gained constitutional recognition as appropriate local functions, although to have effect they require legislative implementation. In this area also, the exercise of home rule authority by individual communities has been limited in recent years through court action in the Mount Laurel decisions, which require provision for housing which is available to persons with a wide range of income.

Finally, the concept of local home rule as an inherent right cannot be ignored, for some elements of it assuredly exist in New Jersey through legislative deference to local wishes. There are practical as well as political limits, however poorly defined, beyond which the legislature will not go in mandating local activity or transferring functions from local to state spheres. Also, by and

large, comparable limits are observed by state administrative agencies in dealing with local government units. An inherent right of local home rule in New Jersey is truly a state of mind, accepted both by the residents of the state, who usually are citizens of their own local communities first and of the State of New Jersey second, and by the legislators themselves, a large number of whom are either present or past officials of local governmental units.

Municipal Functions

The state legislature has delegated to the municipal governments extensive authority to provide local services, to regulate the use of private property, and to regulate public behavior. The extent to which these powers are used is largely permissive. Some communities may choose to implement a great deal of the authority granted to them. Others may choose to have a more limited array of services and regulations. In either case, the size of the municipal work force is a convenient way of measuring the extent to which municipalities are exercising their delegated authority and identifying the governmental services on which they place the most emphasis.

In general, public employment by New Jersey municipalities grew steadily in absolute numbers from the end of World War II through the mid-1970s, reaching a peak of about 75,000 full-time equivalent (FTE) employees by the time of the 1977 Census of Governments.⁶ Thereafter, a change took place, with the number of FTE employees dropping to 66,000 in 1982. The decline probably is due to the combined effect of municipal "budget caps" which, beginning in 1977, have limited the amount by which a municipal budget may increase each year, plus the phase-out of the Comprehensive Employment and Training Act (CETA) program, which provided federal funds for temporary public employment. These changes emphasized a longer-term trend in which the municipal *proportion* of total state and local employment has been declining for over twenty years, as the state and county governments gradually have taken on more functions and become larger suppliers of governmental services.

Four major activities stand out as prime municipal functions in New Jersey. For most communities, the largest governmental function in terms of FTE employment usually is police protection. In 1982, police employees made up 28 percent of the total work force in New Jersey municipalities. Second in size of employment was general governmental administration, including financial administration, with 14 percent of the total. This is an area which has grown in importance. As the state became more urbanized during the 1960s and 1970s, more and more communities shifted from part-time, amateur governmental administration to a more full-time, professional approach requiring more employees. Third in statewide rank in 1982 was fire protection, traditionally a full-time activity in the older urban areas, with 10 percent of all municipal employment statewide. As development has shifted to outlying areas, however, the growth of paid fire departments has not kept pace. Continued reliance on volunteer companies in many parts of the state means that, overall, fire protection has been a declining part of the municipal employment pattern. Finally, the fourth major municipal function on a statewide basis in 1982 was highways—municipal street and road departments—which comprised 9 percent of the total work force.⁷

Beyond these major activities—police, fire, general administration, and streets and roads—which make up about 60 percent of all municipal employment, the work force fragments into numerous smaller functions—libraries, public welfare, hospitals, public health, parks and recreation, sewerage, sanitation, and public utilities. Any one of these activities may be of major significance in a particular community, or it may be of little or no importance. The decisions as to their importance are made locally, and the choice of service level is probably the strongest element of home rule to be found in New Jersey.

Financing New Jersey Municipalities

For many years, New Jersey has placed unusual emphasis on its units of local government—counties, municipalities, and school districts—and these local units in the past have been expected to finance most of their activities through their own local property tax base. In 1957, for example, 73 percent of all county revenue, 56 percent of all municipal revenue, and 76 percent of all school-district⁸ revenue came from the local property tax. Substantial additional percentages came from such other local sources as fees for licenses and permits, municipal court revenues, and sales of property.

In the last twenty-five years, however, there have been changes as the state government has developed new sources of revenue and as the property tax resources of the local communities have become increasingly unequal. A state sales tax was introduced in 1966 and a state personal income tax in 1976. While the revenue from these taxes has permitted some expansion of state government activities, the state government itself remains a relatively small operation. The bulk of the new funds, instead, has been returned to the counties, municipalities, and school districts through a variety of programs. During the same period, federal aid to local government has become a significant factor.

The result has been a decrease in the degree to which local governments in New Jersey depend on local property taxes. By 1982, the share of local revenue coming from the property tax had dropped to 62 percent for counties, to 34 percent for municipalities, and to 59 percent for schools.⁹

In the municipalities, the funds distributed by the state government have taken two major forms. The first is direct state aid, which in 1982 amounted to 8 percent of all municipal revenue. The more important category of funds distributed by the state to the municipal governments involves taxes on specialized types of property which at one time were taxed locally. Over the years, it has been found more efficient and effective in some cases to transfer the taxation of such property to the state level, with revenues being returned to the municipalities. Thus, state-collected taxes on public utilities made up 21 percent of all municipal revenues in 1982, and revenues derived from state taxation of personal property used in business made up another 5 percent of all municipal revenues. Federal aid and federal revenue-sharing, which rose in the 1960s and 1970s, have declined in the most recent past to only 4 percent of total municipal budgets in 1982.

The above percentages, which represent statewide figures, will vary from place to place, of course, since they are dependent on a variety of state aid and tax redistribution formulas. One point is clear, however: municipal govern-

ments in New Jersey are far more dependent on the State of New Jersey for fiscal support than they were in the past.

They are also responsible to the state government for the procedures used in carrying out their financial activities. As a result of the fiscal difficulties which many municipalities found themselves in during the Great Depression of the 1930s, New Jersey implemented a stringent set of controls over municipal finance. Budgeting, accounting, purchasing, and auditing are regulated by state laws and by regulations issued and enforced by the Division of Local Government Services in the New Jersey Department of Community Affairs. While the state legislature has authorized a good deal of home rule, or local option, for individual communities in deciding how their municipal governments are to be organized and what services they should provide, this does not extend to how they conduct their financial affairs. State regulation is a fact of municipal life, and there is little opportunity for variation. Beginning in 1977, the state government took a major step beyond the regulation of municipal financial *procedures*, for the first time in recent decades imposing a municipal "budget cap" or limit on the percentage by which most municipal budgets may increase annually. With this step, the state government seriously reduced the scope of home rule powers available to New Jersey municipalities.

Notes

1. Act of 21 February, 1798.
2. Harris I. Effross, *County Governing Bodies in New Jersey: Reorganization and Reform of Boards of Chosen Freeholders, 1798–1974* (New Brunswick: Rutgers University Press, 1975), pp. 42–43.
3. Stanley H. Friedelbaum, "Origins of New Jersey Municipal Government," *Proceedings of the New Jersey Historical Society*, Vol. LXXIII, No. 1, January 1955. In contrast, most of the townships in the Midwest still have relatively limited powers and functions, while this unit of local government is not used in the South.
4. Although many have changed their names.
5. This section is a reduced version of a more extended discussion of "Home Rule in New Jersey" presented by the same authors as a section in *Forms of Municipal Government in New Jersey* (Trenton: County and Municipal Government Study Commission, State of New Jersey, January 1979), pp. 2–30. Substantially the same larger discussion is also contained in *Governing New Jersey Municipalities*, Julius Mastro and J. Albert Mastro, editors, (New Brunswick: Bureau of Government Research, Rutgers, The State University of New Jersey, 1984), pp. 117–138.
6. School district employees, sometimes counted as municipal employees by the Bureau of the Census, have been eliminated from the data in this report.
7. It should be noted that municipal public works departments frequently include other functions besides street and road maintenance, often making them one of the largest departments in many communities.
8. School district data are for the school year 1956–57.
9. School district data are for the school year 1979–80.

Chapter III

Municipal Government Organization in New Jersey

The forms of municipal government now available to New Jersey communities reflect laws enacted at various times during the state's history. Twelve distinct forms can be identified. First there are the five forms of government related to the type of municipality, with their origins in the general law period from 1875 through about 1900. These are:

1. City Form
2. Town Form
3. Borough Form
4. Township Form
5. Village Form

With some slight variation described under the Township Form, these forms of governmental organization are available only to municipalities which have been incorporated pursuant to state law as a particular type of municipality.

There are also the optional forms of government authorized during the twentieth century and available to any municipality which wishes to adopt them. These, with the year of their authorization, are:

6. Commission Form (1911)
7. Municipal Manager Form (1923)
8. Optional Municipal Charter Law: Mayor-Council Form (1950)
9. Optional Municipal Charter Law: Council-Manager Form (1950)
10. Optional Municipal Charter Law: Small Municipality Form (1950)
11. Optional Municipal Charter Law: Mayor-Council-Administrator Form (1981)

Finally, there is the possibility of a special charter, providing a unique pattern of organization for an individual municipality. Prohibited from 1875 through 1947, there are at least six places still using all or part of a pre-1875 charter, and ten using special charters adopted or modified after 1947.

12. Special Charters

The use of these forms of government, as of January 1, 1984, is shown in Table 1.

Table 1. Forms of Municipal Government in Use in New Jersey as of January 1, 1984

Form of Government	Number of Municipalities	Estimated 1982 Population	Estimated Mean Average Population	Percentage of State Population	Largest Municipality	Smallest Municipality
City Form	11	185,784	16,889	2.5	East Orange (76,481)	Corbin City (255)
Town Form	8	97,253	12,157	1.3	Kearny (35,255)	Clinton Town (1,890)
Borough Form	220	1,485,428	6,752	20.0	Fort Lee (32,675)	Rockleigh (191)
Township Form	162	1,465,803	9,048	19.7	Dover Twp. (66,333)	Pahaquarry (26)
Village Form	1	367	367	—	Loch Arbour (367)	Loch Arbour (367)
Commission Form (1911)	36	416,923	11,581	5.6	Union City (56,709)	Tavistock (9)
Municipal Manager Form (1923)	9	236,066	26,230	3.2	Clifton (75,740)	Teterboro (21)
Optional Municipal Charter Law: Mayor-Council Form (1950)	56	2,533,740	45,245	34.1	Newark (322,214)	Avalon (2,326)
Optional Municipal Charter Law: Council-Manager Form (1950)	32	590,079	18,440	7.9	Willingboro (40,042)	Eastampton (3,825)
Optional Municipal Charter Law: Small Municipality Form (1950)	15	79,180	5,279	1.1	W. Paterson (11,496)	Estell Manor (902)
Optional Municipal Charter Law: Mayor-Council-Admin. Form (1982)	1	22,653	22,653	0.3	No. Brunswick (22,653)	No. Brunswick (22,653)
Special Charters	16	324,727	20,295	4.4	Middletown (64,290)	Beverly (2,918)
	567	7,438,003	13,118	100.0	Newark (322,214)	Tavistock (9)

General Patterns of Municipal Organizations

Almost all forms of municipal government organization, both in New Jersey and elsewhere, can be placed in one of three broad patterns.

Elected Governing Body and Elected Chief Executive

The first general pattern is a form which mirrors the organization of the federal and state governments. There is a *directly elected* chief executive, usually called the mayor, who corresponds to the president or the governor at higher levels, and there is an elected legislative body, most often called the council. Each of these branches is given powers with which to serve as a check on any excesses of the other. The mayor, as chief executive, usually is expected to supervise the day-to-day administration of the local government and to see that laws and ordinances, which are local laws, are enforced. The mayor may have the power to veto ordinances and usually has some power to appoint subordinate officers and employees. The council enacts ordinances establishing public policy, appropriates the funds required to run the government, and usually has some special powers of investigation. If the mayor's powers are strong, this form of government is described as a "strong mayor-council" form. If not, it is a "weak mayor-council" form.

Elected Governing Body and Appointed Chief Executive

The second broad pattern provides for an elected governing body which *appoints* a chief executive. This pattern presumably is modeled after forms of business organization. The council is the legislative, or policy-setting, branch of government and generally is expected to play no role in administering the daily affairs of the municipality. This task is delegated to an appointed chief executive, frequently called the manager or administrator. Since substantial powers, including appointments, are assigned to this person, care is usually taken to provide a relatively easy procedure for dismissal by the council if performance is not satisfactory.

Elected Governing Body-Administrators

The third pattern requires the election of a group of officials who serve *both* as the chief executive and as the legislative body. In effect, this is government by committee. It is one of the oldest patterns of municipal government organization, having its roots in the old town meeting plan, when the members of the annual meeting of all voters would select a few of their number to run the town until the next annual meeting. In practice, the governing body often functions as a committee only for legislative matters, while the responsibility for day-to-day supervision is divided among the individual members of the committee, with each member specializing in some aspect of municipal government. The commission form of government is a more formalized version of committee government.

The twelve forms of municipal government organization now available by law in New Jersey fit into the broad patterns of organization as follows:

	Elected Governing Body and Elected Chief Executive	Elected Governing Body and Appointed Chief Executive	Elected Governing Body- Administrators
City Form	X		
Town Form	X		
Borough Form	X		
Township Form			X
Village Form			X
Commission Form			X
Municipal Manager Form		X	
OMCL: Mayor- Council Form	X		
OMCL: Council- Manager Form		X	
OMCL: Small , Municipality Form	X		
OMCL: Mayor-Council- Administrator Form	X		
Special Charters		Mixed	

Strengths and Weaknesses of Government Forms

It is difficult to say conclusively that any particular aspect of a form of municipal government is a "strength" or a "weakness." To some, a characteristic such as nonpartisan elections may be considered highly desirable and a source of strength for a form of government. To other persons, it may be regarded as a weakness. The choice of characteristics for a form of government most appropriate in any given municipality ultimately must be left to the residents of that community.

It may be possible, however, to draw some tentative conclusions from the opinion of persons who have served in different forms of government. Several years ago such a survey was made, with responses received from 148 mayors, 207 governing body members, 99 chief appointed administrative officers, and

215 municipal clerks.¹ If at least three of these groups gave their highest rating to a particular characteristic of local government, it has been included on the "preferred" list:

- A governing body of five members
- A governing body elected at-large
- A governing body elected for three-year terms of office
- A governing body serving staggered terms of office
- A mayor elected directly by the voters
- A mayor serving a four-year term of office
- A mayor who presides and has a regular vote as a member of the governing body
- A mayor with veto power which can be overridden only by an extraordinary vote of the governing body
- A Chief Appointed Administrative Officer who serves at the pleasure of the governing body
- A Chief Appointed Administrative Officer who does not acquire tenure
- No direct election of administrative officers beyond the mayor and governing body
- The election of the mayor and governing body in nonpartisan elections
- No use of run-off elections
- The power of initiative for the voters
- The power of referendum for the voters
- The power of recall for the voters²

It must be noted that all of these respondents have some sort of vested interest in their own form of government. Private citizens of the community and students of government may differ in their evaluation of strengths and weaknesses. Nevertheless, the opinions of persons who have had the responsibility for making a local government operate are useful in evaluating any form of municipal government. Table 2 correlates the list of "preferred" characteristics with the forms of government now available in New Jersey.

In the pages which follow, in addition to describing each available form of municipal government, there will be a brief discussion of some of the major criticisms which have been made of the form. In the interest of saving space, the specific "strengths" of each form will not be described in any detail, since they generally are merely the mirror-image of the "weaknesses" or are indicated in Table 2 as "preferred."

Table 2. Form of Government Characteristics "Preferred" by Municipal Officials

	City Form 1897 1899	City Form 1963	Town Form	Bor- ough Form	Town- ship Form	Vil- lage Form	Commis- sion Form	Mun. Mgr. Form 1923	OMCL* Mayor- Coun. Form	OMCL* Coun.- Mgr. Form	OMCL* Small Mun. Form	OMCL* Mayor- Coun.- Admin. Form
Governing body of 5 members	2		2		2	1	2	2	2	2	2	
Governing body elected at large	2		2	2	2	1	1	1	2	2	1	1
Governing body elected for 3-year terms of office	2		2	1	1	1		2			1	1
Governing body serving staggered terms of office	1	1	1	1	1	1		2	2	2	2	1
Mayor elected directly by the voters	1	1	1	1					1	2	2	1
Mayor serving a 4-year term of office		1		1			1	2	1	2	2	1
Mayor who presides and has a regular vote as a member of the governing body			1		1	1	1	1		1	1	
Mayor with a veto power which can be overridden only by an extraordinary vote of the governing body		1	1						1			
CAAO+ who serves at the pleasure of the governing body	3	3	3	3	3	3	3	1		1	3	1
CAAO+ who does not acquire tenure	3	3	3	3	3	3	3	1	1	1	3	1
No direct election of administrative officers beyond the mayor and governing body	1	1	1	1	1	1	1	1	1	1	1	1

	City Form 1897 1899	City Form 1963	Town Form	Bor- ough Form	Town- ship Form	Vil- lage Form	Commis- sion Form	Mun. Mgr. Form 1923	OMCL* Mayor- Coun. Form	OMCL* Coun.- Mgr. Form	OMCL* Small Mun. Form	OMCL* Mayor- Coun.- Admin. Form
Election of the mayor and governing body in nonpartisan elections						2	1	1	2	2	2	
No use of runoff elections	1	1	1	1	1	2	2	2	2	2	2	1
Power of initiative for the voters							1		1	1	1	1
Power of referendum for the voters							1		1	1	1	1
Power of recall for the voters							1	1	1	1	1	1

1 = Required by form of government

2 = Option possible under form of government

3 = Optional addition to form of government

*Optional Municipal Charter Law

†Chief Appointed Administrative Officer

Note: See text for a description of the way in which "preferred" characteristics were identified.

Forms of Municipal Government in New Jersey

City Form

Acts Saved from Repeal: *L.1963, C.149 (N.J.S.A. 40:103–5(71) et. seq.)*³

L.1897, C.30 (N.J.S.A. 40:108–1(1) et. seq.)

L.1899, C.52 (N.J.S.A. 40:109–3(1) et. seq.)

The City Form of government is based on a series of laws enacted in the late nineteenth and early twentieth centuries, which represent the legislature's initial attempts to provide optional forms of municipal government for local adoption. Their use is limited to municipalities incorporated as cities.

In recent years, most of these laws were repealed, since they were not in use. Three laws remain: a 1963 statute which may be used by any city, but at the present time is in use only in East Orange, and two very similar laws enacted in 1897 and 1899, which are available only to places with less than 12,000 inhabitants, but are now in use in some communities which have grown above that number. Together, these three laws are used by only eleven cities, having 2.5 percent of the state's estimated population as of January 1, 1984. Most cities in the state have adopted one of the more general optional forms of government laws described further on.

All of the laws for the City Form of government provide for a separately-elected mayor and council. Under the 1897 and 1899 laws the council can be elected at large; more commonly, however, there are two wards, with three members from each serving for three-year terms of office, plus a single council member elected at large for a two-year or four-year term. If the municipality has been divided into more than two wards, only one member will be elected from each ward, plus the at-large member. Terms of office are always staggered. The mayor is elected for a four-year term of office.

Elections are on a partisan basis, with primaries in the spring and the general election in November. There is no provision for runoff elections if no candidate receives a majority of the vote.

The council is the legislative body and selects one of its own members to preside as council chairman or president. The mayor serves as chief executive, responsible for seeing that all laws and ordinances are executed. The mayor has a veto over ordinances, and in the 1963 law also over resolutions, which can be overridden only by a two-thirds vote of the council.

Under the 1897 and 1899 laws, the council makes most appointments of municipal personnel with the exception of the police department. The mayor is the head of the police department and appoints all personnel in the department, although nominations of senior officers must be confirmed by the council. Under the 1963 law, the mayor's appointive power is much more extensive, with confirmation by the council required. However, this law authorizes the creation, after approval in a referendum, of semi-independent boards for the operation of the police, fire, and water departments. If established, these boards assume appointment and supervisory power within their departments. East Orange, the only city under this law, has made use of the option to delegate administrative supervision to such departmental boards.

There is no provision in the statutes governing the City Form of government for a chief appointed administrative officer, although such a position could be created by local ordinance.⁴ Three places are known to have done this.

Only the 1963 law includes the powers of recall, initiative, and referendum for the local voters.

While these laws for the City Form of government are not available for general adoption by other municipalities, it is possible that some cities which have changed to one of the more generally available optional forms could choose to revert to their older City Form of government at some time in the future.

Some of the weaknesses which have been noted in the City Form of government include:

- The large size of the council which is possible
- The use of wards for election of most council members
- The limited form of participation by the mayor in council meetings
- The lack of any requirement for a chief appointed administrative officer
- The lack of the powers of recall, initiative, and referendum

Town Form

N.J.S.A. 40:123-1 et seq.

The Town Form of government has its origins in the nineteenth century. Most communities previously using this form have abandoned it for one of the newer optional forms. As of January 1, 1984, only eight places, with 1.3 percent of the state's estimated 1982 population still used the Town Form of government, and it is not available for adoption by any additional places. However, it is possible that a town which has adopted some optional form could revert to the Town Form of organization.

Under this form there is a mayor chosen directly by the voters for a two- or three-year term of office and a council elected either at large or entirely from wards for two- or three-year terms.⁵ While statutory changes made in 1982 attempted to limit the number of council members and wards, all towns then using this form of government were permitted to continue unchanged, so that town councils now range from five to eight members with as many as eight wards in use. All elections are on a partisan basis, with primaries in the spring and a general election in November. Runoff elections are not authorized.

The mayor presides and may participate and vote in council meetings. He or she also has a veto power over ordinances that may be overridden only by a two-thirds vote of the council, which includes the mayor. Appointments are made by the council as a whole. The legislative power is exercised by the council, which prepares and adopts the municipal budget. There is no basis in the law for the Town Form of government for a chief appointed administrative officer, although this office could be created by a local ordinance.⁶ Four towns have established such a position by ordinance.

It is possible for the town council to establish separate commissions to administer parks and water supply systems, in which case the council's powers are transferred to such commissions. The Town of Dover has such a water commission.

The powers of recall, initiative, and referendum are not authorized for the voters under the Town Form of government, except for special purposes.

Weaknesses which have been noted in the Town Form are:

- The election of most council members from wards
- The short term of office for many elected officials
- The lack of any requirement for a chief appointed administrative officer
- The absence of the powers of recall, initiative, and referendum

Borough Form

N.J.S.A. 40:86-1 et seq.

The Borough Form of municipal government is the most common among New Jersey local governments, being used by 220 places with 20.0 percent of the state's estimated 1982 population as of January 1, 1984. It provides for a mayor and a six-member council, elected separately in partisan elections at the November general election. A plurality only is required for election; runoff elections are not authorized.

The mayor serves for four years, while council members serve three-year staggered terms of office, with two council seats being contested each year. Council members usually are elected at large from the entire community. However, it is possible for a borough over 10,000 in population to be divided into from two to five wards; Roselle and Roselle Park are the only boroughs known to use this plan at present, each with five wards electing a single council member, plus one member elected at large.

The mayor presides at council meetings, but votes only to break ties. He or she has a veto which may be overridden by a two-thirds vote of all members of the council. A council president is selected annually from among their own members by the council and presides in the absence of the mayor. The mayor nominates all appointive officers subject to council confirmation. However, if the council does not confirm within thirty days, the appointing power is transferred to the council. While the law does not specifically name the mayor as the chief executive, it does direct that officer to see that state laws and local ordinances are faithfully executed in the borough. There is no provision in the basic Borough Form of government law for a chief appointed administrative officer, although this office could be created through local ordinance.⁷ Of the 220 boroughs with this form of government, eighty-three have added a municipal administrator by local ordinance.

The law prescribes only legislative duties for members of council; however, common practice in many boroughs is for council members, by chairing a committee of the council, to assume some administrative control over various borough departments.

The powers of recall, initiative, and referendum are not authorized for the voters under the Borough Form of government. However, general law provides for referenda on specific subjects, such as salaries of elected officials and working hours for police officers.

In boroughs having waterworks, sewerage and drainage systems or disposal plans, or an electric light plant, the council, by ordinance, may create an appointed board of public works to administer these facilities. The borough

governing body may also provide for dividing the borough into garbage districts or street lighting districts, with these functions being administered by boards of separately elected commissioners or by the governing body.

