

TOWNSHIP OF WALL

ORDINANCE NO. 1-2013

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 6 BOARDS, COMMITTEES AND COMMISSIONS TO PROVIDE THAT A BOARD, COMMITTEE, AUTHORITY OR OTHER AGENCY MEMBER'S SEAT HAS BEEN VACATED DUE TO CONTINUOUS UNEXCUSED ABSENCES

WHEREAS, N.J.S.A. 40A:9-12.1 et seq. enables municipalities to adopt an ordinance permitting a committee seat to be declared vacant when a member is absent for a particular length of time; and

WHEREAS, the Township Committee of the Township of Wall finds that it is in its best interest to adopt an ordinance pursuant to this section to allow for the removal of certain absentee committee members, due to continuous unexcused absences from their board, committee, authority or other agency.

BE IT ORDAINED by the Township Committee of the Township of Wall, in the County of Monmouth, in the State of New Jersey, as follows:

NOTE: All additions are shown in **bold italics with underlines**. The deletions are shown as **strikeovers in bold italics**. Sections of Chapter 6, Section 49 that will remain unchanged are shown in normal type.

Section 1. Chapter 6 of the Code of the Township of Wall shall be amended to provide for ARTICLE VII, which shall be titled "General Provisions Applicable to Boards, Committees and Commissions."

Section 2. Article VII of Chapter 6 of the Code of the Township of Wall shall commence at Section 49 and shall be titled "Absence from Board, Committee or Commission Meetings."

Section 3. Chapter 6, Section 49, Subsection (a) of the Code of the Township of Wall shall be adopted to read as follows:

A person appointed by the Wall Township Committee to any board, committee, commission, authority or other agency of the Township of Wall, with or without compensation, shall be required to attend at least sixty-five (65%) percent of the regularly scheduled meetings if that body in each

calendar year. Unless excused from attendance by a majority of the members of that body, the member, upon failure to meet this attendance requirement, may be removed by a two-third (2/3) majority vote of that board, committee, commission, authority or other agency, and the office will thereafter be deemed vacant. The board, committee, commission, authority or other agency may refuse to excuse only those absences which are not due to legitimate illness.

Section 4. Chapter 6, Section 49, Subsection (b) of the Code of the Township of Wall shall be adopted to provide as follows:

Notwithstanding the provisions of Chapter 6, above or any other ordinance to the contrary, in accordance with N.J.S.A. 40A:9-12, whenever the member of any board, committee, commission, authority or other agency of the Township of Wall, without being excused by a majority of the authorized members of such body for a period of eight (8) consecutive weeks, or for four (4) consecutive regular meetings, whichever shall be of longer duration, the office of such member shall be deemed vacant at the conclusion of such period, provided that such body shall notify the appointing authority in writing of such determination; provided; provided, further, that such board, committee, authority or other agency may refuse to excuse only those failures to attend and participate which are not due to legitimate illness.

Section 5. Chapter 6, Section 49, Subsection (c) of the Code of the Township of Wall shall be adopted to provide as follows:

A member of a board, committee, commission, authority or other agency of the Township of Wall may appeal his or her removal from office as a result of the application of paragraphs a. or b., of this section to the Governing Body, which may hear such appeal, and for good cause shown, overturn the action of the board, committee, authority or other agency of the Township of Wall, and reinstate the member.

Section 6. Chapter 6, Section 49, Subsection (d) of the Code of the Township of Wall shall be adopted to provide as follows:

In furtherance of Chapter 6, Section 49, all committees, boards, commissions, authorities or other agencies of the Township of Wall shall submit attendance reports for each meeting held to the Township Clerk within a reasonable time after the meeting.

Section 7. Chapter 6, Section 49, Subsection (e) of the Code of the Township of Wall shall be adopted to provide as follows:

Whenever a vacancy in office occurs from any cause other than expiration of the term of office or the filing of petition for recall, such vacancy shall be filled in the manner prescribed by law. All members of the Committee shall serve without compensation.

Section 8. All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

Section 9. Should any section, paragraph clause or any other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

Section 10. This Ordinance shall take effect upon its passage and publication according to law.

Introduced on:

Adopted on:

NOTICE AND SUMMARY OF

ORDINANCE NO. 1-2013

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The purpose of this Ordinance is to permit the removal of certain absentee Committee, Board or Commission members, due to continuous unexcused absences from their board, committee, authority or other agency.

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on January 23, 2013, and will be further considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on February 27, 2013 at 7:30 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in the Township of Wall, Town Hall, to members of the general public who shall request the same or on our website www.wallnj.com under Legal Notices.

LORRAINE KUBACZ

Township Clerk