

**ORDINANCE 2011-9 AN ORDINANCE OF THE TOWNSHIP OF BERLIN,
COUNTY OF CAMDEN, STATE OF NEW JERSEY ORDINANCE
IMPLEMENTING THE CITIZEN SERVICES ACT**

WHEREAS, effective October 19, 2009, the Legislature enacted P.L. 2009, c.141, known as the Citizen Service Act (hereinafter “CSA”); and

WHEREAS, the CSA empowers municipalities to establish strict absentee policies for members appointed to authorities, boards and commissions established by the municipality in order to better enable these entities to function; and

WHEREAS, the CSA requires municipal clerks to compile and maintain a roster of its local authorities, boards and commissions in order to provide more easily accessible information for residents interested in serving their municipality; and

WHEREAS, the CSA provides for a model one-page “Citizen Leadership Form” to be provided by the Township Clerk to any person interested in serving on a municipal authority, board or commission, which statutorily protects their home address, phone number and email address from public disclosure under the Open Public Records Act; and

WHEREAS, the CSA allows municipalities to determine, by ordinance, when a position becomes vacant due to unexcused absences, within statutory limits; and

WHEREAS, an appointment to a Township authority, board or commission can only be deemed vacant after a required period of unexcused absences, which the vote of a majority of the applicable body may excuse for good cause; and

WHEREAS, the Mayor and Township Council of the Township of Berlin believes it is in the best interests of the taxpayers of the Township to foster the openness of government and provide citizens with information and opportunities to serve on the various appointed municipal positions that exist within the Township;

NOW, THEREFORE, BE IT ORDAINED by the by the Mayor and Township Council of the Township of Berlin, County of Camden, State of New Jersey as follows:

SECTION 1: The Code of the Township of Berlin is hereby amended, revised and supplemented to include a new Chapter 5, entitled “Appointed Municipal Positions,” which shall provide as follows:

CHAPTER 5 – APPOINTED MUNICIPAL POSITIONS

§ 5-1. DEFINITIONS

The following terms as used in this ordinance shall have the meaning set forth below unless the context within which the term is used clearly provides for a different meaning:

APPOINTING AUTHORITY - The official or body that by virtue of statutory law or by ordinance or resolution is given the authority to appoint a person to hold a particular appointed municipal position.

APPOINTED MUNICIPAL POSITION - Any appointed position within the Township, which is created either by statutory law or by ordinance or resolution. Examples of such positions are a member of any board, commission, agency or committee of the municipality.

§5-2. REGISTRY OF APPOINTED MUNICIPAL POSITIONS

The Township Clerk shall cause a Register of Appointed Municipal Positions to be prepared and maintained in conformance with N.J.S.A. 40A:9-9.2(a). Such Register shall be made available on the Township's website and at the Township Clerk's Office.

§5-3. CITIZEN LEADERSHIP FORM

The Township Clerk shall maintain an application form to be completed by any eligible person interested in serving in an Appointed Municipal Position in conformance with the provisions of N.J.S.A. 40A:9-9.2(b)(2).

§5-4. MAINTAINING CITIZEN LEADERSHIP FORMS

The Township Clerk shall maintain all filed Citizen Leadership Forms in a file, binder, or accessible electronic format segregated for each authority, board or commission for a period not to exceed three (3) years, or pursuant to applicable records retention statutes and regulations.

§5-5. VACANCY BY UNEXCUSED ABSENCE

A. A vacancy shall be determined to exist on any Township board, committee, commission, authority or other applicable municipal agency, whenever a member, without being excused by a vote of the majority of the authorized members of such body, fails to attend and participate at meetings of such body for a period of eight (8) consecutive weeks, or for four (4) consecutive regular meetings, whichever shall be of longer duration.

B. The applicable body upon which such a vacancy has been determined to have occurred shall notify the Appointing Authority in writing of such determination; provided, however, that such vacancy is not due to a legitimate illness.

C. Whenever a vacancy shall be deemed to have occurred pursuant to the reasons set forth under N.J.S.A. 40A:9-12.1 or pursuant to the terms of this ordinance, the Appointing Authority shall forthwith fill the office for the unexpired term in the manner prescribed by law, ordinance or resolution.

SECTION 2: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 4: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Introduced: April 11, 2011

Adopted:

Notice is hereby given that the foregoing Ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Berlin, Camden County, New Jersey on April 11, 2011 and the same was ordered published pursuant to statute. Said ordinance will be further considered for final adoption at a meeting of the Mayor and Council of the Township of Berlin on May 9, 2011 at 6:30 p.m. at the Berlin Township Municipal Hall, 135 Route 73 South, West Berlin, NJ.

Catherine Underwood
Township Clerk