The Borough Form of municipal government is available only to municipalities incorporated as boroughs. There is no provision for some other type of municipality to adopt the Borough Form, although a borough which has adopted some optional form of government could abandon that form and revert to the Borough Form. In recent years, in order to gain some advantage under federal revenue sharing, a few boroughs have used a name-change statute to insert the word "township" in their name. Thus, there may be such places as the "Township of the Borough of Verona," which continues to function under the Borough Form of government.

Although the mayor is responsible for seeing that all laws and ordinances are executed, very limited powers are authorized for this office. If nominations for municipal officers submitted by the mayor are not acceptable to council, the appointments may be made by the council. While the mayor has a veto, it may be overridden by a two-thirds vote of council—the same number of votes in a six-member council that were required for original enactment. Moreover, council members frequently become involved in daily administrative tasks. The Borough Form is quite clearly a "weak mayor-council" form of government.

A further criticism of the basic form is the lack of any requirement for a chief appointed administrative officer, a weakness which many places have tried to remedy by creating such a position by local ordinance.

The Borough Form does not authorize the general powers of recall, initiative, and referendum, and this sometimes is considered a deficiency.

Township Form

N.J.S.A. 40:142-1 et seq.

The Township Form of government is one of the oldest in New Jersey. Although declining in popularity, the Township Form is still the second most numerous, with 162 townships serving 19.7 percent of the state's population as of January 1, 1984. The governing body is a township committee of three or five members who are elected for three-year staggered terms in partisan elections, generally from the township at large. There is an election of at least one member every year. The size of the committee may be increased from three to five or decreased from five to three by the voters of the township through a petition and referendum procedure.

A township of more than 7,000 population may be divided into two or three wards, with the township committee then to consist of two members elected from each ward for three-year staggered terms, and one committee member elected at large, who serves as mayor during a four-year term of office. Only the Township of Winslow uses wards at the present time; there are four wards because they were in existence before the more recent law limiting the number of wards to three.

In all other townships the committee members annually choose one of their own number to serve as mayor for that year. The mayor presides at committee meetings and votes as a member of the committee, but has no other special powers under the Township Form of government law. In general, all formal

legislative and executive powers, including the power of appointment, are exercised by the committee as a whole. However, most township committees divide themselves into subcommittees to supervise the administrative activities of the township government. The basic township law makes no provision for a chief appointed administrative officer. This office could be established by local ordinance,⁸ and 64 of the 165 townships having this form of government have done so.

Townships may be divided into road districts or street lighting districts, with these functions being administered by separately elected commissioners. Garbage collection districts also are authorized, but without a separately elected board of commissioners.⁹

The Township Form of government is available only to townships; those townships which have chosen some optional form of government may revert to the Township Form if they choose to do so. In recent years, in order to gain some advantage under federal revenue sharing, thirteen municipalities of some other type in Essex County have used a name-change statute to insert the word "township" in their name.¹⁰ Thus, there may be such places as the "Township of the Borough of Verona," which continues to function under the Borough Form of government even though technically being known as a township. Most of these places use one of the optional forms of government described below.

The weaknesses of the Township Form center generally on the difficulties of conducting government by committee, especially when the committee is made up of part-time public officials. The lack of any centralized responsibility for supervision and administration in the basic township government law has been partially ameliorated in some communities through the creation of the position of township administrator by local ordinance. Only limited powers can be delegated to this official, however. In the opinion of many observers, the selection of the mayor by and from the committee also is a weakness, since it fails to establish a position of strong political leadership validated by direct election to the position. The small, three-member committees used in many smaller places may at times encounter difficulties because of absences due to illnesses or other causes. Finally, the absence of the direct powers of recall, initiative, and referendum sometimes is considered a weakness.

Village Form

N.J.S.A. 40:157-1 et seq.

The Village Form of government is rare in New Jersey, only Loch Arbour, with an estimated 1982 population of 367, is now using this kind of governmental organization. The governing body is a five-member board of trustees elected at large for three-year staggered terms of office in elections which may be either partisan or nonpartisan. Runoff elections may be included in the nonpartisan option in case no candidate receives a majority of the votes cast, but they are not required.¹¹

The board of trustees annually chooses one of its own members to serve as president of the board; virtually the only power of the president is to preside at meetings. In general, all executive and legislative powers are exercised by the board as a whole. There is no provision for a chief appointed administrative

officer. The position could be created by local ordinance,¹² but Loch Arbour has not taken this step.

Recall, initiative, and referendum powers are not authorized for the voters under the Village Form of government.

The Village Form of government is available only to municipalities incorporated as villages.

As with the other older forms of government linked to a type of municipality, a village that has adopted one of the optional forms of government could revert to the Village Form in the future. For many years, the residents of a portion of a township, through local action, could become incorporated separately as a village; this option is no longer available under state law.

The Village Form is quite similar to the Township Form in the sense that it is basically government by committee. Most of the same criticisms apply:

- Lack of a chief appointed administrative officer
- Selection of the president from among members of the board of trustees, rather than by direct election
- Lack of the powers of recall, initiative, and referendum

Commission Form

N.J.S.A. 40:70-1 et. seq.

The first of the twentieth-century optional forms of municipal government to be made available to all municipalities was enacted by the legislature in 1911 as the Commission Form of Government Law, or Walsh Act. The law permits the voters of any municipality in New Jersey to abandon their existing form of government—City, Town, Borough, Township, or Village—and adopt the Commission Form.¹³ During the 1910s and 1920s, over sixty municipalities, including most of the large cities, many older suburbs, and a number of seashore resorts, made the change. In the last twenty-five years, however, the trend has been reversed, and few large places now use this form of municipal government. As of January 1, 1984, thirty-six places, with 5.6 percent of the state's estimated 1982 population, used the Commission Form of government.

Under the Commission Form, the voters elect a three-member commission in places of less than 12,000 population and a five-member commission in larger places. A three-member commission may be increased to five through a petition and referendum process. Elections are all at large and are held on a non-partisan basis in a municipal election in May. Candidates are prohibited from adding a political party label to their names on the ballot. The Uniform Non-Partisan Elections Law, enacted in 1982, provides that runoff elections may be included in case no candidate receives a majority of the votes cast, but they are not required.¹⁴ Commissioners serve four-year, concurrent terms of office.

The commissioners collectively constitute a board which is the legislative body of the municipality. Their only appointment as a group is that of the municipal clerk. The executive function of the municipality is divided among the three or five commissioners, each of whom heads one of the municipal departments specified in the law. Subordinate offices and agencies are assigned among the departments by the full board at its organization meeting. One commissioner is chosen to serve as mayor and to preside over meetings of the

board for a four-year term. The mayor is directed by the law to “supervise” all departments, but there is no veto power, and judicial decisions have tended to regard each commissioner as supreme in his or her own department, so that the mayor’s supervisory authority depends more upon personal qualities than on statutory authority. Each commissioner has the power of appointment for all of the personnel in his or her department.

The Commission Form of government authorizes use of the recall, the initiative, and the referendum by the voters of the community.

Although the Commission Form of government makes no provision for a chief appointed administrative officer, such a position can be established by local ordinance.¹⁵ Four of the thirty-six places using the Commission Form have enacted such an ordinance.

The Commission Form of government can be considered a more formalized version of the Township Form, although the powers of each commissioner within his or her own department are much more sweeping than the authority of a member of a township committee. Many of the same weaknesses are apparent:

- The small, three-member commission in many places
- Selection of the mayor by and from the commission itself, rather than by direct election
- The lack of a chief appointed administrative officer, or any other single officer who could coordinate the activities of the different departments

In addition, some believe that the requirement for four-year concurrent terms of office is a weakness since it provides for an unusually long period between local elections and may result in a completely new governing body.

Municipal Manager Form (1923)

N.J.S.A. 40:79–1 et. seq.

In 1923, the legislature enacted the second of the major optional laws now available, the Municipal Manager Form of Government Law. Any municipality, regardless of type, may replace its existing form of municipal government with the organization outlined by this law.¹⁶ In practice, the law has seen only limited use, with nine places, covering 3.2 percent of New Jersey’s estimated 1982 population, operating under its provisions as of January 1, 1984.

Under the 1923 Municipal Manager Form, the voters elect three, five, seven, or nine members of a council in nonpartisan, at-large elections. Runoff elections may be included in case no candidate receives a majority of the votes cast, although they are not required by the Uniform Non-Partisan Election Law.¹⁷ The term of office normally is four years, with concurrent terms. However, a municipality which had staggered terms of office under its previous form of government may use three-year staggered terms, and a municipality may change to four-year staggered terms after adoption of this form of government. The council appoints a municipal manager, a tax assessor, an auditor, a treasurer, a municipal clerk, and an attorney, and it may create and name the members of a joint water commission. The council functions thereafter strictly as a legislative body; administrative duties are prohibited for council members.

The manager is the municipal chief executive, makes all additional appointments, and prepares the tentative budget for council consideration. The manager serves at the pleasure of the council, although managers appointed before 1982 who have served for three years may be removed only for cause.

The mayor is selected by the council from among its own members, with duties mainly limited to presiding and voting as a member in council meetings, and making appointments to the board of library trustees and the board of education where that board is not elective. The mayor's term of office varies depending on the length of time between council elections.

The 1923 Municipal Manager Form of government authorizes the power of recall by the local voters, but not the powers of initiative or referendum.

A municipality with this form of government may revert to its previous form after a four-year trial period. There apparently is no prohibition against changing to some other optional form of government after a shorter trial.

The Municipal Manager Form was the first to require a chief appointed administrative officer. Various other steps were taken to change other aspects of the older forms of government which had been considered weaknesses. Some parts of this law still are considered deficiencies, however. One is the use of concurrent terms of council office in most places. Another is the selection of the mayor by the council. A third is the small size (three members) of the council in some municipalities. While the law provides for recall, it does not authorize the initiative or referendum powers.

Optional Municipal Charter Law

The Optional Municipal Charter Law of 1950 (OMCL), or Faulkner Act, is the third major legislative act authorizing local option in forms of government organization. It provides for four distinct forms of municipal government—a Mayor-Council Form, a Council-Manager Form, and a Mayor-Council-Administrator Form, which may be adopted by any municipality, and a Small Municipality Form, which is available only to municipalities under 12,000 in population. Each of the forms of municipal government under the OMCL, except the Mayor-Council-Administrator Form, includes a number of options on which decisions must be made when the municipality adopts the form. These can be changed at a later date through a referendum, without changing the basic form of government.

OMCL: Mayor-Council Form

N.J.S.A. 40:69A-1 et seq; 40:69A-31 et seq.

The OMCL Mayor-Council Form of government provides for a separately-elected mayor and council, who serve for four-year terms of office. The council may consist of five, seven, or nine members, and they may be elected from the community at large or through a combination of at-large and ward representation. The number of wards varies with the size of the council, as shown below:

Size of Council	Number of Wards	At-Large Council Members
5	2 or 3	3 or 2
7	4	3
9	5 or 6	4 or 3

Elections may be held on a partisan basis, with primaries in the spring and the general election in November, or on a nonpartisan basis in May. Council terms

may be served concurrently for the full four years, or they may be staggered, so that part of the council is elected every two years. Where wards are used with staggered council terms, the mayor and the at-large council members stand for office in the same year, while ward council members run in the off-year election. Runoff elections may be included in the nonpartisan pattern if no candidate receives a majority, but they are not required.¹⁸

The mayor is the chief executive and is responsible for supervising the departments of the municipal government. The municipal government organization is limited to ten departments, plus the offices of municipal clerk and tax assessor. One department must be a department of administration headed by a business administrator, who administers a centralized purchasing system and the personnel system, and assists the mayor in the preparation of the tentative budget. The mayor appoints the department heads, with the advice and consent of the council, and they serve during the mayor's term of office. Department heads may be removed by the mayor, but the council may veto such removal by a two-thirds vote. Subordinate officers and employees are appointed by the department heads. The mayor may attend council meetings, and has the right to speak, but not to vote; some mayors do not attend. The mayor has a veto power over ordinances, which may be overridden only by a two-thirds majority of the council. The mayor prepares the tentative budget and submits it to the council for approval. The council may reduce items in the mayor's budget by a simple majority, but may increase items only by a two-thirds majority.

The council is limited to legislative functions, with its only appointment based on the charter being that of the municipal clerk. It has various investigative and fiscal control powers, but may remove municipal officers only for cause. The council selects one of its own members to preside, with the title of president of council.

The powers of recall, initiative, and referendum are a part of all forms of government under the Optional Municipal Charter Law.

It is possible for a municipality operating under the OMCL Mayor-Council Form of government, through a referendum, to change any of the optional aspects—the size of the council, partisan or nonpartisan elections, the use of wards, staggered or concurrent council terms, and the use of runoff elections—without undergoing a complete change in form of government.¹⁹ However, if a community under this form of government wishes to revert to its previous form or to change to another optional form of government, it must wait at least three years if under 7,000 in population or five years if larger.

Although only fifty-six municipalities operated under this form of government as of January 1, 1984, they included most of the large communities of the state; 34.1 percent of New Jersey's estimated 1982 population was served, the largest percentage for any form of municipal government.

The OMCL Mayor-Council Form contains such a wide variety of options that it is possible to avoid most features which have been described as weaknesses in the older forms of government. In attempting to establish a "strong mayor-council" form of government, the drafters of this law may have gone further than some persons may consider desirable, however. This form, more than any other in New Jersey sets up a wide gulf between the mayor and the council. The mayor makes most major appointments; the council may only veto his or

her nominations. The mayor prepares the budget; the council reacts, but may increase or add items only by an extraordinary majority. The chief appointed administrative officer serves, essentially, at the pleasure of the mayor; the council may veto removal of the chief appointed administrative officer. The council is limited to legislative functions; the executive branch is relatively insulated from council control. The mayor, with no formal role to play at council meetings, frequently does not attend. The result, in some cases, is an atmosphere of contention and conflict between mayor and council.

OMCL: Council-Manager Form

N.J.S.A. 40:69A-81 et seq; 40:69A-81 et seq.

The second form of government made available to any municipality under the Optional Municipal Charter Law of 1950 is the Council-Manager Form. Members of the council are elected by the voters for four-year terms of office, and there may be five, seven, or nine members. The municipality has the option of holding all elections at large or of dividing the community into wards and electing some council members at large and some from wards. The number of wards depends on the size of the council as follows:

Size of Council	Number of Wards	At-Large Council Members
5	2 or 3	3 or 2
7	4	3
9	5 or 6	4 or 3

Elections may be on a partisan basis, with primaries in the spring and the general election in November, or on a nonpartisan basis in May. If nonpartisan elections are used, they may or may not be accompanied by run-off elections if no candidate receives a majority of the initial vote.²⁰ Council terms may be scheduled to run concurrently for four years, or they may be staggered, so that there is an election every two years. If the terms are staggered, the at-large council members will run in one election and the ward council members two years later.

The council appoints a manager, a municipal clerk, and a tax assessor, and may provide for the method of selection of the municipal attorney, the zoning board of adjustment, a personnel board, and advisory boards and commissions. The council is limited to legislative duties and must act as a body. Individual members of council are prohibited from dealing with the administrative service except through the manager.

The mayor may be selected by the council from among its own members, in which case he or she will serve for a two- or four-year term until the organization meeting following the next council election. Alternatively, the mayor may be elected directly by the voters, serving four years in that office. In either case, the mayor is little more than a presiding officer for the council, with a voice in all discussions and a vote.

The manager is the chief executive and either appoints all subordinate personnel not otherwise provided for or delegates the appointive power to department heads. The budget is prepared by the manager, who submits it to the council for revision and approval. The manager must attend all council meetings, and may take part in discussions, but has no vote. The manager serves at the pleasure of the council and may be removed by a majority vote at any time, so long as prescribed procedure is followed.

The OMCL Council-Manager Form includes the powers of recall, initiative, and referendum.

It is possible for a municipality operating under this form of government, through a referendum, to change any of the optional aspects—the size of the council, partisan or nonpartisan elections, the use of wards, staggered or concurrent terms, the use of runoff elections, and the method of selection of the mayor—without undergoing a complete change in charter.²¹ Any municipality adopting the OMCL Council-Manager Form of government may abandon that form and revert to its earlier form or may change to another optional form of government after three years if under 7,000 in population or after five years if larger.

As of January 1, 1984, thirty-two places were using the OMCL Council-Manager Form of government, including 7.9 percent of the state's 1982 estimated population.

The OMCL Council-Manager Form contains numerous options which a community may use to tailor the plan to its own needs and desires. Recent changes in the legislation make it possible for the office of mayor to be filled by direct election, rather than through selection from the council. Beyond this, however, little has been done to give the mayor's office more potential for political leadership. Some observers believe that the appointed manager in this form has excessive authority as chief executive. This may be considered by others to be balanced by a fairly easy removal process.

OMCL: Small Municipality Form

N.J.S.A. 40:69A-1 et seq; 40:69A-115 et seq.

The third form of government available under the Optional Municipal Charter Law is the Small Municipality Form, which may be adopted by any municipality which has a population of less than 12,000. Places which adopt this form while under the 12,000 limit are not precluded from retaining it if they grow beyond that size.

The Small Municipality Form includes an elected council consisting of the mayor and two, four, or six other council members. The mayor may be elected directly by the voters or may be selected by the council from among its own members. Council terms are three years on either a concurrent or a staggered basis. If the mayor is elected directly, his or her term of office is four years; if chosen from the council, the mayor serves for either one or three years, depending on whether the council terms are staggered or concurrent.

Elections may be either partisan, with primaries in the spring and the general election in November, or nonpartisan, with a municipal election in May. Nonpartisan elections may include provision for runoff elections if no candidate receives a majority of the vote, but this is not required.²² All elections are at large; wards are not authorized.

The mayor presides at council meetings with the right to participate and vote. He or she is the chief executive officer of the municipality and is responsible for seeing that all laws and ordinances are observed. The mayor appoints an assessor, a tax collector, a municipal clerk, a treasurer, and such other officers as are provided by ordinance, all with the advice and consent of the council. The mayor also appoints the finance committee and other committees of the council and all other municipal personnel for whom no other method of

appointment is specified. The mayor does not have a veto power. There is no provision in the Small Municipality Form for a chief appointed administrative officer, although such a position could be created by local ordinance.²³ Only one place has done so.

The council is the legislative body and has no specified administrative duties or appointments to be made. One member of the council is chosen as president of the council to preside in the absence of the mayor. The municipal budget is prepared by the mayor with the assistance of the treasurer and submitted to the council for review and revision.

The powers of recall, initiative, and referendum are available to the voters under the Small Municipality Form of government.

It is possible for a municipality operating under this form of government, through a referendum, to change any of the optional aspects—the size of the council, partisan or nonpartisan elections, staggered or concurrent terms, the use of runoff elections, and the method of selection of the mayor—without changing the basic form of government.²⁴ Any municipality adopting a Small Municipality Form of government may abandon that form and revert to its earlier form or may change to some other optional form of government after three years if under 7,000 in population or after five years if larger.

Fifteen municipalities, with 1.1 percent of New Jersey's estimated 1982 population, were served by the Small Municipality Form of government as of January 1, 1984.

The Small Municipality Form, like others in the Optional Municipal Charter Law, contains many options, some of which have been considered weaknesses by some observers. However, such aspects as a small, three-member governing body, the use of concurrent terms of office, and the selection of the mayor from among the council members may be avoided in this form if any community believes that they truly are weaknesses. The one weakness which attaches to all Small Municipality plans of government is the absence of a chief appointed administrative officer to provide daily coordination of all municipal activities. This deficiency might be ameliorated by creation of the post of municipal administrator by local ordinance as one municipality has done.

OMCL: Mayor-Council-Administrator Form

N.J.S.A. 40:69A-1 et seq; 40:69A-149.1 et seq.

The Mayor-Council-Administrator Form of municipal government was added to the Optional Municipal Charter Law in 1981. As of January 1, 1984, only one municipality, the Township of North Brunswick, with an estimated 1982 population of 22,653, had adopted it.

Under this form the municipal council consists of a mayor and six members of council who are elected in at-large, partisan elections. There are no runoff elections. The mayor serves for a four-year term, and the other members of council serve for three-year terms on a staggered basis, with an election of two members every year.

The mayor presides in council meetings, but votes only to break ties. He or she has a veto over ordinances, which can be overridden only by a two-thirds vote of the council. The mayor is directed to exercise the executive power of the municipality and to enforce the charter, local ordinances, and general laws.

The mayor appoints a municipal administrator, an assessor, a tax collector, an attorney, a municipal clerk, a treasurer, and such other officers as are provided by ordinance, with the advice and consent of the council. All such appointments are for a one-year term unless provided by some other statute. All other municipal personnel for whom no method of selection is specified, are appointed by the mayor.

The council is the legislative body and is responsible for preparing the municipal budget with the assistance of the municipal administrator and the treasurer. Council members have no administrative duties and no appointive power under this form of government. The council annually selects one member as president of the council to preside in the absence of the mayor.

The municipal administrator serves at the pleasure of the council, and may be removed by a two-thirds vote of the council. He or she is directed to administer the business affairs of the municipality.

The powers of recall, initiative, and referendum are available to the voters under this form of government.

Any municipality operating under the Mayor-Council-Administrator Form of government may revert to its previous form or may adopt some other optional form after three years if under 7,000 population or after five years if larger.

The OMCL Mayor-Council-Administrator form is a new plan of government based largely on the Borough Form, but with the mandatory addition of a municipal administrator and a general strengthening of the mayor's powers. Experience under this form is limited thus far, but one potential weakness may come from giving the mayor the powers of chief executive, but providing that the administrator serve at the pleasure of the council. The intent was to bring the mayor and council into a closer relationship, but it is possible that the administrator could be pulled in two different directions.

Special Charters

A handful of municipalities still are organized, at least in part, on the basis of old special charters granted specifically to them by the legislature prior to the 1875 constitutional amendment requiring a general law approach to local government legislation. In many cases, the original provisions of the special charters have been modified by subsequent amendments or by general law. At least six communities are known to be involved—the cities of Egg Harbor City, Beverly, Burlington, Woodbury, and Salem, and the town of Hammonton—including 0.7 percent of the state's estimated 1982 population as of January 1, 1984.

In addition, since the state revised its constitution in 1947, it has become possible again for individual communities to obtain a unique form of government through the enactment of a law providing them with their own special charter. Although slow to gain attention, this new special charter approach has become increasingly popular in recent years, with ten places, as of January 1, 1984, having special charter legislation enacted since 1947. Collectively, they include another 3.7 percent of New Jersey's estimated 1982 population.

The usual approach in writing the newer special charters has been to base them on some existing optional form of government, with special variations to meet the desires of a particular community. The procedure for obtaining a special charter, which is available to any municipality, is described in the section on special charters in Chapter IV.

Since special charters are unique to each community, the weaknesses of this approach relate largely to the process involved. Any community considering use of a special charter must recognize that an act of the state legislature is required and, particularly, that any future amendments will also require action by the legislature and the governor. Care should be taken that the charter not include excessively detailed aspects of local government which the community in the future may wish to modify. The inclusion of salary limitations and details of internal departmental organization, for example, might better be left to local determination, rather than being included in the charter, as a few municipalities have done. Some of the older special charters provide for elected administrative officers, such as treasurers, an approach which has been eliminated in all other municipalities.

The Office of Administrator Established by Ordinance

N.J.S.A. 40A:9-136 et seq.

None of the *forms* of local government associated with a particular *type* of municipality (City, Town, Borough, Township, Village) make any provision for a chief appointed administrative officer (CAAO), since they were enacted many years before this concept gained general acceptance. Similarly, the Commission Form, enacted in 1911, and the (OMCL) Small Municipality Form, limited to places under 12,000 in population, make no charter provision for a CAAO. As communities have increased in population and governmental functions, however, the need for some such officer to coordinate the municipality's activities has come to be recognized in a number of places.

At first, the need was met by designating some existing officer—the clerk, the collector, or the engineer in most cases—to serve as coordinator of municipal functions on an informal basis. Gradually, municipalities began assigning this task more formally by ordinance or resolution, although no specific statutory authorization was available.

By 1968 the trend had become so widespread that legislative authority was sought, and it was granted through the enactment of Chapter 367, Laws of 1968. This statute was rewritten slightly in 1971, and now provides a solid basis for the addition of a CAAO to any form of local government where such an office does not exist by charter provision.

The governing body, by ordinance, may create the position of municipal administrator and assign to the office any powers and duties not required by law to be performed by the governing body itself. This means that the CAAO under this law has no power of appointment or removal although, in practice, many governing bodies may defer to the recommendations of the CAAO. The administrator is appointed by the mayor or chief executive officer of the municipality, with the advice and consent of the governing body, except in the Township and Commission forms of government, where the appointment is made by majority vote of the governing body. The municipal administrator serves at the pleasure of the governing body and may be removed from office by a two-thirds vote of that body.

A total of 161 municipalities have taken this approach as of April 1984.

General Laws Affecting Municipalities

Although the laws providing each form of government define the basic structure for that form, including designation of principal officers, their powers, and many aspects of procedure, it must be recognized that many other laws affect municipal organization in a more general way. These general laws are particularly important in the areas of municipal finance, land use controls, public education, and public health. It is not the intent of this section to provide detailed information on the general laws in each of these areas, but merely to illustrate the point that any person concerned with the organization of a particular municipality must look beyond the statutes dealing with a specific form of government.

State supervision of local affairs probably is most fully developed in the area of municipal finance. The Local Budget Law (*N.J.S.A. 40A:4-1 et seq.*) applies to all municipalities and establishes the procedures for preparing, introducing, adopting, and implementing the municipal budget. The Local Bond Law (*N.J.S.A. 40A:2-1 et seq.*) provides the guidelines under which municipalities may borrow money. Other legislation (*N.J.S.A. 40A:4-45.1 et seq.*) limits the annual increase in municipal budgets. In addition, state concern with the competence of key local fiscal officials has led to the enactment of general laws dealing with specific municipal offices. The appointment of tax assessors (*N.J.S.A. 40A:9-146 et seq.*), tax collectors (*N.J.S.A. 40A:9-141 et seq.*), and finance officers (*N.J.S.A. 40A:9-140.1 et seq.*) is now governed by general laws applying to all municipalities, regardless of form of government. In the case of tax assessors, the general law even specifies that the assessor's office shall be separate from the departmental structure under the OMCL Mayor-Council Form of government.

In the area of land use controls, the Municipal Land Use Law (*N.J.S.A. 40:55D-1 et seq.*) establishes the rules for creation of municipal planning boards and zoning boards of adjustment and defines their powers.

The conduct of the local public schools is generally unaffected by decisions about the form of municipal government, with statutory authority and guidelines being included in Title 18A of the laws. Similarly, in questions of local public health administration the provisions of the form of municipal government law must be read in conjunction with the general law provisions contained in Title 26 of the statutes.

Other examples could be developed. The important point is that a form of municipal government organization is defined not only by the law dealing with that form but also by the general laws for particular functions of government, such as police, fire, library, welfare, sewer, and water supply services. Where apparent conflicts have arisen there has been considerable litigation which helps identify the statutory provisions that apply.

Administrative Codes

The charter of a municipality, in most cases, consists of a section of the laws of the state which describes the form of government in use in that community. For example, a municipality operating under the Borough Form of government would have the appropriate sections of *N.J.S.A. 40:86-1 to 40:94-6* as its charter. These charter laws, however, provide only the major elements of the organiza-

tional framework for the municipal government. As described in the previous section, the charter provisions are supplemented by various provisions of general law which apply to *all* municipalities. Such general laws frequently are scattered through the statute books according to the subjects with which they deal. Public health laws, for example, which apply to all municipalities, will be found in Title 26 of the statutes. There remain many areas in which each municipality can adopt its own organization and procedures and provide through local option for additional details of its local government operation.

In order to pull together the structural details and procedures obtained from these three sources—charter provisions for a particular form of government, general laws, and locally-determined features—it is highly desirable for each municipality to enact an ordinance known as an administrative code. The administrative code restates the major provisions of the municipality's charter, restates the applicable sections of general law, and supplies whatever additional details are necessary to present a complete guide indicating who the municipal officers are; how they are selected; how they are organized into departments, boards, commissions, and other agencies; who they supervise; by whom they are supervised; what powers they have; and what procedures should be followed to carry on the activities of the municipal government.

Almost all municipalities which have changed their form of government in recent years have enacted administrative codes. However, most places which still function under one of the older forms of government have never done so. The principal advantage of having such a code is to provide both the governing officials and the general public with a concise document describing their own local government and how it is expected to operate, rather than relying on word-of-mouth, custom, and legal authorizations which are scattered through a wide variety of sources. In this sense, it probably is particularly important for communities having one of the older forms of municipal government to adopt an administrative code, since their basic statutory charters frequently are vague or completely silent on the guidelines necessary to run today's municipalities effectively.

Table 3 provides an outline of the subjects that might be covered in an administrative code. This is not an exhaustive list; many more items could be included, depending upon the size and complexity of the local government. There is no attempt here to suggest exactly what an administrative code should say, but merely to suggest the subjects which should be addressed. The major subject headings are:

- I. Municipal Governing Body
- II. Mayor
- III. Chief Appointed Administrative Officer (CAAO)
- IV. Other Municipal Officers
- V. Municipal Departments
- VI. Municipal Boards and Commissions
- VII. Municipal Authorities, Special Districts, and Regional Agencies
- VIII. Municipal Procedures

Accompanying each item in the outline is a listing showing the sources which may be drawn upon for guidance in writing that section of the code. Where the statutes for a particular form of government address a specific subject, that

Table 3. Suggested Subjects to be Covered in an Administrative Code

Subjects to be Covered in Administrative Code	Sources		
	Restatement of Charter Provisions	Restatement of General Law	Local Option
I. <i>Municipal Governing Body</i>			
1. Composition (number of members and how elected)	All forms of government		
2. Terms of office and how arranged	All forms of government		
3. Qualifications for membership	City Form (1963)	NJSA 40A:9-1.13	
4. Filling of vacancies in the governing body		NJSA 40A:16-1	
5. Recall from office	Commission Form Municipal Manager Form (1923) All OMCL Forms		
6. Compensation for governing body members			*
7. Procedure for organization meeting			*
8. Presiding officer (selection procedure, term of office, duties)	All forms of government		
9. Regular meetings:			
a) Dates, times, places	All forms of government		*
b) Quorum	All forms of government		
c) Meeting record responsibility (minutes, journal, etc.)	All forms of government		
d) Agenda and order of business			*
10. Agenda meetings			*
11. Special meetings	All but Township Form		Township Form
12. Public access to meetings		NJSA 10:4-6	
13. Rules of procedure:			
a) Basic rules (for example, Roberts Rules of Order)			*
b) Special rules to supersede or supplement basic rules			*
c) Parliamentary			*
14. Committees:			
a) Name, number	OMCL: Small Municipality		*
b) Appointment of members	Municipal Manager Form (1923) OMCL: Small Municipality		*
c) Duties and responsibilities			*

*Substantial scope for local determination.

Table 3. Suggested Subjects to be Covered in an Administrative Code *(continued)*

Subjects to be Covered in Administrative Code	Sources		
	Restatement of Charter Provisions	Restatement of General Law	Local Option
15. Ordinance procedure:			
a) Responsibility for drafting			*
b) Review by executive departments			*
c) Physical format (written, typed, etc.)	City Form (1963) Borough Form Township Form Commission Form Municipal Manager Form (1923) All OMCL Forms		*
d) Publication		NJSA 40:49-2	
e) Public hearing		NJSA 40:49-2	
f) Passage (vote required)	City Form (1963) City Form (1897) City Form (1899) Borough Form Township Form Municipal Manager Form (1923) All OMCL Forms	General law may have special requirements for specific kinds of ordinance	
g) Submission to mayor	City Form (1963) City Form (1897) City Form (1899) Town Form Borough Form OMCL: Mayor-Council OMCL: Mayor-Council-Admin.		
h) Mayor's failure to approve	Same as (g)		
i) Passage over veto	Same as (g)		
j) Effective date of ordinances	Commission Form Municipal Manager Form (1923) All OMCL Forms		*
k) Referendum procedure	Commission Form All OMCL Forms		
16. Power of appointment	City Form (1897) City Form (1899) Town Form Borough Form Township Form Village Form Commission Form Municipal Manager Form (1923) OMCL: Mayor-Council OMCL: Council-Manager		

*Substantial scope for local determination.

(continued)

Table 3. Suggested Subjects to be Covered in an Administrative Code (*continued*)

Subjects to be Covered in Administrative Code	Sources		
	Restatement of Charter Provisions	Restatement of General Law	Local Option
17. Confirmation of appointments	City Form (1963) City Form (1897) City Form (1899) Borough Form OMCL: Mayor-Council OMCL: Small Municipality OMCL: Mayor-Council-Admin.		
18. Removal powers	City Form (1963) City Form (1897) City Form (1899) Town Form Borough Form Township Form Commission Form Municipal Manager Form (1923) OMCL: Mayor-Council	NJSA 40A:9-161	
19. Investigative powers	Municipal Manager Form (1923) OMCL: Mayor-Council		
II. Mayor			
1. Selection	All forms of government		
2. Term of office	All forms of government		
3. Qualifications for office	City Form (1963)	NJSA 40A:9-1.13	
4. Filling of vacancies in office of mayor		NJSA 40A:16-1	
5. Recall from office	Commission Form Municipal Manager Form (1923) All OMCL Forms		
6. Compensation			*
7. Duties of the mayor:			
a) Role as chief executive	City Form (1963) City Form (1897) City Form (1899) Borough Form OMCL: Mayor-Council OMCL: Small Municipality OMCL: Mayor-Council-Admin.		
b) Supervision of departments	City Form (1963) City Form (1897) City Form (1899) Commission Form (limited by judicial interpretation) OMCL: Mayor-Council		

*Substantial scope for local determination.

Table 3. Suggested Subjects to be Covered in an Administrative Code *(continued)*

Subjects to be Covered in Administrative Code	Sources		
	Restatement of Charter Provisions	Restatement of General Law	Local Option
c) Participation in meetings of the governing body	Town Form Borough Form Township Form Village Form Commission Form Municipal Manager Form (1923) All OMCL Forms		
d) Power of appointment	City Form (1963) City Form (1897) City Form (1899) Borough Form Municipal Manager Form (1923) All OMCL Forms	Various state general laws for specific offices	
e) Veto power	City Form (1963) City Form (1897) City Form (1899) Town Form Borough Form OMCL: Mayor-Council OMCL: Mayor-Council-Admin.		
f) Role in budget preparation	OMCL: Mayor-Council OMCL: Small Municipality		
g) Temporary appointments to fill vacancies			*
h) Annual report	City Form (1963) OMCL: Mayor-Council OMCL: Small Municipality		
8. Removal powers	OMCL: Mayor-Council		
III. Chief Appointed Administrative Officer (CAAO)			
1. Selection	Municipal Manager Form (1923) OMCL: Mayor-Council OMCL: Council-Manager OMCL: Mayor-Council-Admin.	NJSA 40A:9-137	
2. Term of office	Municipal Manager Form (1923) OMCL: Mayor-Council OMCL: Council-Manager OMCL: Mayor-Council-Admin.	NJSA 40A:9-137	

*Substantial scope for local determination.

(continued)

Table 3. Suggested Subjects to be Covered in an Administrative Code *(continued)*

Subjects to be Covered in Administrative Code	Sources		
	Restatement of Charter Provisions	Restatement of General Law	Local Option
3. Qualifications for office	Municipal Manager Form (1923) OMCL: Mayor-Council OMCL: Council-Manager OMCL: Mayor-Council-Admin.		*
4. Removal from office	Municipal Manager Form (1923) OMCL: Mayor-Council OMCL: Council-Manager OMCL: Mayor-Council-Admin.	NJSA 40A:9-138	
5. Duties of the CAAO:			
a) Role as chief executive	Municipal Manager Form (1923) OMCL: Council-Manager		
b) Supervision of departments	Municipal Manager Form (1923) OMCL: Mayor-Council OMCL: Council-Manager		*
c) Participation in meetings of governing body	Municipal Manager Form (1923) OMCL: Council-Manager		*
d) Power of appointment	Municipal Manager Form (1923) OMCL: Mayor-Council OMCL: Council-Manager		
e) Removal powers	Municipal Manager Form (1923) OMCL: Mayor-Council OMCL: Council-Manager		
f) Role in budget preparation	Municipal Manager Form (1923) OMCL: Mayor-Council OMCL: Council-Manager OMCL: Mayor-Council-Admin.		*
g) Annual report	Municipal Manager Form (1923) OMCL: Council-Manager		*

*Substantial scope for local determination.

Table 3. Suggested Subjects to be Covered in an Administrative Code *(continued)*

Subjects to be Covered in Administrative Code	Sources		
	Restatement of Charter Provisions	Restatement of General Law	Local Option
IV. Other Municipal Officers			
For each municipal officer, the administrative code should describe:			
<ul style="list-style-type: none"> a) Qualifications for the office b) Method of selection and appointment c) Term of office d) Provisions for removal from office e) Duties 			
1. Municipal Clerk	All forms of government	NJSA 40A:9-133	*
2. Attorney	City Form (1897) City Form (1899) Borough Form Township Form Village Form Municipal Manager Form (1923) OMCL: Small Municipality OMCL: Mayor-Council-Admin.	NJSA 40A:9-139	*
3. Engineer	City Form (1963) Borough Form Township Form	NJSA 40A:9-140	*
4. Tax Collector	City Form (1963) City Form (1897) City Form (1899) Town Form Borough Form Township Form Municipal Manager Form (1923) OMCL: Small Municipality OMCL: Mayor-Council-Admin.	NJSA 40A:9-141	*
5. Tax Assessor	City Form (1963) City Form (1897) City Form (1899) Town Form Borough Form Township Form Municipal Manager Form (1923) OMCL: Small Municipality OMCL: Mayor-Council-Admin.	NJSA 40A:9-146	*

*Substantial scope for local determination.

(continued)

Table 3. Suggested Subjects to be Covered in an Administrative Code *(continued)*

Subjects to be Covered in Administrative Code	Sources		
	Restatement of Charter Provisions	Restatement of General Law	Local Option
6. Treasurer	City Form (1963) City Form (1897) City Form (1899) Town Form Borough Form Township Form Village Form Municipal Manager Form (1923) OMCL: Small Municipality OMCL: Mayor-Council-Admin.		*
7. Magistrate		N/SA 2A:8-5	
Other municipal officers as required		Various general laws	*
V. Municipal Departments			
For each municipal department, the administrative code should describe:			
a) The person to serve as department head, how selected, and specific duties b) The divisions within each department, including: 1) The division director and how selected 2) Functions of the division			
1. Specific departments are required in:	City Form (1897) City Form (1899) Commission Form OMCL: Mayor-Council		*
VI. Municipal Boards and Commissions			
For each board or commission, the administrative code should describe:			
a) Legal authority for creation b) Qualifications of members c) Method of selection and appointment d) Term of office e) Provisions for removal from office f) Duties of the board or commission			
1. Planning board		N/SA 40:55D-23	

*Substantial scope for local determination.

Table 3. Suggested Subjects to be Covered in an Administrative Code (*continued*)

Subjects to be Covered in Administrative Code	Sources		
	Restatement of Charter Provisions	Restatement of General Law	Local Option
2. Zoning board of adjustment		NJSA 40:55D-69	
3. Board of health		NJSA 26:3-1	
4. Local assistance board		NJSA 44:8-115	
5. Local defense council		NJSA App.A:9-41	
6. Board of library trustees	Municipal Manager Form (1923) OMCL: Council-Manager	NJSA 40:54-9	
Other optional statute-based boards or commissions		Various general laws as appropriate	
Advisory boards and commissions			*
VII. Municipal Authorities, Special Districts, and Regional Agencies			
For each municipal authority, special district, or regional agency, the administrative code should describe:		Various general laws as appropriate	*
a) Legal authority for creation			
b) Qualifications of members			
c) Method of selection and appointment			
d) Term of office			
e) Provisions for removal from office			
f) Duties of the authority, special district, or regional agency			
VIII. Municipal Procedures			
1. Budget procedures	Municipal Manager Form (1923) All OMCL Forms	NJSA 40A:4-5	*
a) Budget preparation			
b) Budget enactment			
c) Budget implementation			
d) Fiscal controls			
2. Personnel procedures	OMCL: Mayor-Council	NJSA 11 if under Civil Service	*
a) Recruitment			
b) Working conditions			
c) Disciplinary actions			
d) Grievance procedures			
3. Purchasing procedures	OMCL: Mayor-Council	NJSA 40A:11	*
a) Specifications			
b) Bidding procedures			
c) Contracts			
d) Verification of delivery			
e) Inventory control			

*Substantial scope for local determination.

form of government is listed next to the item in the outline. Where a form of government is not listed, this generally means that the laws providing that form are silent on the subject. Also shown is a reference to the general law applicable to the subject. Finally, if there appears to be substantial scope for local determination of the subject, an asterisk (*) appears under the column, local option.

Accompanying the outline are some brief commentaries on various sections of the code. Again, much more could be written on this subject, but the commentaries have been kept brief because of space limitations.

The Municipal Governing Body

Most of the structure for the municipal governing body is provided by the charter for each form of government. There are some exceptions, however. General law provides a statement of the qualifications for all elected officials, with only the 1963 City Form of government law establishing a more rigorous requirement. Statutes enacted in recent years provide uniform procedures for filling vacancies in local elected office (Municipal Vacancy Law, *N.J.S.A. 40A:16-1 et. seq.*) and for public access to governing body meetings (Open Public Meetings Act, *N.J.S.A. 10:4-6 et seq.*), and uniform procedures have been prescribed for some aspects of the enactment of ordinances for many years (*N.J.S.A. 40:49-2 et seq.*). While the charter laws for many forms of government provide specific removal powers for the municipal governing body, a general state law (*N.J.S.A. 40A:9-161*) provides backup in terms of broad power to remove municipal officials or employees for cause.

In a number of areas there is room for local option in municipal governing body procedures. Most compensation restrictions have now been removed from the state statutes, and remuneration may be determined locally. Normally, only a general statement concerning compensation is placed in the administrative code, with specific dollar amounts being stated in an annual salary ordinance. While the charter laws for all forms of government give some guidance for the minimum number of governing body meetings, there is no reason why the municipality cannot go beyond the minimum if this seems desirable, and time and place usually are determined locally. The basic and special rules of procedure also are left to local option. State law rarely specifies the way in which the governing body organizes itself, such as the use of a committee system. While some aspects of ordinance procedure are required by general law, there are other supplementary areas in which local option can be exercised, such as in preliminary steps to insure that a proposed ordinance is in appropriate form to achieve its purposes.

The Mayor

As with the governing body, the role of the mayor also is controlled to a great extent by the charter laws governing each form of government. Qualifications for office and the filling of vacancies are the two general law areas which impact on the mayor's position.

In places where major appointments are to be made by the mayor with the advice and consent of the governing body it is particularly desirable to have some provisions in the administrative code to resolve conflicts which may arise.

In the Borough Form, the charter law resolves such conflicts in favor of the council by transferring the appointment power to the council if the mayor's nominations are not approved. In other forms, however, there is no statutory method of resolution. The code should address this situation.

While transfer of the appointment power probably is beyond the permissible limits of local option, it would seem possible to provide for temporary appointments for limited periods and from limited sources, such as the ranks of other municipal officials already confirmed. In this way, the normal business of the municipality may be carried on, while some pressure is applied through the code provisions to bring the mayor and governing body together on a permanent appointment.

Chief Appointed Administrative Officer (CAAO)

Charter provisions for the CAAO under the various optional forms of government generally are fairly explicit with regard to the duties and authority of this office, although they all state that the CAAO may be directed to perform such other duties as the council may prescribe. However, the general law authorizing establishment of the position of municipal administrator by local ordinance is much less specific, merely stating that the CAAO shall "administer the business affairs of the municipality, to have such powers and perform such duties other than those required by law to be exercised by the governing body itself or by another officer, board or body, . . . as the ordinance creating such office shall provide and as may from time to time otherwise be directed by the governing body by ordinance." The result is that there is considerable variation in the duties of ordinance-based municipal administrators. In some cases, substantial authority is delegated by ordinance. In other cases, the position is far weaker and may be little more than a paper tiger.

Other Municipal Officers

Only a few of the most important municipal officers are listed in the outline; undoubtedly, there will be others who should be covered in any administrative code. While many of the charter laws identify municipal officers who should be appointed, the tendency in recent years has been for the enactment of general laws controlling the conditions of appointment and service. The specification of duties and functions both here for municipal officers and below for municipal departments, boards, commissions, and authorities, is particularly important, for the administrative code then provides both a legal basis and a convenient listing for the powers to be exercised by each person and agency.

Municipal Departments

The number and name of the departments of the municipal government are specified in only a few of the charter laws and none are required by state general laws. This is one of the major areas in which local option prevails. In establishing the departmental structure, some principles of organization should be remembered. One is that similar functions should be grouped. A second is that there should be a limit on the number of persons or agencies reporting to a single administrator. Usually this number is given as from three to seven. The OMCL Mayor-Council Form, which permits up to ten departments of

municipal government, stretches this rule to its utmost. A third principle which might be considered is that all departments and other agencies should be headed by a single executive officer, in order to fix administrative responsibility clearly.

Boards, Commissions, and Authorities

Many of the boards, commissions, and authorities found in municipal government are structured according to a state law, but this does not mean that their existence is mandatory. Only a few of the most common boards and commissions are listed in the outline. A board, commission, or authority can be given governmental powers only on the basis of a specific statute. However, this does not preclude the municipal governing body from establishing such *advisory* boards or commissions as may be desired.

Municipal Procedures

An essential part of the administrative code is the statement of the most important procedures to be followed in municipal government. Many administrative codes include these procedures within the sections on the departmental structure. For example, purchasing procedures might be described under the section dealing with a division of purchasing in a department of finance. One problem with this approach is that a procedure which affects many or all departments may be overlooked or given less attention if it is placed within the organizational framework of a single agency. Here the alternative has been adopted of setting the major procedural sections off from the organizational sections of the code. This has been done to give them more status and visibility, rather than having procedural sections buried within the departmental descriptions.

The only procedures shown here deal with budget, personnel, and purchasing. Undoubtedly, there are others which should be included in most administrative codes. In each of the procedures listed, only a few major points have been shown under each heading. Again, in actual practice the list of subjects to be covered in each procedure would be much longer and more detailed.

Notes

1. *Forms of Municipal Government in New Jersey* (Trenton: County and Municipal Government Study Commission, State of New Jersey, January 1, 1979).
2. *Recall* is the authority for the voters to remove public officials from office before the end of the term for which they were elected. *Initiative* is the authority for the voters to propose ordinances and to enact them by referendum if the governing body declines to act. *Referendum* is the authority for the voters to veto an ordinance already enacted by the governing body.
3. In most cases, current statutory citations are given in terms of *New Jersey Statutes Annotated (N.J.S.A.)* since this usually is the legal source most readily available in local municipalities.
4. See section on "The Office of Administrator Established by Ordinance," p. 33.
5. In two towns the governing body is known as the board of aldermen rather than the council.

6. See "The Office of Administrator . . .," p. 33.
7. See "The Office of Administrator . . .," p. 33.
8. See "The Office of Administrator . . .," p. 33.
9. Seven townships have established street lighting districts with elected commissioners, and twenty-one have garbage collection districts under the jurisdiction of the municipal governing body. Provisions of the general water and sewer law applicable to all municipalities authorize townships to have separately elected boards of water and sewer district commissioners. Two townships (Sparta and Voorhees) have such water districts, while one (Middle) has a sewer district.
10. Belleville, Bloomfield, Caldwell, Essex Fells, Fairfield, Glen Ridge, Irvington, Montclair, Nutley, Orange, Verona, West Caldwell, and West Orange. South Orange did the same thing when it gained its special charter from the legislature.
11. N.J.S.A. 40:45-6, 21.
12. See "The Office of Administrator . . .," p. 33.
13. See "Commission Form of Government," p. 73.
14. N.J.S.A. 40:45-6, 21.
15. See "The Office of Administrator . . .," p. 33.
16. See "Municipal Manager Form of Government," p. 73.
17. N.J.S.A. 40:45-6, 21.
18. Ibid.
19. See "Amendment of a Charter under the Optional Municipal Charter Law," p. 75.
20. N.J.S.A. 40:45-6, 21.
21. See "Amendment of a Charter . . .," p. 75.
22. N.J.S.A. 40:45-6, 21.
23. See "The Office of Administrator . . .," p. 33.
24. See "Amendment of a Charter . . .," p. 75.

Chapter IV

Change in New Jersey Municipal Organization

The special charter approach of the early nineteenth century assumed that if the citizens of a community desired a change in their form of government they would petition the legislature which would consider their request. With enactment of the general law amendment to the state constitution in 1875, and with the proliferation of municipalities in the latter part of the nineteenth century, this approach was no longer feasible. During the last two decades of the century, the legislature experimented with various charter laws which delegated to the local level the authority to make specific changes. These, however, applied largely to such particular types of municipalities as cities.

The Commission Government Act of 1911 included the first provisions for locally-initiated and locally-implemented changes in the form of municipal government which were available to every municipality in the state. The Municipal Manager Act in 1923 and the Optional Municipal Charter Law in 1950 expanded the alternatives available. Change in the form of municipal government organization now is a clearly accepted possibility, and over 150 places have made such changes in the twentieth century.

Motivation for Change

How and why do citizens of a community become involved in advocating a change in local government organization? Local government organization is not usually a major topic of conversation between average citizens. Although the services of local government may be close to the people, the subjects of organization and procedures are relatively abstract, and attention may easily be diverted by the emphasis placed by the media on the more glamorous aspects of state and federal government and international affairs. Nevertheless, people do get involved, and change does take place. While a multitude of factors may provide motivation, five seem to be most important, and they are discussed below, not necessarily in order of importance.

Growth of Municipal Responsibilities

As a community grows in population, the size and complexity of local government increases. In many cases, the older forms of government may then be found to be inadequate, particularly in terms of providing for some central control and coordination of the new offices and agencies which must be established to meet the growing responsibilities of the municipality. It is significant that, by 1984, 82 percent of the municipalities over 17,500 in population either had adopted a charter *requiring* appointment of a chief appointed administrative officer, or had added such an officer by local ordinance. At the other end of the scale, only 14 percent of the communities below 5,000 had this kind of position.

"Good Government" Organizations

Although local government structure usually is not of intense interest to the average citizen, there are organizations which make a systematic effort to examine their local governments and suggest ways to improve them. Probably chief among these is the League of Women Voters. Local chapters of the League have sparked interest in municipal forms of government in numerous communities with their "Know Your Town" reports and with more in-depth studies of their municipal government. Other organizations which sometimes play the same role are chapters of the Jaycees and local taxpayer associations.

Frustration with the Existing Government

A third source of motivation for change comes from a sense of frustration which citizens may experience in dealing with their existing form of government. This often begins with concern about a particular issue, ranging from such dramatic events as a new housing development or shopping center, or a major tax increase, to more mundane issues, such as a failure in garbage collection.

When the existing government fails to act with the expected degree of responsiveness and professionalism, the concern of the individual citizens frequently is transferred from the original issue to the deficiencies of the system itself. Frustration is increased when the persons involved are familiar with private sector organizations which operate with a greater emphasis on centralized managerial responsibility than many of the older forms of municipal government found in New Jersey.

A second form of frustration comes from within the municipal government itself, when part-time elected officials find themselves swamped with the operational details of administering the day-to-day activities of the municipal government. Such demands on the time of the governing body member can lead to divided loyalties among private employment, family responsibilities, and public obligations. The result may be a search for a form of government in which administrative functions are professionalized by the appointment of full-time persons, leaving the part-time elected official free to consider the broader policy issues facing the community.

Perceived Lack of Representation

Where citizens begin to believe that their local government officials do not represent them adequately, attention may turn to a change in form of municipal government as a solution. Such a belief often develops when all members of the governing body are elected at large from the entire municipality and a disproportionate number come from one segment of the community. If the sections of the community considered under-represented can be defined in geographic terms, then a movement for ward representation frequently develops in order to spread the elective offices more widely throughout the municipality.

Another variation is found when citizens realize that they have a form of government in which their primary elected representative—the mayor—is not elected directly by the voters, but is selected by and from among his or her peers on the municipal governing body. The tradition of electing the chief executive is so clearly recognized at the national level with the president, and at the state level with the governor, that a different approach locally sometimes triggers a feeling that adequate provision for representation has not been made.

Finally, where a substantial portion of a community is outraged by some action of the municipal governing body or mayor there may be a feeling that the public officials of the community are not listening to their constituents, and the demand may be translated into a search for a form of government where the voters have a direct voice in public policy through the devices of the recall, the initiative, and the referendum.

Political Control

Lastly, but certainly not least in importance, is a desire by political factions which are out of office to use a change in form of government to enhance their position. The history of change in New Jersey communities is marked by frequent demands for municipal reorganization by the "outs," since any major change in charter results in all municipal offices being vacated and new elections being held.

Any one of these factors may spark a movement for change in form of municipal government. The potential for actually bringing about the change is far higher when more than one of the motivations coincide in a community at the same time.

Methods of Changing the Form of Government

The laws of New Jersey permit two basic statutory methods for initiating a change in the form of municipal government. One is the direct petition method; the other is the election of a charter study commission.

The direct petition method is the oldest, having precedents going back into the nineteenth century. It is most appropriate when there is believed to be a consensus in the community as to the form of government that would be best for that municipality. The laws for each optional form of government establish the number of signatures which must be gathered on a petition in order to place on the ballot a question as to whether the existing form of government

should be abandoned and replaced with a specified new form. A referendum is held according to a schedule contained in the law, and the decision of the voters prevails. More details will be presented below.

The second method of change is through the election of a charter study commission. This method is most appropriate when there is dissatisfaction with the present form of government, but there is no obvious consensus as to what form should replace it. The charter study commission approach is authorized only under the Optional Municipal Charter Law of 1950 (OMCL).¹

The question of whether there shall be a charter study commission can be placed on the ballot either through a petition or through the enactment of an ordinance by the existing municipal governing body. At the same time that the voters decide whether there will be such a commission, they vote for the members, with the five persons receiving the highest votes becoming the members if the commission is authorized.

A charter study commission under the OMCL may recommend a change to one of the OMCL forms of government, in which case the question of whether that form should be adopted must be placed on the ballot for referendum of the voters. The charter study commission also may recommend a special charter, with further action being required, but the study commission may not place on the ballot a question dealing with any other forms of municipal government which are not a part of the OMCL.

In general, the two approaches cannot proceed simultaneously; priority goes to the first official action which is taken. Thus, if a direct petition for change has been filed and has the proper number of valid signatures, an ordinance for a charter commission referendum has no effect.²

Persons or groups considering a campaign for change in their form of government should be aware that expenditures intended to influence the vote on a public question, as well as the expenditures for charter commission candidates, come within the scope of the New Jersey Campaign Contributions and Expenditures Reporting Act. Accurate accounts must be kept from the beginning of such a campaign in case the total expenditures exceed the limit which will require the filing of official reports.³

Another approach to change has been used in a number of municipalities in recent years. This is the appointment by the mayor or the governing body of a charter study *committee* as distinguished from a charter study *commission*. A charter study committee is strictly an advisory body, having no basis in state law. While its members may conduct the same kind of a study of the form of government as a statutory commission under the OMCL, the advisory committee has no authority to place its recommendations on the ballot. If such a committee concludes that a new form of municipal government is appropriate, it must proceed with the direct petition method or with action to initiate a statutory charter study commission, gathering enough signatures to place the question on the ballot.

Two additional situations can arise where a form of government must be specified. When two or more municipalities establish a joint municipal consolidation commission to consider merging into a single municipality, one of the responsibilities of the consolidation commission is to recommend a form of government for the new municipality. The only forms of government which may

be considered are those in use in the municipalities studying consolidation, plus the Commission Form, the Municipal Manager Form (1923), and the various options under the Optional Municipal Charter Law.⁴

The other situation occurs if the legislature acts to create a new municipality from a portion of an existing municipality. The incorporation act would then include some identification of the form of government to be established in the new community.

The Work of a Charter Study Commission

Establishing the Commission⁵

An election for a charter commission can be authorized either by local ordinance or by a petition signed by the registered voters of the municipality (see Table 4). The question to be submitted to the voters is stated in the statute as follows:

Shall a charter commission be elected to study the charter of Name of Municipality and to consider a new charter or improvements in the present charter and to make recommendations thereon?

Actually, the voters must take two actions, one to approve or disapprove this question and the second to elect five charter commissioners.

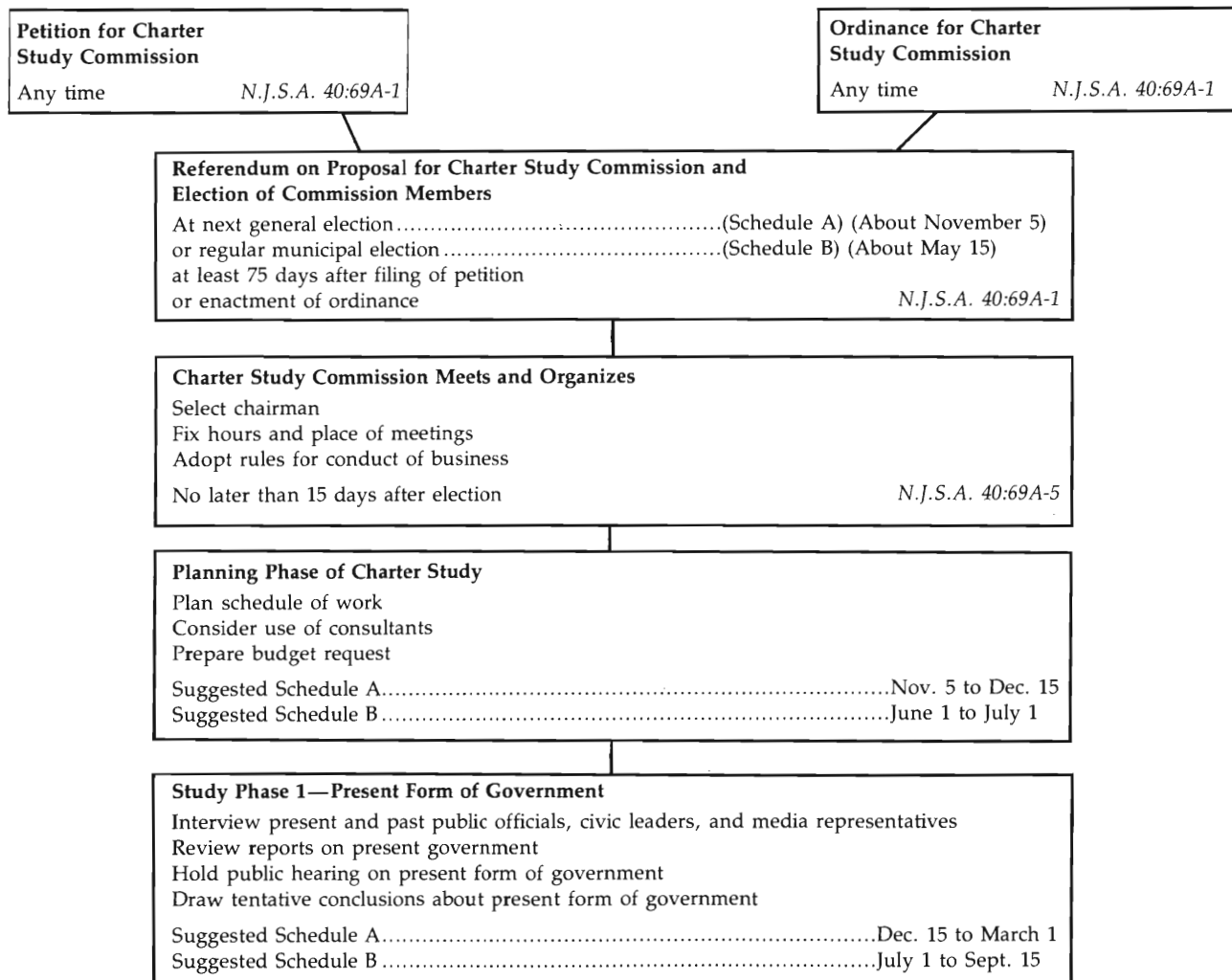
In order to place the question for a charter study on the ballot by petition, certain requirements must be met. The petition must be signed by 25 percent of the registered voters in municipalities with 7,000 or less inhabitants, 20 percent in municipalities with more than 7,000 but less than 70,000, and 10 percent in municipalities of 70,000 or more inhabitants.

The law provides specific instructions about the petition form. Papers are to be uniform in size and style. Persons are to sign in ink or indelible pencil. Five voters are to be designated as the Committee of the Petitioners and are responsible for the circulation and filing of the petition and also to indicate that the signatures are genuine.

The petition is filed with the municipal clerk, who must provide for an election at the next general or regular municipal election which is scheduled not less than seventy-five days after the passage of the ordinance or the submission of the petition.

Persons who wish to be candidates for the charter commission must be registered voters of the municipality. They may be nominated by petition of at least 3 percent or one hundred of the registered voters, whichever is less; the number cannot be less than ten. Candidates run on a nonpartisan basis; that is without political party designation or slogan; bracketing of a group of candidates on the ballot is not permitted.⁶ Petitions must be filed at least sixty days before the election. The five candidates who receive the highest number of votes constitute the charter commission; if the question for a study is not approved then no candidates are elected.

Table 4. Timetable for Charter Study



Study Phase 2—Alternative Forms of Government

Review statutory provisions of other forms

Interview persons having experience with other forms

Hold public meetings to inform voters of other forms of government which are available

Hold public hearings to gather opinion on other forms

Suggested Schedule AMarch 1 to May 1

Suggested Schedule BSept. 15 to Nov. 15

Study Phase 3—Decision

Discuss advantages and disadvantages of each alternative form of government in relation to present form

Draw final conclusions and make decision

Suggested Schedule AMay 1 to June 1

Suggested Schedule BNov. 15 to Dec. 15

Preparation of Charter Commission Report

Assign responsibility for drafting report

Review and approve final draft

Plan printing of report

Make filing and distribution plans

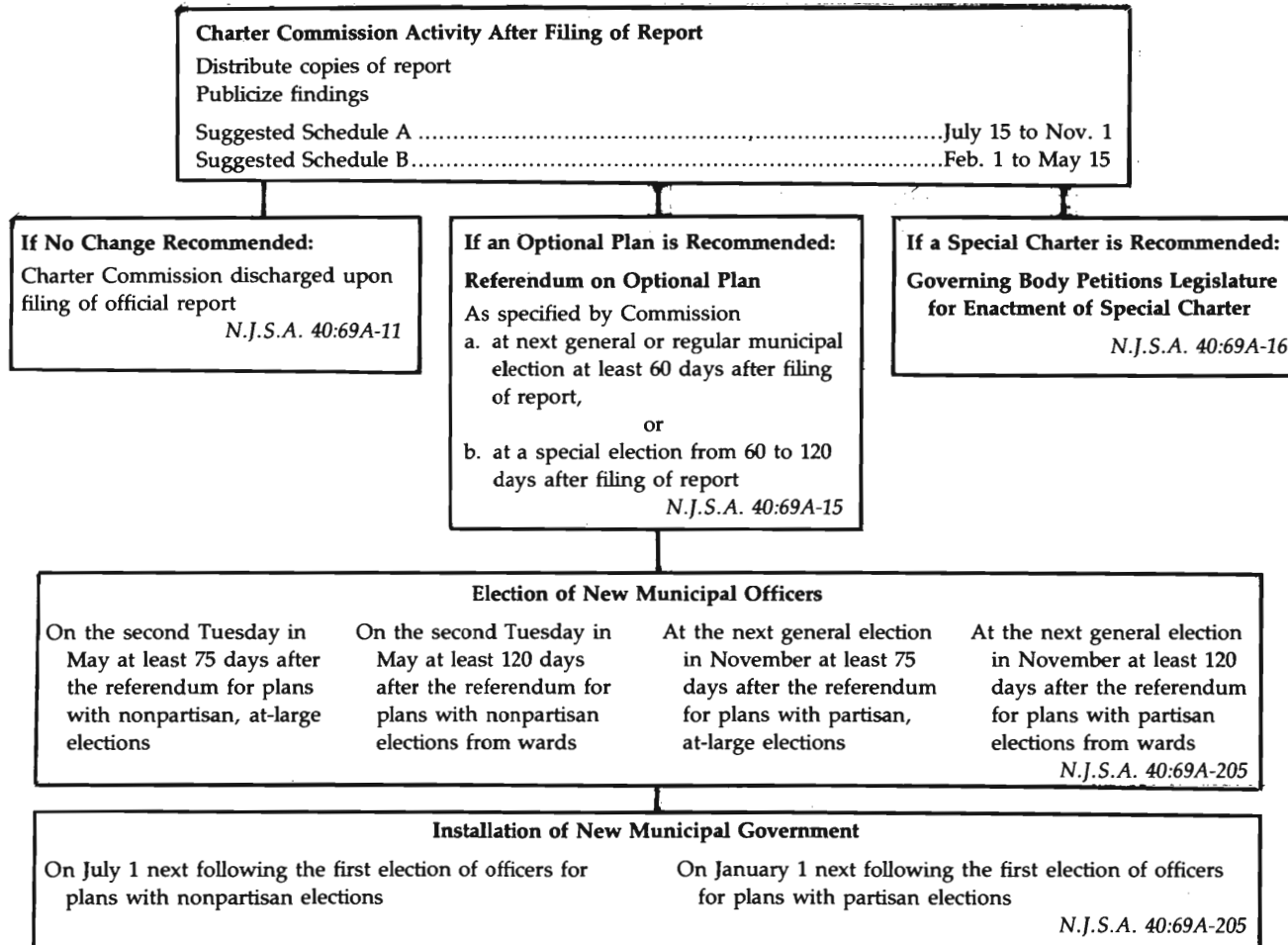
File official copies with municipal clerk

Suggested Schedule AJune 1 to July 15

Suggested Schedule BDec. 15 to Feb. 1

(continued)

Table 4. Timetable for Charter Study *(continued)*



Organization of the Commission⁷

The charter commission must organize and hold its first meeting within fifteen days after the election. Essential tasks have to be accomplished, including the election of a chairperson, the establishment of meeting times and places, and the adoption of rules for the conduct of charter commission business. Most charter commissions also elect a vice-chairperson, a secretary, and a treasurer. Although some charter commissions have functioned without by-laws and have not encountered many problems, it is desirable that a set of rules be adopted early in the commission's work.

Charter commission business must be conducted by a quorum which is a majority of the members. If a vacancy occurs, the remaining members may appoint any qualified citizen. The law does not define such a citizen; in practice most charter commissions have selected the candidate who received the next highest number of votes. If only five candidates have run, the selection process must rest upon criteria determined by the remaining members.

It is imperative that the charter commission follow the provisions of the Open Public Meetings Act, more commonly referred to as the Sunshine Law.⁸ The applicability of the law was affirmed in a 1977 case involving the Atlantic City Charter Commission.

The function and duties of the charter commission are stated rather succinctly:

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 judgement the government of the municipality could be strengthened, made more clearly responsive or accountable to the people or whether its operation could become (more) economical or efficient, under a changed form of government.

Once the charter commission has completed its basic organization, two essential tasks must be faced. One is the preparation of a budget and the other is the planning of the study process.

The Use of Consultants⁹

A major decision to be made at this time is whether or not the charter commission desires the services of a consultant. This decision has an impact upon the proposed budget and also upon each phase of the study. The law grants a charter commission authority to hire consultants, clerical help and other assistants and to pay for such services.

The pros and cons of hiring and working with a consultant should be considered early in the commission's work. Major questions to be resolved include: what services can a consultant provide, what kinds of consultants are available, and how much will it cost?

The most important abilities a consultant can bring to a charter commission are a broad understanding of local government, a strong knowledge of the OMCL, and the ability to deal with people in a diplomatic manner. If a consultant possesses these traits, valuable service can be provided to the charter commission.

A consultant may be available in each phase of the study, or only a portion of each phase, dependent upon the wishes of the commission. In the initial stage, the consultant can assist the commission in developing the general

approach to the study, in reviewing the list of persons to be interviewed, in suggesting interview format and questions, and by providing a reading list of local government publications.

When the commission approaches the study of alternative forms of government, the consultant can suggest publications which will provide an understanding of the conceptual basis of local government forms as well as the practical experiences under those various forms. The consultant's knowledge of the field can also be valuable in suggesting municipalities which have undergone a change in form of government and have some experiences to impart. These experiences can be tapped through a series of interviews by the charter commission. The consultant can provide guidance and assistance during the interviews.

During this phase, the charter commission may wish to schedule public information meetings, designed to give fellow citizens a basic understanding of the alternative forms of government which are available. A consultant can assist in the organization of such meetings and may help to explain the other forms of government which might be considered.

If the charter commission decides to recommend a change in government, the consultant may be given the assignment of writing the final report. This decision can be deferred until later in the study if the commission believes that one or more of its members may want to write the report. If the commission writes the report, the consultant then could serve in a technical and editorial capacity. After the report is filed and distributed, the consultant could be invited to participate in any public meeting which the charter commission may schedule for the purpose of informing the community about the recommendations.

There are several sources of consultants. The Administrative Assistance Unit of the New Jersey Department of Community Affairs provides consultative services by its staff free of charge. Faculty members at both private and public institutions of higher education who are in the field of state and local government or public administration are also potential consultants. Some charter commissions have retained management firms or other individual governmental consultants.

It is difficult to be very precise about the costs for consultative services because negotiations between two parties are involved. Individual consultants may charge a fixed lump sum based on their own estimate of the hours and the services to be rendered, or they may be willing to serve at an hourly or per diem rate with an estimate of the total number of hours to be served. No charge is made if the persons from the Department of Community Affairs are retained. However, their services may be limited by the size and availability of their staff. Limited amounts of consulting time may be provided without cost by faculty members at colleges and universities as a public service.

A charter commission may decide to work without a consultant and many have done so quite successfully. A decision to proceed without a consultant should be based on a candid assessment of each commissioner's talents. With some exceptions, experience has shown that charter commission members are above-average citizens, have diversified backgrounds and talents, and bring expertise from various fields. If the commission organizes this talent and specific tasks are accepted, a consultant may not be necessary. Nevertheless, it

may be best for the charter commission to include some funds for a consultant in its budget, even if a final decision on retaining such a person is deferred. Some commissions have suddenly decided, after several months of work, that they need help, and the availability of funds for this purpose is greatly appreciated at that point.

The Charter Commission Budget¹⁰

The charter study commission should prepare a budget for submission to the governing body as soon as practicable. The commission must conform with the standard budget timetable in use in the municipality, making sure that its request is submitted in time to be included in the municipal budget introduced in January or February. Because a charter commission begins its work prior to the beginning of the municipal budget year (calendar year) on January 1, the municipality can make some funds available before this date if necessary. However, it is unlikely that the commission will have major expenditures at this time. In some municipalities where a charter commission approval is anticipated, the governing body provides a small appropriation in the earlier budget to cover the period from the election until the new budget year.

Several major categories must be considered in preparing the budget: consultant fees, secretarial services, legal fees, printing, postage, travel, office supplies, advertising, tape recording, rental of meeting space, and other incidental expenses. Most of these categories are self-explanatory, but some may require elaboration.

Legal fees will vary, because the charter commission may choose to use the services of the counsel to the governing body or to retain a separate attorney. If an attorney is retained as consultant, any legal services may be covered by the consultant's fee. In most instances, the need for legal advice is quite infrequent. An estimate for printing should be included even though at this time the charter commission may not know the size of its report or the kind of report that will be written. Travel funds should be requested because the commission may want to visit other municipalities or to reimburse persons from other municipalities who may come to be interviewed or provide other information. Some advertising may be necessary if the commission desires to promote a special meeting or other function. The recording of meetings may necessitate funds for rental of equipment. Some charter commissions may borrow recorders from a municipal department, although this may not be practicable because of schedule inconvenience. On occasion, a charter commission might have to rent some meeting space. This may be necessary when a commission chooses to move its meetings into various areas or neighborhoods. Charter commissioners receive no compensation but can be reimbursed for expenses.

Planning the Study

Another major task is the planning of the study itself. Usually there are three phases: a study of the present form of government, the examination of alternatives, and the development of conclusions and recommendations. A charter study commission has nine months from the date of its election until it must file its report.¹¹ Most commissions use the entire nine months, although they may conclude their work earlier.

The first phase of the study, a review of the existing government, usually runs from about December 15 to March 1. The second phase, a study of alternatives, may extend from March 1 to May 1, and the third phase, decision making and report writing, from about May 1 until the report is filed. There can be some overlap in the phases. Each of these phases will require a different commitment of time and it is important that the commission understand this. Many charter commissions plan two meetings per week in the interview and data-gathering periods as they study the present form of government. The schedule can be adjusted as the second and third phases of the charter study approach.

As soon as the schedule is adopted, it is recommended that the charter commission announce a general meeting to inform citizens about the study process. Although all meetings are open to the public, experience has shown that few citizens attend the early meetings of the commission. This is understandable because the initial work of the commission is confined to planning the study and preparing the budget.

A suggested format for the meeting would be to begin with the commission chairperson introducing the members of the commission and giving a brief background of each person. The chairperson should then review the statutory charge to the charter commission and explain what the commission has already done. A description of the total study process is helpful, with an emphasis upon the commission's desire to focus its attention on different subjects in each separate phase of the study. This is quite important because many charter commissions face a situation in which citizens, for various reasons, will ask questions related to a point not yet reached in the charter study process. For example, in some of the early meetings, citizens will ask the commission whether they plan to recommend a change in government, even though the commission may just be in the initial study phase. Questions of this sort can be deferred more easily if the public is aware of the different phases of the study. A question and answer period should follow, with a request from the commission to its fellow citizens to attend meetings and to urge all citizens to take an interest in the work of the commission.

The First Study Phase—The Present Form of Government

As this phase of the study begins, a dual process takes place. Charter commission members will probably wish to schedule a set of interviews with present and past local government officials. At the same time, they should begin to read pertinent studies and documents about their present form of government. If the charter commission has a consultant, he or she can be helpful in suggesting relevant readings.

Perhaps the most important initial step in the interview process is to develop a list of interviewees. It is best to make the list as inclusive as possible and then eliminate duplication before making final selections of those to be called in for an interview. Persons who should be interviewed include members of the present governing body, past members of the governing body, and appointed municipal officials, such as department heads, chief administrative officers, and the chairpersons of municipal boards and commissions. The major purpose of these interviews is to obtain an understanding of the present form of government and to develop some insight into its strengths and weaknesses.

An inevitable question at this point is who or what category of person should be interviewed first? The most logical and diplomatic answer might be the incumbent governing body members, because they are responsible for the conduct of the government and should be most familiar with it. It is also very important for the commission to develop a good rapport with the governing body, because their support and assistance is helpful as the commission begins to interview department heads and other municipal officials. If the governing body is made aware of the commission's objectivity during the interview, any fears or unfounded rumors about the interview process can be allayed.

Another important group of persons to be considered for inclusion on the interview list are former members of the governing body and other past municipal officials. This list could become overly extensive if the commission does not exercise some discretion and act selectively in the final determination of who will be interviewed.

The next group of interviewees are department heads, chief administrators, and the chairpersons of the various municipal boards and commissions. These persons, particularly the department heads and administrators, are the professionals who operate the local government and who should be most aware of the strengths and weaknesses of the present form of government.

These interview groups are perhaps the most familiar with the present form of government. However, there is another group of persons whose role places them in a position to observe local government. These are local civic leaders and representatives of the media, both local and regional. The commission should develop a list of such organizations and individuals as soon as possible. This list can be used for other purposes during the entire course of the study. Some obvious examples are the local political clubs and county committees, the League of Women Voters, the Chamber of Commerce, labor union organizations, and neighborhood groups. Reporters who cover the municipality for local and regional media sometimes change frequently, but they are an important source of information. There may be several news editors who have been in the area for some time, and they should be considered. It must be stressed again that the charter commission be very selective in the final determination of who will be interviewed.

The Interview Process—During this scheduling process, the charter commission must decide upon the type of interview to be utilized. The interview can range from a very structured process to an open-ended, informal approach. The decision on the type of interview is very difficult because it goes to the heart of the commission's basic objectives, which are always tempered and guided by the word "study." The commission must ask: how will the interview process help us in our study of the present form of government? What interview approach and technique should we agree upon?

It is at this point, that most, if not all, charter commissions struggle with a very fundamental question. "As we develop the interview process to assist us in the study of our present form of government, how do we avoid questions which could get into detailed management areas or issues of public policy?" The commission should reflect upon this problem as the members review drafts of the interview suggestions. Perhaps one of the most pertinent guides is in the phrase "study of the *form of government*." The commission is really not charged statutorily with making a detailed management analysis of present

operations or of reviewing the merits of various public policies. Although they will brush against this in their interviewing, it is not their main mission, and it could easily push the commission into many time-consuming hours of detailed and perhaps acrimonious or fruitless interviews.

Perhaps the most common interview process is the formal structured interview in which most, if not all, of the same questions are asked of all interviewees. Obviously, some of the questions are not pertinent to all persons because of the nature of their position and the differences in duties and responsibilities.

The detail and number of questions in the structured interview have varied, depending upon the decision of the charter commission. However, there are several standard categories of questions which commissions have used. Perhaps the most important question, in the sense that it can open up an excellent line of inquiry, is one that can be described as a "lead-in" or "warm-up." The question merely asks the person to take a few minutes to relate their background, their qualifications, and their duties and responsibilities in local government. This approach gives the interviewee a chance to relax and to develop an easier relationship with the commission members. It is important for the chairperson, either before or right after this question, to describe the total interview and about how much time it will take.

A second major category of questions lies in the area of the theory and operation of the present structure of government. For example, what is the interviewee's opinion on the size of the governing body; is it too large, too small? Is it representative of the overall community? What is the interviewee's relationship with the governing body and with the mayor? To whom does he or she report? How frequently does he or she meet with members of the governing body?

Another category of questions can touch upon some aspects of general management: Please describe the budget process. How is your departmental budget prepared? Who reviews it? How is it controlled? Please explain the purchasing process and the personnel system. Who does the capital planning and programming? These and other similar questions can give some insight into the overall management but, again, they are in no way an attempt at detailed management analysis.

A fourth category of questions involves communications with the public: Do you have a public relations or public information program? If so, who is responsible? Are there occasional press releases about operations or problems? Is there an annual report released to citizens?

Some questions can be directed toward the area of intergovernmental relations: What state or federal aid has the municipality obtained? Who is responsible for such programs? Are there any cooperative agreements with other municipal or regional agencies? Do municipal officials and staff meet with their colleagues from other municipalities on a regular basis?

After these categories have been exhausted, the commission may choose to move into a discussion of alternatives. For example, do you believe that the structure of government should be based upon a separation of executive and legislative functions? Do you favor the direct election of the mayor by the electorate? Do you believe that the council should exercise dual legislative and

administrative powers and functions? Should the chief executive be appointed or elected? In these questions the commission is doing some ground work for the second phase of its study—the examination of alternatives.

A final major discussion area enables the commission to give the interviewee an opportunity to focus upon his or her basic evaluation of the present form and structure. What do you believe are the strengths of the present form of government? What do you believe are the weaknesses of the present form? Finally, how do you believe that the present form of government could be improved? Some charter commissions may ask a question about whether the person favors a different or changed form of government. However, if an interviewee favors a change, his or her comments about this will develop from the earlier questions listed above.

Some charter commissions have varied the approach used in the structured interview by setting up one or two subcommittees, consisting of three members, to schedule and conduct most, if not all, of the interviews. This lightens the meeting load for everyone and spreads the responsibility for arrangement of details among the entire commission. Other commissions have utilized a mail questionnaire which contains many of the interview questions. This has to be returned by a certain date, and then the commission uses the responses as the basis for an interview. Very few, if any, charter commissions have interviewed members of the local government on a one-to-one basis.

A very practical aspect is the decision as to whether or not a charter commission should use a tape recorder during the interviews. Several considerations should be taken into account before a final decision is made. Will the presence of a recorder be cumbersome and will it inhibit the free-flow of the interview? How will the tape be used and by whom? Should the tapes be transcribed? How much will the process cost?

The answers to most of these questions can be obtained relatively easily. The most difficult one is the possible inhibiting effect and how the tapes will be used. If each charter commission member takes adequate notes during the interviews, a tape recorder may not be necessary. Or it may be used only for checking on answers for clarity or misinterpretation. In short, the tapes could be used as a back-up to the individual note-taking system. No definitive answer can be given to the inhibiting factor. Some persons do not mind the presence of a recorder and some do. If the charter commission conducts the interviews as a committee of the whole, and careful notes are taken, no recorder may be necessary.

No matter what interview process is used, it is very important that the charter commission decide upon a method to produce some record of each interview. If the commission has the services of a secretary, one of the members could dictate his or her notes while they are fresh in mind, to be reviewed by the entire commission for additions or corrections. If no secretarial help is provided, one of the commissioners should volunteer to draft notes for review and suggestions by the entire commission. Clear, clean copies of the major interview notes are essential to the commission when they meet to draw conclusions about the present form of government. A verbatim transcript of each interview is probably not necessary and may even be detrimental, since the major points may be buried in a large volume of typed material.

The Trends of the Present Local Government—Another task for the charter commission during the first phase of the study is to read as many pertinent documents as possible on the present local government. These would include the local master plan, any regional studies that pertain to the area, studies or surveys of particular departments, and studies done by agencies in the private sector. Very helpful are any studies conducted by civic groups like the local League of Women Voters who publish the important series, "Know Your Town." However, charter commissions should not be overly disappointed and frustrated if they do not find a large number of such studies. Local governments tend to be frugal, and important studies which might be done are many times given a low priority.

The charter commission may face an additional problem if it decides to describe some of the trends in its local government. First, there may be a dearth of local data which is organized coherently. Second, it may be difficult to present the data in a method that the general citizen can understand. Third, the data presented may not be as significant and helpful as the commission originally believed.

This is evident by reviewing several charter commission reports which were issued in the last ten years. Most commission reports had little, if any, data on the trends of their local government. Those that did present some data were very selective. The most consistent data shown in any trend form were population growth, budget history and budget projections. Other examples of data included municipal government expenditures per capita, operating budgets for major functions, percentages of total land available for development, and comparisons of true value tax rates. Most of the more recent reports have dropped trend charts, graphs, or the use of statistical material. This is also an indication of limitations on the amount of time which charter commission members can devote to the study. The gathering of data is time-consuming and the interpretation of it should be done by someone who is proficient in the field. If a commissioner has the time and the expertise to work on such data, the commission is fortunate. If not, it might be better for the commission to concentrate on other aspects of its study.

Public Hearing on the Present Form of Government—When the charter commission approaches the end of the first study phase it should announce a public hearing with sufficient notice to citizens and organizations.¹² The major purpose of this hearing is to obtain input from citizens and organizations about the present form of government. The hearing should also provide an opportunity for the commission to inform its fellow citizens about the study and what has been done up to that time.

The hearing should be held in a central location on an evening or evenings which would be convenient for most citizens. If a municipality is large in area and has several distinct neighborhoods or regions, it might be advantageous for the commission to hold the hearing in each of these areas on a different evening to make it convenient for more citizens.

To open the hearing, it might be well for the commission chairperson, after a brief introduction of the commission members, to discuss briefly the charge to the commission and to explain how the study is to be conducted and what has happened to date.

Although a major purpose of this hearing is to obtain citizen input about the present form of government, it is desirable for the chairperson or one of the commissioners or the consultant to take a few minutes to describe the present form of government. A commission cannot assume that most citizens have any great familiarity with the existing structure, its origin and background, and the theory of its organization.

Perhaps the most difficult or awkward moment of the public hearing now occurs. The commission will open the meeting to the public for their comments and views about the present form of government. In order not to be met by a stunning silence, a commission should prepare a list of questions which might be used to prime the thoughts of those in attendance. For example:

- Do the day-to-day operations of our government seem to be handled effectively?
- Do you feel that the present form of government provides adequate representation for all citizens?
- What are the major strengths and weaknesses of the present form?

In most public hearings, questions and answers develop along the lines mentioned above, and the commission has an excellent opportunity to gauge citizen reaction and understanding of the present form of government.

It is very important that the commission avoid being drawn into any discussion about the other phases of its study. Patience and tact should be exercised, because some citizens will ask questions about the study which the commission cannot answer at that time. In some situations, these questions may be "planted" for various reasons, and the commission has to reemphasize the deliberative nature of its study and that those questions will be addressed in the appropriate study phase. It is important that commission members avoid being drawn into premature public statements about their conclusions and recommendations.

Other problems can develop in this first public hearing. Some citizens may want to make statements about a form of government they may favor or disfavor or use the hearing to judge the actions of incumbent officials. Again, the commission must exercise tact in handling this situation which might anticipate other phases of the study or might involve inappropriate observations about present officials or employees.

Conclusion of the First Study Phase—After the public hearing or series of public hearings the commission should close its first phase of the study. Members should review what has been done and weigh the strengths and weaknesses of the present form of government. The commission also may want to discuss some very tentative conclusions about the present form, although they should be careful to emphasize that no firm decision has been made, because two major phases of the study remain.

The Second Study Phase—Alternative Forms of Government

In this phase, the charter commission faces the task of learning about alternative forms of government. One approach is to plan and schedule a series of interviews and meetings with persons from municipalities which have changed their form of government. A second approach is to read the statutory provisions of the alternative forms of government, as well as the literature which describes the philosophies and concepts of different local government forms.

Interviews—A charter commission consultant can be very helpful in suggesting persons to be interviewed from municipalities which have been operating under an alternative form of government. The interviews can provide the commission with valuable and practical information about how a different form of government functions. It is important that the commission decide on a standard interview process. Most commissions have conducted interviews as a group, since everyone has the opportunity to ask questions and benefit from the dialogue between the guest and the commission members. Some commissions have divided into subcommittees of two in order to spread the work load. If the commission interviews as a whole, then the provisions of the Open Public Meetings Act must be met.

Again, the commission must decide on the type of interview, open ended or structured. One might suggest that there is not much difference, because it is obvious that the interview would describe the form of government, its strengths, its weaknesses, and how it functions on a day-to-day basis. To a certain extent, this may be true, but the commission should decide upon some specific questions it wants discussed. For example, the following is a random selection of those questions:

1. Do you believe that the Mayor-Council Form provides for a clear focusing of administrative responsibility?
2. Does the Mayor-Council Form have a built-in potential for conflict when a council and mayor are of opposite political parties or factions?
3. Are the executive powers assigned to the municipal manager too strong?
4. Is it difficult to get the council in the Council-Manager Form to act as a body rather than as individuals?
5. Do council persons have a tendency to act as administrators of various departments? (Small Municipality Plan)
6. How has the concept of the finance committee worked? (Small Municipality Plan)
7. Do you believe that the position of administrator carries sufficient executive power? (Mayor-Council-Administrator Plan)

In conducting interviews, the commission should be aware that persons from other forms of government frequently are advocates for their form, and their answers may require some probing with follow-up questions.

Informational Meetings—As these interviews are conducted, the charter commission should schedule and announce a series of public informational meetings at which the various alternative forms of government can be described. It would be well to focus upon one alternative form at each meeting, which should make it easier for those in attendance to understand. Persons from municipalities which have adopted an alternative form should be invited to participate. They should be knowledgeable and possess good speaking abilities. It is a good idea to ask different persons than those who were initially interviewed. This approach exposes the commission to the experiences of several municipalities which have changed their form of government.

The major objective of these meetings is to explain to a group of citizens an alternative form of government and how it functions. Some charter commissions have adopted a format in which an elected council person from one place

participates with an executive person from a different municipality. This gives the commission and those in attendance the benefit of the experiences in two municipalities.

Each speaker should be given a brief amount of time to explain the form, and then the meeting should be opened to questions from the commission and the audience. A variation in the meeting procedure would be to have the consultant or one of the commissioners describe the form of government in general and have the guests respond, followed by questions from the audience. It is also helpful for the consultant or the commission to prepare a diagram of the alternate form, to make it easier for people to follow the presentations.

It is extremely important for the charter commission to utilize its contacts with the media during these public meetings. Good, accurate, and adequate coverage of the meetings is essential. In addition, newspapers can provide not only news articles but, perhaps, special features which explain the form of government to be discussed at each of the public meetings. If there is local radio and television coverage, the commission should meet earlier with station representatives to determine what programming format might be most helpful and available.

Public Hearing—During the course of the public meetings described above, the charter commission should announce a public hearing to be held in the near future.¹³ The major purpose of this hearing is to obtain input about the alternative forms of government and what the citizens may favor or disfavor. Hopefully, this input should be based upon citizen attendance at the public informational meetings and their reading of the media coverage about the alternative forms of government. However, this cannot be presumed and the commission must be prepared to provide brief explanations if a citizen appears who was not present at the meetings which described the alternative forms.

The commission must also be careful not to respond in great detail to questions which might be asked about whether or not it favors any particular form of government. Tact and diplomacy must be exercised to point out that the commission is still in its study phase and that a decision will be made when all the data are reviewed and the members have had an opportunity to reflect upon the entire study. Most charter commissions have found that citizens are not reluctant to express their views at these public hearings. Many will have made up their mind in favor of a change in form of government. Others will express a desire for no changes.

The Third Study Phase—Decision

If a commission has been diligent in following the schedule described in the sections above, it has completed the second phase of its study about the first of May. The commission now is ready to begin the third phase of its study—the decision process. In some respects, this may be the most difficult phase, and it might be well for the commission to pause collectively to take a deep breath. It may not be a bad idea to take a short break so that commission members can reflect upon the first two phases of the study just completed.

Perhaps the first step at its initial meeting in this phase is for the commission to review the major points of its data and the conclusions about its study of the present form of government. Many commissions will take a tentative vote on whether or not they want to recommend the retention of the present form.

Recent facts show that most commissions have not recommended retention. It should be emphasized by the commission that this vote is not its final decision.

The next step should be a discussion of the alternative forms of government. This involves a review of the commission's interviews with the persons from other communities and the public meetings held on alternative forms. A review of the public hearing may also be discussed at this time. The commission chairperson should preside at these meetings and attempt to make progress toward a decision without placing any member of the commission in a position where he or she feels pressured. A consultant can be helpful in this stage with questions, comments, and analyses of what has been covered in the first two study phases. A major portion of the discussion should include each commissioner's analysis and conclusions about the strengths and weaknesses of the alternative forms of government. The chairperson again must exercise tact and diplomacy in guiding the decision process toward a reasonable conclusion.

After such an intensive discussion, most charter commissions will take a tentative vote to determine how close they are to a decision. Even if the vote is for a change in government, there may not be unanimity about the form to be recommended. The vote may be either three to two or four to one in favor of a specific form. Faced with such a vote, the minority members many times will suggest a unanimous vote for the majority view. Once a majority decision is reached however, it becomes the recommendation of the charter commission. If the minority member or members feel strongly about their position, they are entitled to write a minority report which must be appended to the majority report.¹⁴

An awkward situation may now face the commission. After several months of study open to the public, a decision has been reached and the announcement of this is covered by the media. However, the report has not been written; it has not even been outlined. Yet, the commission will be subjected to questions by the media and by many citizens. Most of the answers to various questions should be covered in a well-written report. In the interim, most commissions, if they have been diligent in the study process, can handle such questions. If the media representatives have also been faithful in their assignments, they can provide excellent information about the commission's decision in their news coverage. If there is a recommendation for change, the commission has to consider how to maintain the interest of the community in its decision when the citizens will not vote on any recommendation until sometime in the future.

Types of Conclusions and Recommendations—The recommendations of the charter study commission may take one of three different directions:

1. The commission may determine that the existing form of government is adequate and, therefore, recommend no change. If this conclusion is reached, the commission is discharged upon filing its report and the charter study process is completed. Some commissions may favor the existing form of government, but may discern some ways in which that form may be made more effective; for example, by the enactment of an administrative code or the hiring of an administrator. If this sort of recommendation is made, it is strictly advisory. The charter commission is discharged, and implementation is at the discretion of the incumbent governing body.

2. The commission may decide that one of the optional forms of government under the OMCL is preferable to the existing form of government. If this is their recommendation, the question of adopting that form must be placed on the ballot for a final decision by the voters. The charter study commission remains in office until that vote is taken.
3. Finally, the commission may conclude that a change in form of government is desirable, but none of the forms available is adequate. They then would draft a special charter for the community and include it in their report. The municipal governing body would be required to ask the state legislature to enact the charter as a special law, and the charter commission would remain in office until this process is concluded.

Preparation of the Report

Regardless of the type of conclusion reached, the charter commission must prepare a report. The nature and scope of the report depends to a very large extent upon the approach and the depth of the charter commission's study. If the commission has followed its schedule, and was conscientious and hard working, there should be abundant information from which to structure a final report. The first step should be the preparation of a draft outline. If the commission has a consultant, he or she may be asked to do this task; if not, one of the commissioners or perhaps a subcommittee of two will prepare an outline.

After the commission approves the final report outline, a decision must be made about who will do the actual draft. Again, if the commission has retained a consultant, he or she may do it, or a member of the commission may do the writing with the consultant acting as an editor. In any event, this begins the process of writing the final report, and the writer should submit drafts at appropriate intervals so the commission can review them and make any suggestions for revision.

It is very important for the commission at the outline stage or earlier to meet with the finance director or the person responsible for printing, in order to follow proper procedures for bidding the printing of the final report.

The Contents of the Report—What kind of a report does a charter commission write for distribution to the citizens of the community? A review of recent reports reveals great variation, which may be a reflection of each commission's approach to its study. In essence, this may be an answer to the question, because the report will reflect the work of the commission, tempered by the individual orientation, talents, and views of each commissioner. From this mix, the commission must guide the writer in the preparation of the report; this is not always an easy assignment. A typical charter commission report will contain the following items:

1. **Cover**
2. **Title page**
3. **Table of contents**
4. **Letter of transmittal.** This letter should be written by the chairperson or one of the commissioners and not by the consultant. A consultant is an outsider and does not know the community as well as people living there. The commission can be expected to know the people and have a feeling for the

approach to be used in such a letter. The letter of transmittal usually reviews the mission of the charter commission, summarizes the study process, and summarizes the commission recommendations. If the commission is recommending a change in form of government, the exact wording of the question to go on the ballot must be in the report somewhere, and the letter of transmittal is an appropriate place.

5. Brief summary of the report

6. Timetable for action. This is a list of the specific dates by which any further action should take place.

7. Main body of the report

- a. History and background of the community
- b. History and background of the existing form of local government
- c. Brief description of the present form of government
- d. Strengths and weaknesses of the present form
- e. Alternatives considered
- f. Commission recommendation and reasons for it
- g. Conclusion
- h. Advisory recommendations. Some charter commissions have made general suggestions for steps to be taken before or after any form of government becomes effective. For example, suggestions might be made about the search process and qualifications for candidates as a municipal administrator if a new form of government would require such a position.
- i. Appendix—full text of any new form of government recommended.

The layout and format of the report is important and should be discussed with someone knowledgeable about printing. First of all there are questions about the size and the cover. Should the cover be plain, use photographs, or have an artistic flair? The type of print and the page format should be reviewed. The use of illustrative materials, charts, graphs, and tables should be decided upon. In short, the physical design, including selection of colors, should be well thought out with expert consultation.

Unless the final report is extremely short, consideration must be given to the variety of readers who will receive the report. Should the report be written for the complete reader, one who will read page by page, cover to cover? What about the browser who will merely scan pages and sections? If the charter commission attempts to take all kinds of readers into consideration, they may never agree on the length, layout, and format of the final report. Usually, most charter commissions will prepare a report which states the case in a series of succinct sections or chapters which makes it relatively easy for the citizen to read in its entirety.

One last and sometimes overlooked important step: the charter commission must make arrangements to proofread the printer's galleys for content, style and format. Obviously, each member has to proofread drafts of the report for substantive content.

Printing and Distribution of the Report—The statutory charge to the commission requires that a recommendation be made within nine calendar months from the date of election. This is usually the first week of August. The commission is required to file an original signed copy with the clerk, to provide the

clerk with sufficient copies for any interested citizens, and to distribute a copy to each member of the governing body.¹⁵

These statutory requirements create a practical problem for a charter commission. If the commission has adhered to its study plan, when should the printed report be distributed?

When a commission organizes and plans its work in November and December, nine months seems to be a very long time. But as the commission proceeds with its study and enters each successive phase, the time factor usually looms larger and larger. Most charter commissions use the full nine months, although some have reported earlier.

The problem a charter commission must face is how to coordinate the filing of its official signed copy of the report and the distribution of printed copies. If the commission uses most of the nine-month study period, it often will be reaching its conclusion in the middle of the traditional summer vacation period. Should the report be filed before the Fourth of July, when most persons have not begun the vacation, or should it be done as the statutory deadline approaches in mid-summer? No matter which time period a commission selects, it faces the practical situation of not having its printed report available for distribution when it makes its decision. A minimum number of mimeographed or xeroxed copies for the media and interested citizens should be available at the time when the commission officially delivers its original signed copy to the municipal clerk. Printed copies in greater number can be made available later, preferably after Labor Day, when citizens and organizations resume their normal schedules.

If a commission follows this schedule, it will accomplish several important objectives. First, the report will be filed on time with the municipal clerk. Second, sufficient advance copies will be available so that the media will have enough information to produce meaningful news coverage. Third, that group of very interested citizens will be able to obtain an advance copy of the report and study it during the remainder of the slow summer period. Fourth, the commission can announce its plans for distributing the final printed report after Labor Day. Care must be taken that the final printed copies do not deviate substantively from the mimeographed or xeroxed copy filed officially with the clerk.

An important decision for the commission is to determine how many copies of its report should be printed after the minimal requirements mentioned above are met. This will depend on a knowledge of the community and the methods available for distributing reports. A copy could be printed for every registered voter, or one for every household, or an arbitrary number could be selected, with copies left at the municipal building and other central locations where citizens could obtain one. A charter commission knows its community and should be able to make a good estimate of the number which should be prepared.

Distribution of the printed report can be done in several ways. Mail is the most obvious, but this has to be weighed in relation to the resources for addressing and mailing the report and the costs involved. The printed report should be distributed to libraries, schools, stores, and of course, the major local groups and organizations of the community. It may be necessary also to prepare a bilingual translation of the report if this is appropriate, based upon the composition of the community.

Charter Commission Activities After Filing of the Report

If a charter commission recommends a change to an optional form of government under the OMCL, it is not released from its duties until after the referendum on adoption of that form. This provision enables the commission to carry out activities related to its report and the vote to be held on the recommendation.

As noted above, a commission's decision is usually made known during a rather slack period of the year. This does not mean that the commission should sit back and wait until the election results are tabulated. A campaign of public information efforts should continue through Election Day.

The first of these efforts may be an offer to all interested local groups and organizations for one or more members of the commission to speak about the charter study and the recommendations. Most charter commissions have found that this request is accepted by many groups.

Another approach utilized by charter commissions is to set up neighborhood meetings for a discussion on the report. These can be held in individual homes if someone is willing to host the meeting.

Coverage by the media is important. Good, clear articles about the report should reach those unable or unwilling to attend public meetings. Local radio stations can also be helpful in providing coverage and perhaps arranging for a series of call-in shows with members of the charter commission. The development of a good relationship with the media is very important to the commission.

Some charter commissions may choose to make door-to-door trips, either on a team or individual basis, to meet informally with citizens and to discuss the report. This informal approach must be related to the size of the community and the stamina and schedules of the charter commissioners.

In essence, the charter commission should undertake an all-out effort to explain the report, answer questions, and urge citizens to read the report and consider their vote in the election. In these efforts, the commission must be very careful, however, not to utilize public funds to campaign openly for a favorable vote.

Subsequent Charter Study Commissions

Regardless of the type of recommendation made by a charter study commission, no petition may be filed or ordinance enacted to hold an election for another charter study commission for four years following the election of the initial study commission.¹⁶ However, this waiting period does not apply to a direct petition action for change, which may be started immediately after the conclusion of a charter study commission's work if an optional form of government is not adopted.

The Direct Petition Method

In addition to the charter study commission approach, it is possible for the citizens of any community to use a direct petition and referendum approach to change their form of government to an optional form under the Commission Form of Government Law of 1911, the Municipal Manager Form of Government Law of 1923, or the Optional Municipal Charter Law of 1950. The requirements, procedures, and schedule vary slightly among the three laws.

Commission Form of Government¹⁷

A question may be placed on the ballot to change to the Commission Form of government by a petition signed by at least 20 percent of the number of registered voters at the last preceding general election. If this is done, the municipal clerk must call an election for this purpose on the third Tuesday following the date on which the petition is filed. In order to effect the change, there must be a favorable majority for the change, and the number of affirmative votes must total at least 30 percent of the total number of persons voting in the municipality at the last general election. If the change is authorized by the voters, an election for the first board of commissioners is held on the fifth Tuesday following the referendum, and the newly elected members of the governing body take office on the first Tuesday following their election. If the proposal is defeated, no additional petition for adoption of the Commission Form of government may be filed until after the beginning of the last year of the term of office of the mayor elected at the election following defeat of the original proposal.

Municipal Manager Form of Government¹⁸

Procedures under the Municipal Manager Form are similar to those under Commission government, but with a few variations. The process is started by a petition signed by a number of voters equal to 15 percent of the number of persons who voted in the municipality at the last general election for general assembly. The referendum on the question then is held on the fourth Tuesday following filing of the petition, but not within four weeks of a regular municipal election. As with Commission government, there must be a favorable majority for the question, and the number of affirmative votes must total at least 30 percent of the number of persons voting at the last general election. If the change in form of government is approved, the first election of members of the council is held on the fourth Tuesday following the referendum, and the new council members take office on the fourth Tuesday after their election. If the proposal is defeated, there is a two-year waiting period before another petition for adopting the Municipal Manager Form may be filed.

Optional Municipal Charter Law¹⁹

Provisions for a direct petition approach are somewhat different under the Optional Municipal Charter Law. The number of signatures necessary to place a question of change on the ballot varies with the size of the municipality:

- 25 percent of the registered voters in municipalities of 7,000 or less
- 20 percent in municipalities over 7,000, but less than 70,000
- 10 percent in municipalities of 70,000 or more

The registered voters are counted as of the date that the petition is filed. If a valid petition is filed, the municipal clerk must place the question on the ballot at the next general or regular municipal election, if there is to be one, at least 60 and no more than 120 days after the petition is filed. If there is no regularly scheduled election during that time, the clerk must arrange for a special election within that period. A simple majority is required for approval.

Election of the first governing body members depends upon the plan proposed. If it is a partisan form of government with elections at large, the first election takes place at the next general election at least seventy-five days after approval in the referendum. If wards have to be drawn, the first partisan election would be held at the next general election at least 120 days following the referendum. In nonpartisan forms, the time of the first election is at the regular municipal May election, respectively 75 and 120 days after the referendum, depending upon whether the plan is for at-large or ward elections. The first elected officials take office on January 1 following their election in partisan forms of government and on July 1 following election in nonpartisan plans.

Subsequent Direct Petitions

If a proposal for change initiated by direct petition under the Optional Municipal Charter Law is defeated on referendum, no subsequent direct petition for change may be filed under this law until four years after the referendum.²⁰

However, this waiting period does not apply to a petition or an ordinance for a charter study commission, which may be filed or enacted immediately after the referendum on the first petition. The four-year waiting period also appears not to apply to a direct petition filed under laws providing for the Municipal Manager Form (1923) or the Commission Form.

Abandonment of an Optional Form of Government

Each of the laws providing optional forms of municipal government also permit abandonment of such a form after a specified trial period and reversion to the form of government used in the community prior to adoption of the optional plan. The trial periods vary—six years for the Commission Form,²¹ four years for the Municipal Manager Form,²² and three or five years under the Optional Manager Charter Law, depending on whether the population of the municipality is 7,000 or less or is larger than that figure.²³ Other details also vary, including the number of signatures required to initiate the process, the time of the referendum on abandonment, and the effective date of the change.

These provisions deal only with abandonment and reversion to a prior form of government. Presumably, if the voters of a municipality wished to replace one of the optional forms with some other optional form, the statutory provisions for the new form of government being proposed would control the procedure. The only exception noted to this general statement is under the OMCL, where the law states that the required trial period for any of the optional plans (three or five years) applies to a proposed change to any other form of government, not just a reversion to the prior form.²⁴

Amendment of a Charter under the Optional Municipal Charter Law²⁵

A law enacted in 1981 makes it possible to change a number of the details of a municipal charter under the OMCL without going through the entire procedure in either the charter study commission or the direct petition approaches. If a community wishes to keep its form of government under three of the OMCL plans—the Mayor-Council Form, the Council-Manager Form, or the Small Municipality Form—but to change some aspects of the form, this can be done through a referendum question which may be placed on the ballot either by petition of the voters or by an ordinance enacted by the governing body. The number of signatures required on a petition is 25 percent of the number of registered voters in places with 70,000 or less inhabitants, and 15 percent in larger places. A special exception is made for municipalities in first class counties with a population over 800,000 (Bergen and Essex), where the petition needs signatures amounting to only 15 percent of the number of votes cast in the municipality at the most recent election for general assembly.

Charter details which may be changed include:

1. Having either partisan or nonpartisan elections
2. Election of all council members at large or election partially from wards
3. Election of council members for staggered or concurrent terms of office
4. Election of the mayor directly by the voters or selection from among the members of the council (Council-Manager and Small Municipality Forms only)
5. Having a council of different size (five, seven, or nine for Mayor-Council and Council-Manager Forms; three, five, or seven for the Small Municipality Form)

It should be noted that changes can be made only in those details on which the community had choices at the time that the optional plan was originally adopted. The Mayor-Council-Administrator Form is not subject to this amendment procedure, since none of the above details are subject to variation under that form of government.

The amending procedure under the OMCL cannot be used until four years after original adoption of the optional plan, and there is a four-year waiting period before any additional amendments of the same nature can be submitted to the voters. Every change must be voted on as a separate question.

Use of Runoff Elections

Runoff elections are used only in nonpartisan forms of government. Under the provisions of the Uniform Nonpartisan Elections Law,²⁶ any municipality having nonpartisan elections may decide to have runoff elections or to abandon them if they are already in effect. The change, which must be approved in a referendum, may be initiated either by an ordinance adopted by the governing body or by a petition signed by registered voters equal in number to 10 percent of the votes cast at the last preceding election for general assembly.

Special Charters

The new state constitution of 1947 reopened the doors to the enactment of special acts dealing with individual local government units. The wording from the 1875 amendment was changed to read:

The legislature shall not pass any private, special, or local laws . . . regulating the internal affairs of municipalities formed for local government and counties, except as otherwise in this constitution provided. . . .²⁷

A new provision then was added:

Upon petition by the governing body of any municipal corporation formed for local government, or of any county, and by vote of two-thirds of all the members of each house, the legislature may pass private, special or local laws regulating the internal affairs of the municipality or county. The petition shall be authorized in a manner to be prescribed by general law and shall specify the general nature of the law sought to be passed. Such law shall become operative only if it is adopted by ordinance of the governing body of the municipality or county or by vote of the legally qualified voters thereof. The legislature shall prescribe in such law or by general law the method of adopting such law, and the manner in which the ordinance of adoption may be enacted or the vote taken, as the case may be.²⁸

Chapter 199 of the Laws of 1948 was enacted by the legislature to implement the new constitutional provisions for special local legislation.²⁹ Table 5 outlines the procedure by which a municipality may obtain a special charter.

Initiating the Procedure

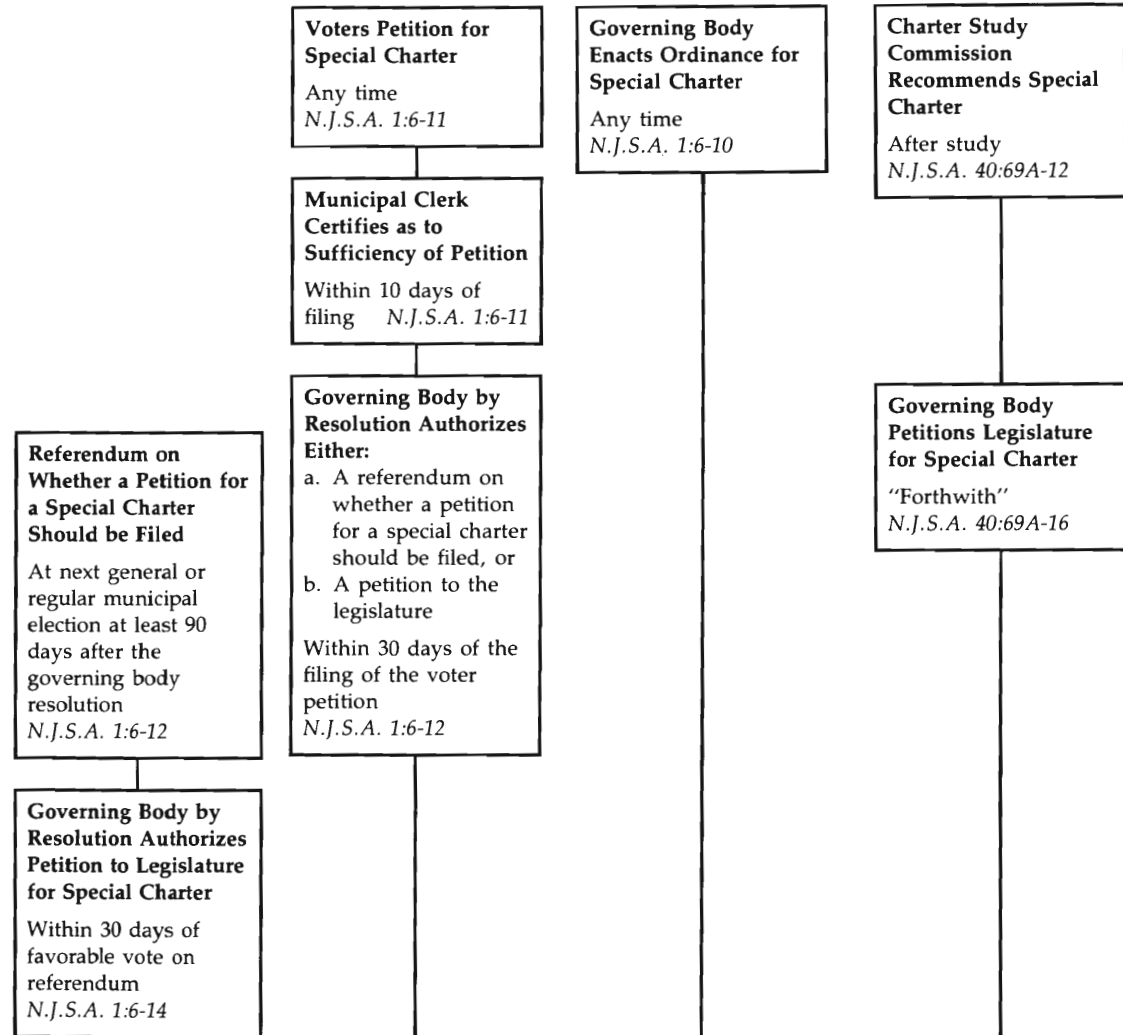
The legal steps for obtaining a special charter may be initiated either by the municipal governing body, or by the voters, or by a charter study commission (see Table 5).

Any municipal governing body may adopt an ordinance authorizing a petition from that body to the legislature for a private, special, or local law embodying a special charter. The ordinance must specify the general nature of the law desired and may be adopted only after a public hearing held at least ten days after a notice of the hearing has been published.³⁰

The voters of a municipality may initiate the action for a special charter by circulating a petition and obtaining signatures of 20 percent of the registered voters in the municipality or 15,000 signatures, whichever figure is less. This petition from the voters must indicate the general nature of the law desired and is filed with the municipal clerk. The clerk has ten days within which to determine whether or not the voters' petition has enough valid signatures. If it does, the clerk certifies its validity, and submits it to the municipal governing body. The governing body then has thirty days within which to take one of two possible actions: (1) they may adopt a resolution authorizing the filing of a petition³¹ from that body to the legislature to have the law enacted; or (2) they may adopt a resolution authorizing submission of the voters' petition to a local referendum at the next general or municipal election held at least 90 days after the adoption of the resolution. If a majority of the persons voting in the referendum approve, the municipal governing body, within thirty days, must adopt a resolution authorizing the filing of a petition from that body with the legislature for the enactment of the law.

In a municipality which has elected a charter study commission, the commission may choose to recommend a special charter. In such a case, the charter commission prescribes the wording of the proposed special charter, and the municipal governing body is required to petition the legislature for its enactment. Five of the ten special charters enacted since 1947 have been proposed by charter study commissions.

Table 5. Timetable for Adoption of Special Charter in a Municipality



Municipal Chief Executive Takes Action To:

- a. Prepare Petition to Legislature for Special Charter
- b. Prepare Legislative Bill Embodying Special Charter
- c. Have Notice of Intent to Introduce Bill for Special Charter Published
- d. Have Bill Introduced into Legislature

No time period specified

N.J.S.A. 1:6-15

State Legislature May Enact Private, Special, or Local Law Embodying Special Charter by Two-Thirds Vote of All Members of Each House Whenever in Session

No time period specified

Constitution, Art. IV, Sec. 7, Par. 10

Governor May Approve or Disapprove of Private, Special, or Local Law Embodying Special Charter

Within 45 days after enactment by legislature, with certain exceptions

Constitution, Art. V, Sec. 1, Par. 14

Referendum on Adoption of Special Charter

At next general election following enactment, unless this occurs within 25 days of a general election, in which case referendum is at next succeeding general or regular municipal election

N.J.S.A. 1:6-18

Special Charter Effective Immediately upon Favorable Vote in Referendum, with Implementation as Specified in Charter

N.J.S.A. 1:6-20

Responsibilities of the Municipal Chief Executive

Once a resolution or ordinance authorizing a petition has been adopted, the municipal chief executive officer is responsible for several steps in the procedure.

1. A petition must be prepared, describing the general nature of the law desired. This petition must be signed by the chief executive and attested by the clerk of the municipality.
2. A legislative bill must be prepared which would carry out the intent of the petition.³²
3. A notice must be prepared and published in at least one newspaper circulating in the county at least one week before introduction of the legislative bill. Proof of publication must accompany the bill, when introduced.
4. The bill must be introduced into the legislature at the next session after the publication provisions can be met, accompanied by the petition, the resolution or ordinance authorizing the petition, and proof of the public notice of the intent to introduce such a bill.

Action by the Legislature

The legislature may enact such a private, special, or local law providing for a special municipal charter only by a two-thirds vote of all of the members of each house. There is no requirement that the legislature must act favorably.

Action by the Governor

As with all other laws, the governor has the power either to approve or to veto a private, special, or local law providing for a special municipal charter. If he vetoes such an act, his veto could be overridden by a two-thirds vote of all the members of each house.³³

Final Local Action

If the legislature does enact the statute requested and the governor approves it, the law becomes effective only after approval by the voters in a local referendum at the next general election, unless enactment takes place within twenty-five days of a general election. In this case the referendum is held at the next succeeding general or municipal election. An assessment of \$25 must be paid by the local governmental unit to the state treasury before the first day of July following the passage of the private, special, or local act; otherwise the law becomes void.

Effective Date

The private, special, or local act becomes effective immediately upon approval in the referendum although, presumably, the act itself could stipulate a later effective date to allow for election of new officers if this were an integral part of the special charter.

Notes

1. N.J.S.A. 40:69A-1 *et seq.*
2. N.J.S.A. 40:43-9.1.
3. For more information contact New Jersey Election Law Enforcement Commission, 28 West State Street, Trenton, NJ 08608, (609) 292-8700.
4. N.J.S.A. 40:43-66.50.
5. N.J.S.A. 40:69A-1 to 4, 186.
6. *Dios v. Ronnie*, 76 N.J. Super. 390 (1962).
7. N.J.S.A. 40:69A-5 to 7.
8. N.J.S.A. 10:4-6 *et seq.*
9. N.J.S.A. 40:69A-8.
10. N.J.S.A. 40:69A-8.
11. N.J.S.A. 40:69A-10.
12. N.J.S.A. 40:69A-9.
13. N.J.S.A. 40:69A-9.
14. N.J.S.A. 40:69A-10.
15. N.J.S.A. 40:69A-10.
16. N.J.S.A. 40:69A-17.
17. N.J.S.A. 40:71-1, 2, 67; 40:75-1.
18. N.J.S.A. 40:80-1, 2, 89; 40:81-4.
19. N.J.S.A. 40:69A-18, 19, 20; 40:69A-205.
20. N.J.S.A. 40:69A-21.
21. N.J.S.A. 40:76-1.
22. N.J.S.A. 40:85-1.
23. N.J.S.A. 40:69A-23, 25.
24. N.J.S.A. 40:69A-23.
25. N.J.S.A. 40:25.1 *et seq.*
26. N.J.S.A. 40:45-5 *et seq.*
27. *Constitution of New Jersey*, (Article IV, Section 7, Paragraph 9).
28. *Constitution of New Jersey*, (Article IV, Section 7, Paragraph 10).
29. N.J.S.A. 1:6-1 to 20.
30. N.J.S.A. 1:6-10.
31. Note the difference between the "petition" to the legislature which the municipal or county governing body authorizes, and the "petition" circulated among the voters; these are two distinctly separate documents, although the statutory language uses the same word to apply to each.
32. Except where the special charter has been recommended by a charter study commission, in which case the commission would have the right to specify the precise wording of the bill.
33. *Constitution of New Jersey*, (Article V, Section 1, Paragraph 14).

Chapter V

Trends and Patterns of Municipal Government Organization

Clearly, the trend over the past thirty-five years in New Jersey has been away from the older forms of municipal government organization—the City, Town, Borough, Township, and Village Forms; Commission Government, the earliest of the optional plans of local government; and the few old special charters. In 1950, 558 of the state's 566 municipalities, including 96.3 percent of the state's population, were served by these forms of municipal government. By January 1, 1984, the number of municipalities with older forms of government had dropped to 444 out of 567 but, more importantly, the percentage of New Jersey's population covered had declined to only 49.7 percent. In contrast, forms of municipal government enacted after 1920 have been adopted by 123 places (see Table 6), generally of larger size, including more than half of the state's population. Earlier chapters have described the methods available for bringing about such changes. Here, trends in the use of each method and present patterns of use will be described.

Selection of Statute

By far the greatest activity for change in the past three and one-half decades has taken place under the Optional Municipal Charter Law. Since 1951, only four places—Cherry Hill, then known as Delaware Township (1951), West Wildwood (1964), Ventnor (1968), and Bass River (1972)—have adopted the Commission Form of government. Two others, Belleville in 1967 and Orange in 1970, reverted to the Commission Form after brief experiences with an OMCL charter. An even smaller number—Lodi (1955), Cape May City (1960), and Garfield (1972)—have adopted the Municipal Manager Form of government law enacted in 1923. In addition, Fair Lawn chose in 1980 to revert to this form of government after trying another plan under the OMCL.

Table 6. New Jersey Municipalities by Type and Form of Government, 1950–1984

		1950	1955	1960	1965	1970	1975	1980	1984
Cities	City Form	22	21	21	20	17	13	12	11
	Commission Form	22	20	20	13	13	12	9	7
	Municipal Manager Form (1923)	3	3	3	4	4	5	5	5
	OMCL: Mayor-Council Form	—	4	4	10	11	16	18	19
	OMCL: Council-Manager Form	—	—	—	1	1	—	—	—
	OMCL: Small Municipality Form	—	—	—	—	—	—	1	2
	Pre-1875 Special Charter	5	5	5	5	5	5	5	5
	Post-1947 Special Charter	—	—	—	—	2	2	3	3
		52	53	53	53	53	53	53	52
Towns	Town Form	13	13	11	11	10	8	8	8
	Commission Form	7	7	7	4	4	4	4	1
	OMCL: Mayor-Council Form	—	—	—	2	2	3	3	1
	OMCL: Council-Manager Form	—	—	1	2	2	2	2	2
	Pre-1875 Special Charter	1	1	1	1	1	1	1	1
	Post-1875 Special Charter	—	—	1	1	2	3	3	2
		21	21	21	21	21	21	21	15
Boroughs	Borough Form	228	230	228	227	226	223	221	215
	Commission Form	24	23	23	24	22	22	20	20
	Municipal Manager Form (1923)	4	4	5	5	5	2	2	3
	OMCL: Mayor-Council Form	—	—	—	—	—	2	5	5
	OMCL: Council-Manager Form	—	—	—	—	1	4	4	4
	OMCL: Small Municipality Form	—	—	1	2	3	4	3	3
	Post-1947 Special Charter	—	—	—	—	—	—	1	1
		256	257	257	258	257	257	256	251
Townships	Borough Form	—	—	—	—	—	—	—	5
	Township Form	227	222	217	208	195	177	170	162
	Commission Form	6	8	6	4	5	5	5	7
	Municipal Manager Form (1923)	1	1	1	1	1	1	1	1
	OMCL: Mayor-Council Form	—	—	1	6	12	20	24	31
	OMCL: Council-Manager Form	—	2	6	11	17	23	24	25
	OMCL: Small Municipality Form	—	—	2	2	2	4	7	10
	OMCL: Mayor-Council-Admin. Form	—	—	—	—	—	—	—	1
	Post-1947 Special Charter	—	—	—	—	—	2	3	4
		234	233	233	232	232	232	234	246
Villages	Village Form	1	1	2	2	2	2	1	1
	Commission Form	2	2	2	2	2	1	1	1
	OMCL: Council-Manager Form	—	—	—	—	—	1	1	1
		3	3	4	4	4	4	3	3

Table 6. New Jersey Municipalities by Type and Form of Government, 1950–1984
(continued)

		1950	1955	1960	1965	1970	1975	1980	1984
All Types	City Form	22	21	21	20	17	13	12	11
	Town Form	13	13	11	11	10	8	8	8
	Borough Form	228	230	228	227	226	223	221	220
	Township Form	227	222	217	208	195	177	170	162
	Village Form	1	1	2	2	2	2	1	1
	Commission Form	61	60	58	47	46	44	39	36
	Municipal Manager Form (1923)	8	8	9	10	10	8	8	9
	OMCL: Mayor-Council Form	—	4	5	18	25	41	50	56
	OMCL: Council-Manager Form	—	2	7	14	21	30	31	32
	OMCL: Small Municipality Form	—	—	3	4	5	8	11	15
	OMCL: Mayor-Council-Admin. Form	—	—	—	—	—	—	—	1
	Pre-1875 Special Charter	6	6	6	6	6	6	6	6
	Post-1947 Special Charter	—	—	1	1	4	7	10	10
		566	567	568	568	567	567	567	567

In contrast, there have been 236 actions under the provisions of the Optional Municipal Charter Law through the end of 1983, including 138 charter study commissions, 97 direct petitions for change in charter, and one action by ordinance under a new section of the OMCL to alter the details of an existing charter (see Table 7).

Special charter statutes, which can be activated either by a charter commission or through action of the voters or the municipal governing body, have been used five times through non-charter commission activity.

Table 7. Selection of Method of Change under the Optional Municipal Charter Law, 1951 to 1983

Period	Charter Study Commissions	Direct Action	Ordinance	Total
1951–1955	23	9	—	32
1956–1960	13	10	—	23
1961–1965	22	11	—	33
1966–1970	32	20	—	52
1971–1975	22	19	—	41
1976–1980	19	15	—	34
1981–1983	7	13	1	21
Total	138	97	1	236

OMCL Charter Commission Actions

Action to establish a municipal charter study commission may be initiated either by the existing municipal governing body, through enactment of an ordinance, or by the voters of the community, who may circulate a petition for such a commission. The ordinance approach has been the most popular, with 72 percent of all charter commissions originating in this way (see Table 8). This figure probably is somewhat misleading, however, since in many cases a municipal governing body has enacted the ordinance only after a petition drive has been started and has shown enough strength to indicate that a significant portion of the community desires a charter study.

The ordinance or the petition has the effect of placing on the ballot the question of whether a municipal charter study commission should be established. The vote on this question almost always has been positive, with only five known cases out of 143 where a proposal for a study commission was defeated. These were in Bradley Beach (1963), Middletown (1963), Little Egg Harbor (1980), North Haledon (1980), and Dover Town (1980).

Charter study commissions may come to three different kinds of conclusions: they may recommend retaining the existing form of municipal government; they may recommend adoption of one of the charters contained in the Optional Municipal Charter Law; or they may recommend enactment of a special charter. In practice, very few charter commissions (8 percent) have recommended retention of the existing form of government, and even fewer (7 percent) have suggested a special charter. In 85 percent of the cases, the charter study commission has recommended that one of the forms of government in the OMCL should be adopted by the community (see Table 8).

Table 8. Municipal Charter Study Commissions under the Optional Municipal Charter Law, 1951 to 1983

Period	Method of Initiation		Charter Commission Recommendations			Action by Voters		Notes
	Ordinance	Petition	No Change	OMCL Charter	Special Charter	Approve	Defeat	
1951–1955	19	4	4	19	1	10	10	–
1956–1960	5	8	–	13	–	7	6	–
1961–1965	15	7	2	19	1	10	9	*
1966–1970	21	11	1	29	2	19	12	–
1971–1975	17	5	1	19	1	16	4	–
1976–1980	16	3	3	11	4	8	7	‡
1981–1983	6	1	–	6	–	6	1	†
Total	99	39	11	116	9	76	49	
	(72%)	(28%)	(8%)	(85%)	(7%)	(61%)	(39%)	

* Montclair special charter never enacted by legislature; therefore, no referendum of the voters was held.

† Evesham charter commission recommended modification of existing OMCL Council-Manager charter to provide for direct election of mayor; voters approved.

‡ Cranford charter commission unable to achieve majority for any recommendation.

A recommendation by a charter study commission for adoption of an OMCL charter leads automatically to a referendum of the voters on the issue. Similarly, a recommendation for a special charter leads in this direction, but the process may be aborted if the legislature or the governor do not approve the special legislation required. During the first fifteen years of the OMCL, charter commission recommendations resulting in referenda were approved in only about half the cases. Since that time, the approval percentage has been substantially higher, with the overall results for the thirty-three year period shown in Table 8 resulting in 61 percent approval and 39 percent rejection by the voters.

Table 9 shows a more detailed breakdown of the recommendations made by municipal charter study commissions for new forms of government. The most popular form, both at the beginning and at the end of the thirty-three year period and overall, was the OMCL Council-Manager Form, with 47 percent of all recommendations for changing the local government organization. Second in popularity was the OMCL Mayor-Council Form, with only a small number of recommendations for the other OMCL options or for special charters. In terms of voter approval, however, the OMCL Council-Manager Form lagged, with only 54 percent of the referenda producing a favorable vote, compared with 71 percent for the Mayor-Council proposals. The Small Municipality Form fared worst in terms of voter approval of charter commission recommendations.

Table 9. Forms of Municipal Government Recommended by Municipal Charter Study Commissions and Action by Voters, 1951 to 1983

	OMCL Mayor-Council Form			OMCL Council- Manager Form			OMCL Small Municipal. Form			OMCL Mayor-Coun.- Admin. Form			Special Charter			All Forms		
	Results of Referendum																	
Period	Yes	No	Tot.	Yes	No	Tot.	Yes	No	Tot.	Yes	No	Tot.	Yes	No	Tot.	Yes	No	Tot.
1951-1955	4	2	6	5	7	12	-	1	1	-	-	-	1	-	1	10	10	20
1956-1960	3	2	5	3	4	7	1	-	1	-	-	-	-	-	-	7	6	13
1961-1965	6	5	11	4	3	7	-	1	1	-	-	-	-	-	-	10	9	19
1966-1970	11	4	15	7	4	11	-	3	3	-	-	-	1	1	2	19	12	31
1971-1975	8	1	9	5	3	8	2	-	2	-	-	-	1	-	1	16	4	20
1976-1980	2	-	2	4	5	9	-	-	-	-	-	-	2	2	4	8	7	15
1981-1983	1	-	1	4	1	5	-	-	-	1	-	1	-	-	-	6	1	7
Total	35	14	49	32	27	59	3	5	8	1	-	1	5	3	8	76	49	125
% of All-Forms Total	39%			47%			6%			1%			6%					
Approval % for Form	71%			54%			38%			100%			63%			61%		

Table 10. Forms of Municipal Government Proposed through Direct Petition Methods and Action by Voters, 1951 to 1983

Period	Commission Form	1923 Municipal Manager Form	OMCL Mayor- Council Form	OMCL Council- Manager Form	OMCL Small Municipality- Form	Changes in Details of Existing OMCL Form	Special Charter	All Proposals
	Results of Referendum							
	Yes No Tot.	Yes No Tot.	Yes No Tot.	Yes No Tot.	Yes No Tot.	Yes No Tot.	Yes No Tot.	Yes No Tot.
1951-55	1 - 1	1 - 1	- 2 2	1 3 4	2 1 3	- - -	- - -	5 6 11
1956-60	- - -	1 - 1	2 1 3	1 4 5	1 1 2	- - -	- - -	5 6 11
1961-65	1 - 1	- - -	4 1 5	2 2 4	- 2 2	- - -	- - -	7 5 12
1966-70	1 - 1	- - -	4 5 9	4 2 6	1 3 4	- 1 1	3 - 3	13 11 24
1971-75	1 - 1	1 - 1	5 4 9	3 3 6	4 - 4	- - -	1 - 1	15 7 22
1976-80	- - -	- - -	4 3 7	- 2 2	2 - 2	1 3 4	1 - 1	8 8 16
1981-83	- - -	- - -	5 2 7	- - -	3 3 6	- - -	- - -	8 5 13
Total	4 - 4	3 - 3	24 18 42	11 16 27	13 10 23	1 4 5	5 - 5	61 48 109
% of All- Forms Total	4%	3%	38%	24%	21%	5%	5%	
Approval % for Form	100%	100%	57%	41%	57%	20%	100%	56%

Note: Changes in details of existing OMCL Forms achieved prior to 1981 by change in charter; after 1981 by special procedure included in C.465, L.1981.

Direct Action by the Voters

The direct petition approach to changing the form of government is available under several laws. It is the only method authorized for a change to the Commission Form of government and the Municipal Manager Form (1923). It also may be used to adopt any one of the forms of government available under the Optional Municipal Charter Law or, since 1981, to change the details of an OMCL charter without requiring a full change in form of government. Finally, it may be used to initiate action for a special charter.

Experience with the direct petition approach over the past thirty-three years is shown in Table 10. Clearly, most of the activity has been under the Optional Municipal Charter Law, with proposals for a Mayor-Council Form of government being the most popular, followed by Council-Manager and Small Municipality Form proposals. Council-Manager proposals appear to have dropped in popularity in recent years, and they have not achieved a very favorable approval record over the full time period when placed on referendum by direct petition. Overall, 56 percent of all direct petition proposals have been approved by the voters, compared with 61 percent for all charter commission recommendations. Although changes to Commission government, the 1923 Municipal Manager Form, and special charters have high approval percentages, the number of such proposals is very small.

Form of Government Patterns by Size of Community

Population size is a factor in the choice of form of government. Table 11 shows the state's 567 municipalities by form of government and by estimated 1982 population. Among the largest places—those over 25,000 in population—the leading form of government is the OMCL Mayor-Council Form, which is used in thirty-one of the sixty-nine places of this size. Eleven communities over 25,000 in population still retain a Township Form of government but, in every case, they have added a municipal administrator to this form by local ordinance.

In the next smaller group of communities, those between 17,501 and 25,000, the Township Form, usually with a municipal administrator, and the OMCL Council-Manager Form are used in more than half of the municipalities. As the size drops, the Borough Form becomes more common. However, in all of the population categories above 5,000, use of the Borough Form is coupled in over half of the cases with the enactment of a local ordinance establishing the position of municipal administrator. Below 5,000 population the use of such an administrative position is rare.

The balance between chief appointed administrative officers required by charter provisions and those authorized by local ordinance is shown in both Table 11 and Table 12. Here, it is clear that a high proportion of the larger communities in the state—those over 7,000 in population—have taken some step, either through charter change or through local ordinance, to designate some official to coordinate the administration of the municipal government. In the largest places this has been done more frequently by charter change, in the moderate size communities, by adding this position to an older form of government.

Table 11. Form of Municipal Government by Population Size of Municipality, as of January 1, 1984

Form of Gov't.	Estimated 1982 Population										Total
	Over 25,000	17,501 to 25,000	12,501 to 17,500	9,001 to 12,500	7,001 to 9,000	5,001 to 7,000	3,501 to 5,000	2,501 to 3,500	1,501 to 2,500	Below 1,501	
City Form (Ord.-CAAO)	2 (—)	1 (—)	1 (1)	1 (—)	1 (—)	2 (1)	1 (—)	— (—)	— (—)	2 (1)	11 (3)
Town Form (Ord.-CAAO)	1 (—)	— (—)	2 (2)	1 (—)	2 (2)	— (—)	— (—)	— (—)	2 (—)	— (—)	8 (4)
Borough Form (Ord.-CAAO)	4 (2)	9 (5)	16 (12)	26 (14)	34 (19)	31 (16)	25 (9)	19 (1)	28 (4)	28 (1)	220 (83)
Township Form (Ord.-CAAO)	11 (11)	14 (10)	13 (11)	15 (10)	17 (13)	10 (4)	29 (4)	19 (—)	21 (1)	13 (—)	162 (64)
Village Form (Ord.-CAAO)	— (—)	— (—)	— (—)	— (—)	— (—)	— (—)	— (—)	— (—)	— (—)	1 (—)	1 (—)
Commission Form (Ord.-CAAO)	6 (1)	2 (—)	3 (—)	4 (1)	1 (—)	1 (—)	5 (—)	2 (—)	3 (1)	9 (1)	36 (4)
Mun. Mgr. Form (Charter CAAO)	5 (5)	— (—)	1 (1)	— (—)	— (—)	1 (1)	1 (1)	— (—)	— (—)	1 (1)	9 (9)
OMCL: Mayor- Council Form (Charter CAAO)	31 (31)	7 (7)	8 (8)	4 (4)	3 (3)	— (—)	1 (—)	1 (—)	1 (—)	— (—)	56 (56)
OMCL: Council Manager Form (Charter CAAO)	5 (5)	13 (13)	8 (8)	2 (2)	1 (1)	1 (1)	2 (2)	— (—)	— (—)	— (—)	32 (32)
OMCL: Small Mun. Form (Ord.-CAAO)	— (—)	— (—)	— (—)	2 (—)	2 (—)	4 (—)	2 (—)	2 (—)	2 (—)	1 (1)	15 (1)
OMCL: Mayor- Council-Admin. (Charter CAAO)	— (—)	1 (1)	— (—)	— (—)	— (—)	— (—)	— (—)	— (—)	— (—)	— (—)	1 (1)
Spec. Charter (Charter CAAO) (Ord.-CAAO)	4 (4) (—)	1 (1) (—)	4 (1) (2)	3 (—) (—)	2 (—) (—)	— (—) (—)	1 (—) (—)	1 (—) (—)	— (—) (—)	— (—) (—)	16 (6) (2)
Total (Charter CAAO) (Ord.-CAAO)	69 (45) (14)	48 (22) (15)	56 (18) (28)	58 (6) (25)	63 (4) (34)	50 (2) (21)	67 (4) (13)	44 (1) (1)	57 (1) (6)	55 (1) (4)	567 (104) (161)

Note: Figures in parentheses indicate number of communities that have a Chief Appointed Administrative Officer (CAAO) by ordinance or charter.

Table 12. Provisions for a Chief Appointed Administrative Officer in New Jersey Municipalities, by Estimated 1982 Population Size, as of January 1, 1984

	Estimated 1982 Population										Total
	Over 25,000	17,501 to 25,000	12,501 to 17,500	9,001 to 12,500	7,001 to 9,000	5,001 to 7,000	3,501 to 5,000	2,501 to 3,500	1,501 to 2,500	Below 1,501	
Municipalities	69	48	56	58	63	50	67	44	57	55	567
CAAO by Charter	45	22	18	6	4	2	4	1	1	1	104
CAAO by Ord.	14	15	28	25	34	21	13	1	6	4	161
Total CAAO	59	37	46	31	38	23	17	2	7	5	265
% of Municipalities Having CAAO	86%	77%	82%	53%	60%	46%	25%	5%	12%	9%	47%

Note: Chief appointed administrative officers (CAAO) are found by charter in places using the Municipal Manager Form (1923), the OMCL: Mayor-Council Form, the OMCL: Council-Manager Form, the OMCL: Mayor-Council-Administrator Form, and some of the special charter communities. A CAAO may be added by local ordinance to any other form of government.

Form of Government Patterns by Type of Community

A second factor affecting the choice of a form of municipal government is the type of community. Table 13 shows a breakdown of all 567 New Jersey municipalities as of January 1, 1984, by type of community and form of government. The community typology is based on a classification plan developed initially in 1972 by the Department of Community Affairs,¹ and modified subsequently by the Department of Education and by the Rutgers University Bureau of Government Research for the purpose of reporting educational data.² It is based largely on the density of population in 1970, but with other factors, such as land use patterns, housing conditions, commuting patterns, and measures of central tendency being applied in a subjective manner. Table 14 shows the use of a chief appointed administrator by type of community.

Major Urban Centers

The major urban centers are defined as densely-populated communities with extensive development and 100,000 or more total population in 1970. There are six such places—Camden, Newark, Jersey City, Trenton, Paterson, and Elizabeth. All six have adopted the OMCL Mayor-Council Form of Government, which requires appointment of a business administrator as CAAO.

Other Urban Centers

Other urban centers are densely-populated communities with extensive development, but less than 100,000 population in 1970, such as East Orange, Atlantic City, Vineland, and Hoboken. Of the twenty-six communities of this sort, half now function under the OMCL Mayor-Council Form of municipal government, while another five use the Municipal Manager Form of government enacted in 1923.

Table 13. Form of Municipal Government by Type of Community, as of January 1, 1984

Form of Government	Type of Community								Total
	Major Urban Center	Other Urban Center	Urban-Sub-urban	Sub-urban	Sub-urban-Rural	Rural	Rural Center	Sea-shore Resort	
City Form (Ord.-CAAO)	— (—)	2 (—)	2 (1)	4 (1)	— (—)	2 (1)	— (—)	1 (—)	11 (3)
Town Form (Ord.-CAAO)	— (—)	— (—)	6 (4)	— (—)	— (—)	— (—)	2 (—)	— (—)	8 (4)
Borough Form (Ord.-CAAO)	— (—)	2 (2)	66 (30)	88 (41)	14 (5)	5 (—)	34 (3)	11 (2)	220 (83)
Township Form (Ord.-CAAO)	— (—)	— (—)	13 (9)	21 (15)	28 (20)	96 (18)	— (—)	4 (2)	162 (64)
Village Form (Ord.-CAAO)	— (—)	— (—)	— (—)	1 (—)	— (—)	— (—)	— (—)	— (—)	1 (—)
Commission Form (Ord.-CAAO)	— (—)	1 (—)	14 (2)	12 (2)	— (—)	1 (—)	1 (—)	7 (—)	36 (4)
Municipal Manager Form (1923) (Charter CAAO)	— (—)	5 (5)	3 (3)	1 (1)	— (—)	— (—)	— (—)	— (—)	9 (9)
OMCL: Mayor-Council Form (Charter CAAO)	6 (6)	13 (13)	11 (11)	11 (11)	11 (11)	1 (1)	— (—)	3 (3)	56 (56)
OMCL: Council-Manager Form (Charter CAAO)	— (—)	— (—)	3 (3)	15 (15)	10 (10)	1 (1)	3 (3)	— (—)	32 (32)
OMCL: Small Municipality Form (Ord.-CAAO)	— (—)	— (—)	1 (—)	3 (—)	3 (—)	6 (1)	1 (—)	1 (—)	15 (1)
OMCL: Mayor-Council-Admin. Form (Charter CAAO)	— (—)	— (—)	— (—)	1 (1)	— (—)	— (—)	— (—)	— (—)	1 (1)
Special Charter (Charter CAAO)	— (—)	3 (2)	5 (1)	3 (2)	1 (1)	2 (—)	2 (—)	— (—)	16 (6)
(Ord.-CAAO)	(—)	(—)	(1)	(1)	(—)	(—)	(—)	(—)	(2)
Total	6	26	124	160	67	114	43	27	567
(Charter CAAO)	(6)	(20)	(18)	(30)	(22)	(2)	(3)	(3)	(104)
(Ord.-CAAO)	(—)	(2)	(47)	(60)	(25)	(20)	(3)	(4)	(161)

Note: Figures in parentheses indicate number of communities that have a Chief Appointed Administrative Officer (CAAO) by ordinance or charter.

Table 14. Provisions for a Chief Appointed Administrative Officer in New Jersey Municipalities, by Type of Community, as of January 1, 1984

	Type of Community								Total
	Major Urban Center	Other Urban Center	Urban-Sub-urban	Sub-urban	Sub-urban-Rural	Rural	Rural Center	Sea-shore Resort	
Municipalities	6	26	124	160	67	104	43	27	567
CAAO by Charter	6	20	18	30	22	2	3	3	104
CAAO by Ord.	—	2	47	60	25	20	3	4	161
Total CAAO	6	22	65	90	47	22	6	7	265
% of Municipalities Having CAAO	100%	85%	52%	56%	70%	19%	14%	26%	47%

Note: Chief Appointed Administrative Officers (CAAO) are found by charter in places using the Municipal Manager Form (1923), the OMCL: Mayor-Council Form, the OMCL: Council-Manager Form, the OMCL: Mayor-Council-Administrator Form, and some of the special charter communities. A CAAO may be added by local ordinance to any other form of municipal government.

Urban-Suburban Communities

Urban-suburban communities are places located near an urban center, but not as highly developed, with larger residential areas. These basically are the older suburbs surrounding the central cities. About half of these communities use the Borough Form of government and, of these, about half have added the position of municipal administrator by local ordinance. Fourteen of the urban-suburban communities still use the Commission Form of government, while thirteen have the Township Form, usually with the addition of an administrator, and eleven are under the OMCL Mayor-Council Form. In general, the Urban-Suburban communities have tended to retain one of the older forms of municipal government, but have, in many cases, added an administrator.

Suburban Communities

Places classified as suburban communities have predominantly one-family residential development and are located within a short distance of an urban area. The Borough Form of government is used in 88 of the 160 suburban communities, and in 41 of these places it has been augmented by the addition of a municipal administrator's position established by local ordinance. Twenty-one suburban places use the Township Form of government, while fifteen have adopted the OMCL Council-Manager Form and eleven use the OMCL Mayor-Council Form.

Suburban-Rural Communities

The suburban-rural classification is applied to rapidly developing communities which still have large tracts of land available for development. The most common plan of government is the Township Form, with a municipal administrator being added in nineteen of the twenty-five places. Fourteen suburban-rural communities use the Borough Form of government, with municipal administrators being less common than when the Township Form is used. Overall, the suburban-rural communities have a relatively high use of the CAAO office, about evenly split between the charter approach and local ordinances.

Rural Communities

Rural communities are described as being primarily an area of small clusters of development and isolated single-family dwellings. The predominant form of municipal government is the Township Form, only occasionally with a municipal administrator added.

Rural Centers

Rural centers are small, high-density communities surrounded by other communities which are rural. The Borough Form of government is used almost exclusively, and very few of these places have established the position of municipal administrator.

Seashore Resorts

The seashore resort definition is relatively restrictive, being applied only to those places which in 1970 had less than 1.5 persons per dwelling unit, compared with a statewide average of more than 3.0. Many other places may be considered to be seashore resorts, but do not meet this definition, since they have significant year-round residential populations. The seashore resorts under this definition rely heavily on the Borough and Commission Forms of government.

Form of Government Patterns by Geography

In addition to the influence of size and type of community on the selection of form of municipal government, there appear to be definite regional influences. Map 1 shows the distribution of municipalities with the Commission Form of government as of January 1, 1984. Three regional patterns are apparent: one cluster of these communities is in the Essex-Hudson-Bergen-Passaic area, another is in central Camden County, and the third consists of a string of ocean front communities extending from Cape May to Monmouth Beach. In contrast, Map 2 shows that the Municipal Manager Form of government enacted in 1923 is concentrated in Bergen and Passaic Counties, with only a scattering elsewhere.

The OMCL Mayor-Council Form, shown on Map 3, is much more widespread, with a broad distribution of municipalities in Bergen, Hudson, Passaic, Essex, Morris, and Union Counties. There is a particular concentration of this form of municipal government in Middlesex County, with another stretching from Trenton to Camden along the Delaware River. OMCL Council-Manager places are scattered more widely through North Jersey, with a substantial number of such governments in western Burlington County (see Map 4). Finally, the OMCL Small Municipality Form of government is found throughout the more rural sections of the state, as shown in Map 5.

Maps have not been prepared for the Borough and Township Forms because of the large number of each. However, they would show heavy use of the Borough Form in suburban areas and scattered use in the rural centers in the outlying portions of the state. Township forms of government would be confined mostly to the rural areas and the outer suburbs.

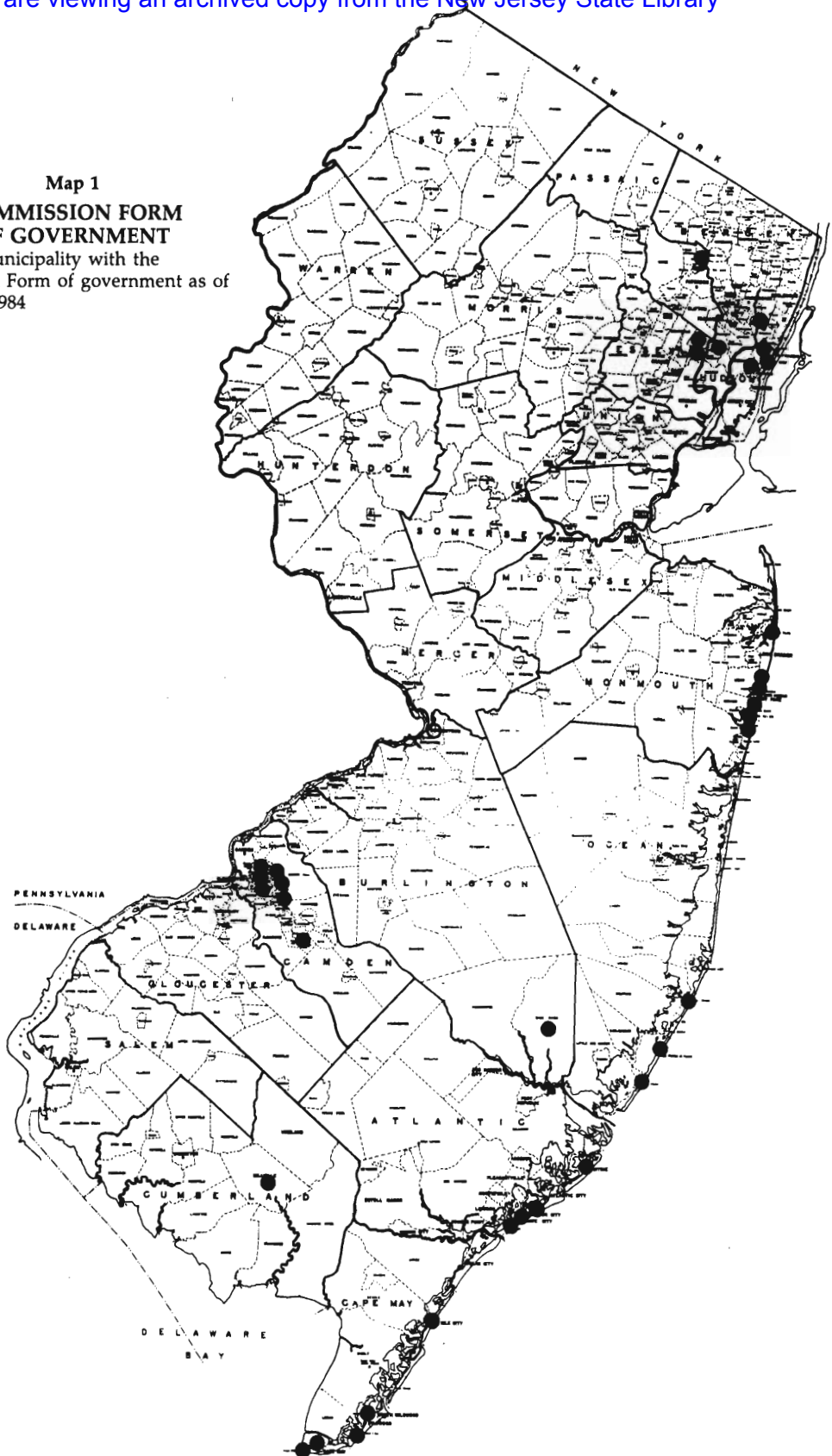
Many of the regional patterns, especially where there are clusters of communities having a particular optional form of government, may be related to newspaper circulation areas. When a single newspaper covers the local government news for a number of communities, there can be a tendency to copy a neighboring community when changes in the form of municipal government are considered.

Notes

1. *New Jersey Municipal Profiles: Intensity of Urbanization*, New Jersey Department of Community Affairs, PT-6, January, 1972.
2. *New Jersey School Budgets and Property Taxes in 1979*, Rutgers, The State University of New Jersey, Bureau of Government Research, September, 1980, Appendix A.

Map 1
COMMISSION FORM
OF GOVERNMENT

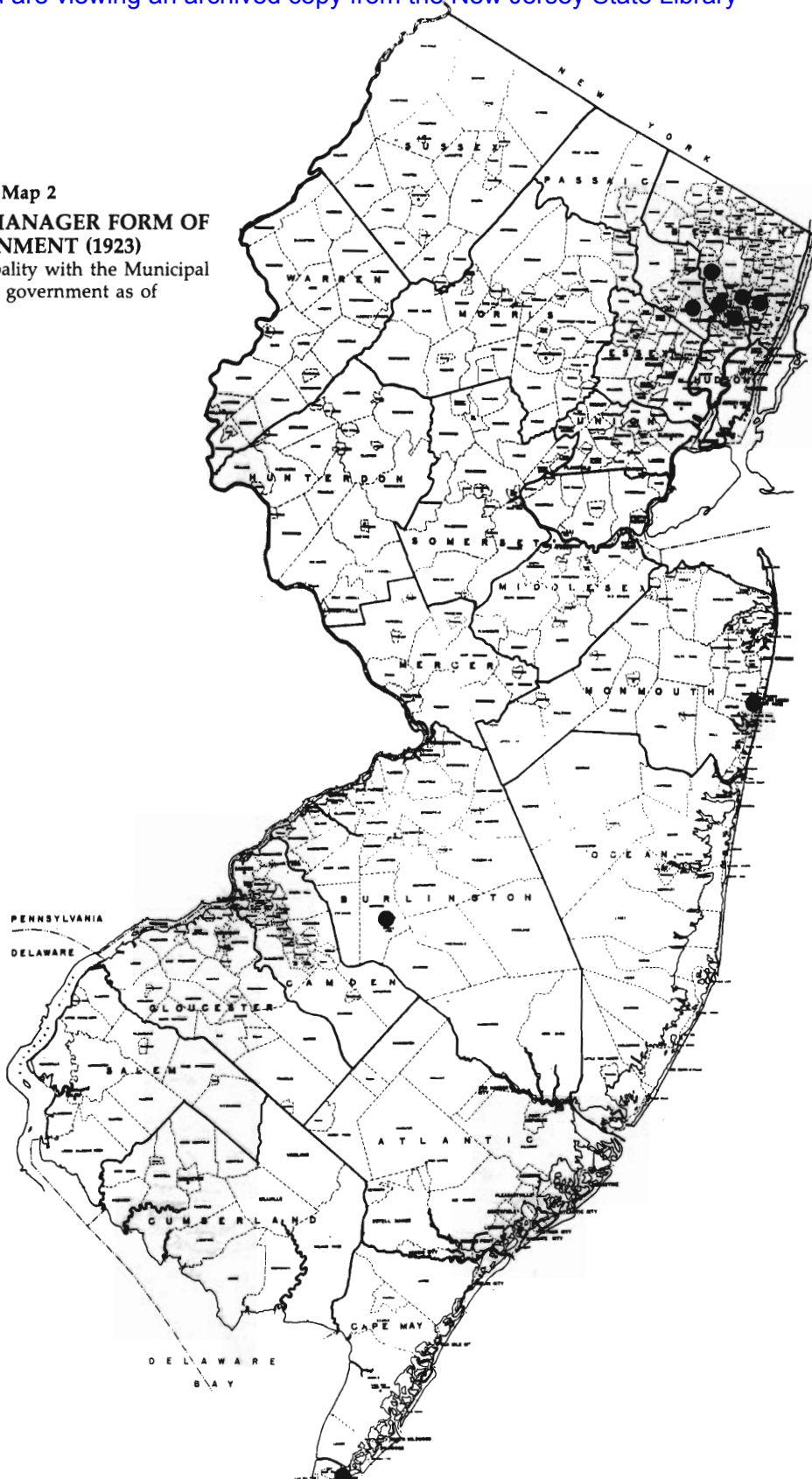
- Indicates municipality with the Commission Form of government as of January 1, 1984



Map 2

**MUNICIPAL MANAGER FORM OF
GOVERNMENT (1923)**

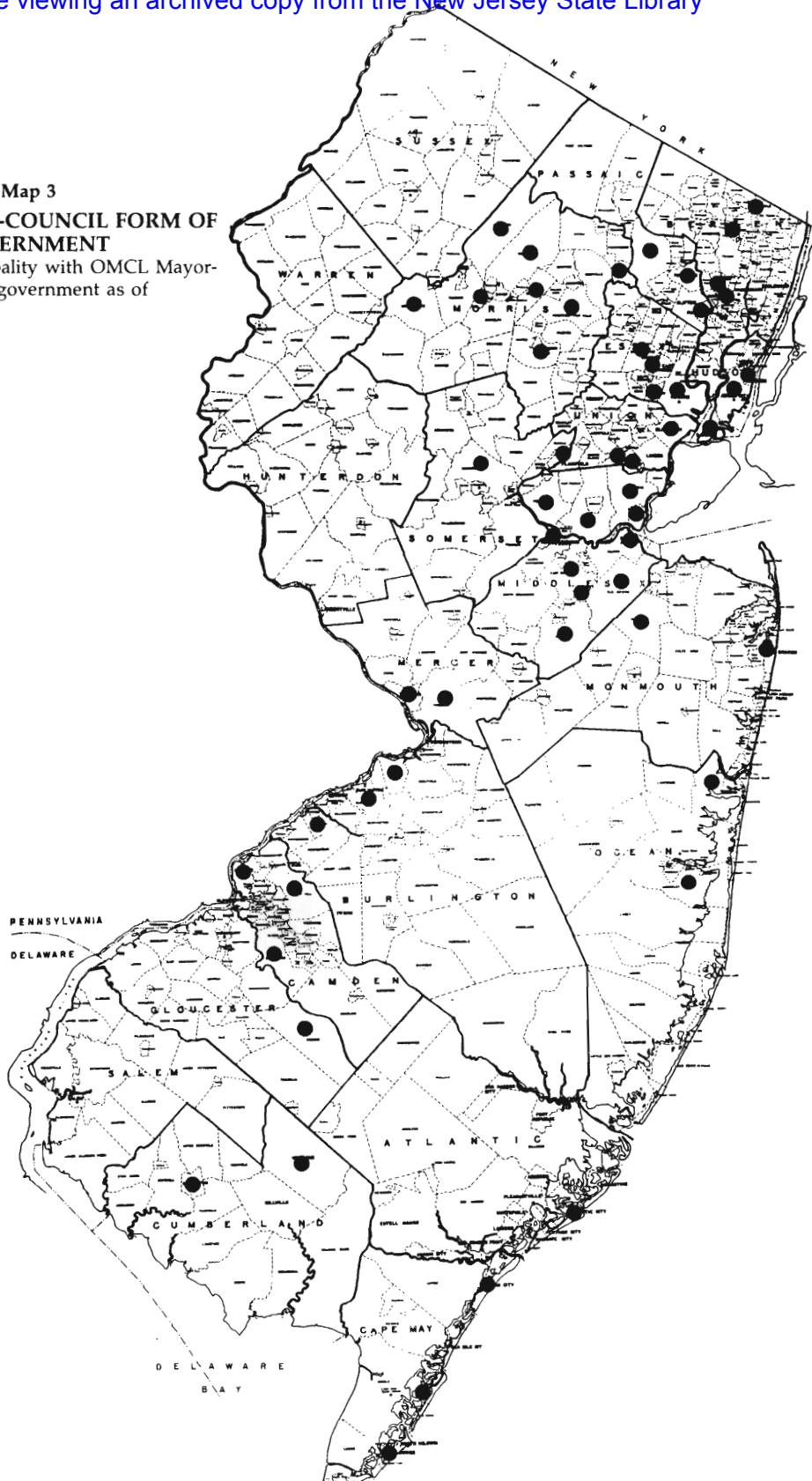
- Indicates municipality with the Municipal Manager Form of government as of January 1, 1984



Map 3

**OMCL MAYOR-COUNCIL FORM OF
GOVERNMENT**

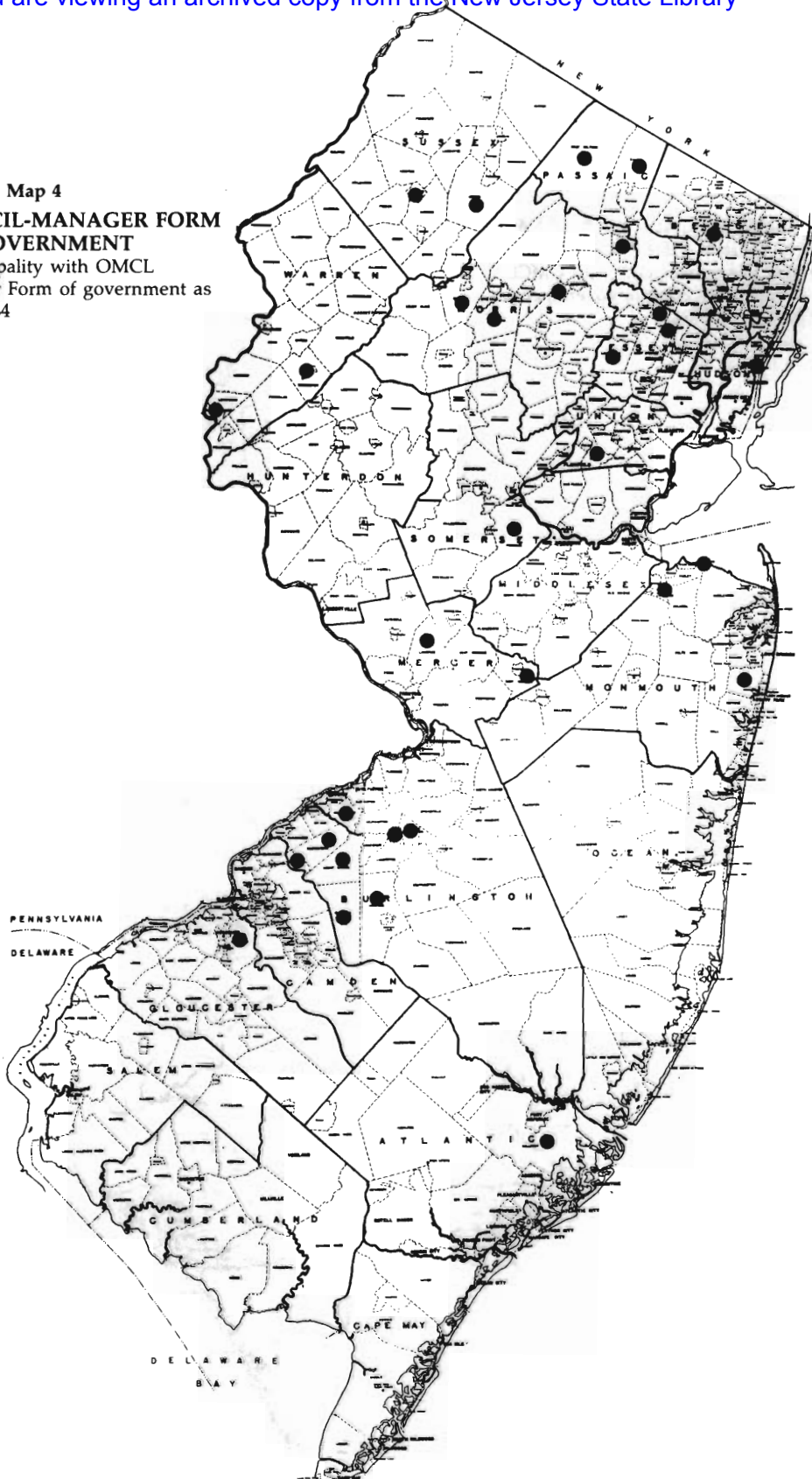
- Indicates municipality with OMCL Mayor-Council Form of government as of January 1, 1984



Map 4

**OMCL COUNCIL-MANAGER FORM
OF GOVERNMENT**

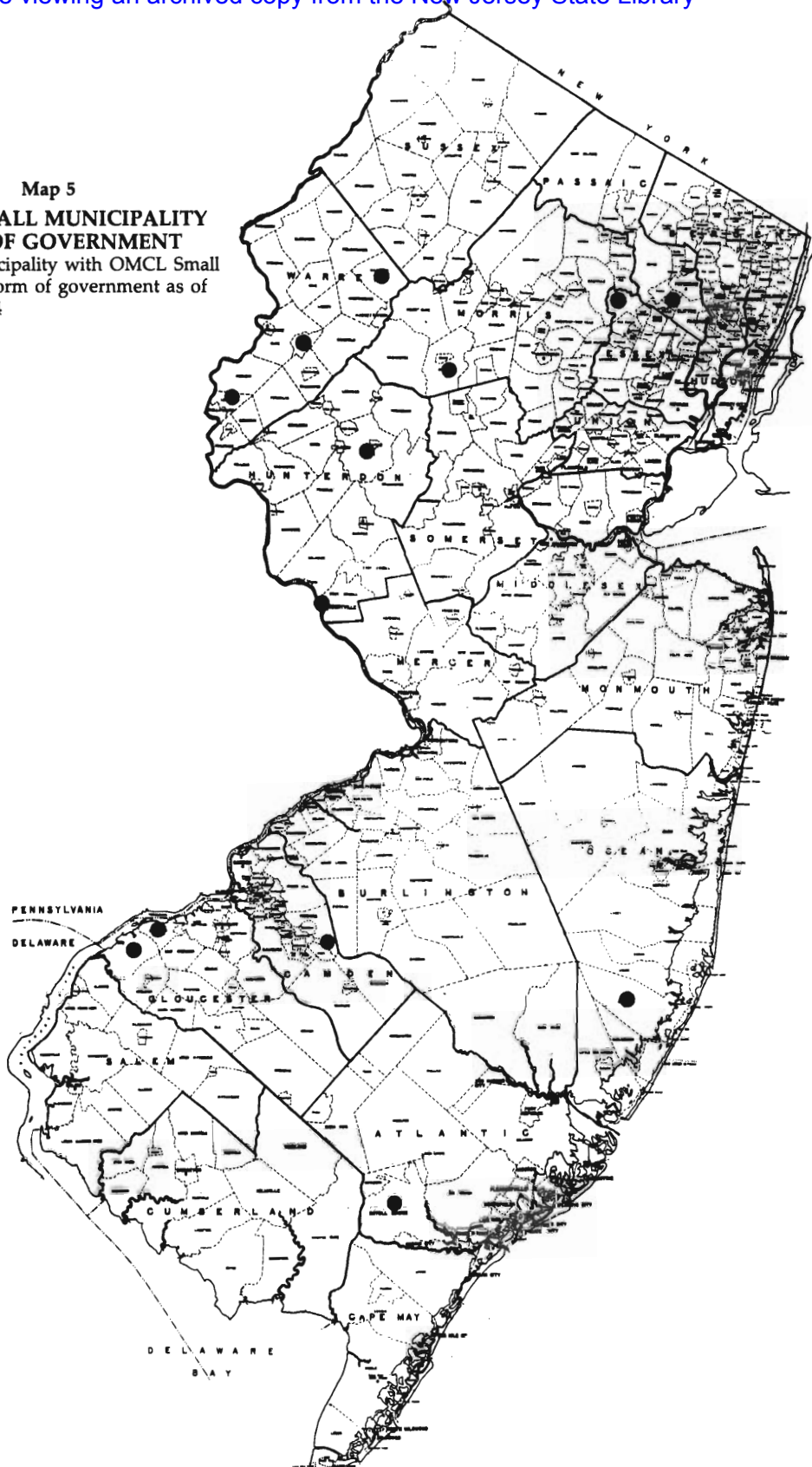
- Indicates municipality with OMCL Council-Manager Form of government as of January 1, 1984



Map 5

**OMCL SMALL MUNICIPALITY
FORM OF GOVERNMENT**

- Indicates municipality with OMCL Small Municipality Form of government as of January 1, 1984



Future Publications of the County and Municipal Government Study Commission

- Functional Fragmentation and Forms of Municipal Government
- An Analysis of County Government Administration
- Urban Redevelopment in New Jersey
- Solid Waste Management: A Status Report

About the Commission

The New Jersey legislature established the County and Municipal Government Study Commission with the charge to "study the structure and functions of county and municipal government . . . and to determine their applicability in meeting the present and future needs of the State and its political subdivisions."

To achieve as broad a representation as possible in carrying out this legislative charge, a Commission of fifteen members was created, nine of whom are named by the governor, three of whom are senators named by the president of the senate, and three of whom are assemblymen, named by the speaker of the general assembly. Of the governor's appointees, three are nominees of the New Jersey Association of Counties, three are nominees of the New Jersey State League of Municipalities, and three are from among the citizens of the State.

The Commission's initial report, *Creative Localism: A Prospectus*, recommends a comprehensive and systematic study of the patterns of planning, financing and performing functions of government. This assessment seeks to develop more effective approaches for service provision among municipal, county and state governments through statutory amendment and changes in administrative practices and policies.

In light of these goals, the Commission has examined alternate forms of service provision on a larger-than-municipal scale and evaluated current provision of services. This research has led to a series of structural studies, including with county government, joint services, consolidation, and municipal forms. The Commission also engages in functional studies focused upon the services that local governments provide or should provide. These functional studies have included examinations of transportation, social services, health, solid waste management, flood control, state mandates. In addition, a series of informational periodicals, books are published for the use of officials, administrators, and interested in New Jersey government.

While the Commission's research efforts are primarily directed toward going structural and functional studies, its staff is often involved in the drafting of legislation and regulatory action based upon recommendations. The Commission also serves as a general advisory body to executive agencies, local government officials, and related activities at the national level.

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While the Commission's research efforts are primarily directed toward ongoing structural and functional studies, its staff is often asked to assist in the drafting of legislation and regulatory action based upon Commission recommendations. The Commission also serves as a general resource to the legislature, executive agencies, local government officials, and civic organizations, as well as to related activities at the national level.

