

The Importance of Working with Your Municipal Clerk



*NJLM - An Orientation for
Municipal Officials that are
Newly Elected, Re-Elected,
or Experienced
January 11 & 25, 2020*

What is a Municipal Clerk?



Municipal Clerk - Ancient Times

- Profession Dates Back to Biblical Times and was Referred to as *Remembrances* as Their Memory Served as the Public Record
- Ancient Greece had a City Secretary Who Read Official Documents Publicly
- In England, the Clerk Came to Mean Scholar as They Could Read and Write and Thus Serve as Notary, Secretary, Accountant, and Recorder

Municipal Clerk - Today's World

- Hub of Local Government - Conduit Between the Elected Officials and its Citizenry
- Position is Statutory and Every Municipality Must Have a Municipal Clerk
- Can Attain Tenure - Why? Provides Continuity and Stability in Gov't. as Political Climate Changes in Community
- Role is Diverse Encompassing a Myriad of State Statutes & Serving All Levels of Gov't.

Your Critical Municipal Documents

- Codified Ordinances (General and Land Use)
- Administrative Code (if you have one)
- Budget Document
- Master Plan
- Official Statement
- Rules of Order by By-Laws Regarding Conduct at Meetings

Working With Your Clerk

- Make Appointment for an Orientation
- Request Tour of Municipal Building
- Introduction to all Key Department Heads
 - Meeting with each to understand their operations, plans and challenges
- Share Your Priorities and Goals

Elections

- **Municipal Election Official**
 - **School Brd., Municipal, Primary, General & Special Elections**
 - **Accepts Voter Registration Applications**
 - **Certification of Nominating Election Petitions**
 - **Determines Polling Locations**
 - **Coordinates with County Election Officials**
 - **Relays Election Results & Provisional Ballots to County Offices**

Records Custodian

- Municipal Records Custodian
 - Keeper of Communications, Correspondence, License Applications, Bonds, Registrations, Resolutions and Ordinances, and Many More
 - In Some Towns - Serves as the Registrar of Vital Statistics (Marriage, Birth, Death, Domestic Partnerships, Civil Unions, Burial Permits, etc.
 - Responsible for Maintenance, Preservation, and Disposal of Records (All Formats)

Secretary to the Municipal Corp.

- Secretary to the Municipal Corporation
 - Ensure the Integrity of the Governance Framework
 - Keepers of the Municipal Seal
 - Meeting Notices in Compliance with OPMA (Open Public Meetings Act)
 - Official Served with Tort Claim Notices, Summons, Lawsuits and Other Related Documents

Secretary to the Governing Body

- Secretary to the Governing Body
 - Preparation of Agendas, Minutes, Resolutions, Ordinances and Administers Oaths to Officials
 - Attends all Governing Body Meetings - Both Open and Executive
 - Oversees the Codification and Necessary Update of Ordinances
 - Parliamentary Procedures *Robert's Rules of Order*

County Governments in NJ (21)

- Class - Based on Size, Geographic Location and Population Density
 - First Class - Over 550,000 w/ Density of +3,000 Persons Per Square Mile
 - Second Class - All Other Counties Over 200,000 Not Bordering Atlantic Ocean
 - Third Class - Not Less Than 50,000 Nor More Than 200,000 Not Bordering Atlantic Ocean
 - Fourth Class - Less Than 50,000 Not Bordering Atlantic Ocean
 - Fifth Class - Over 125,000 Bordering Atlantic Ocean
 - Sixth Class - 125,00 or Less Bordering Atlantic Ocean

Organization of County Gov'ts.

- Traditional - Board of Chosen Freeholders
- Optional County Charter
 - County Executive Plan
 - County Manager Plan
 - County Supervisor Plan
 - Board President Plan

Municipalities In NJ (565)

- Types of Municipalities
 - City
 - Town
 - Township
 - Village
 - Borough

Municipalities Cont'd.

- Forms of Government Organizations
 - Special Charters
 - Commission
 - Municipal Manager
 - Optional Municipal Charter
 - Mayor-Council Plan (Strong Mayor)
 - Council-Manager Plan
 - Small Municipalities Plan
 - Mayor-Council-Administrator Plan

School Districts

- Three (3) Types
 - Type I
 - Members of the Board are Appointed by Mayor
 - School Tax Levy is Determined by Brd. of Ed.
 - School Tax Levy is Approved by Board of School Estimates Which Consists of the Mayor, Two (2) Members of the School Board and Two (2) Members of the Governing Body
 - School Debt is the Debt of the Municipality

School Districts Cont'd.

- Type II
 - Board of Ed Members are Elected by Voters
 - School Tax Levy is Submitted to Voters Only if a Proposed Increase is Greater than the State-Mandated Cap (Currently 2%) or if there is a Referendum Put Forth. If then defeated, the budget goes to the Governing Body.
 - School Debt is the Responsibility of the School District, Not the Municipality

School Districts Cont'd

- Regional
 - Representation on the Board of Education is Apportioned Among the Participating Districts According to Population
 - Board of Education is Classified as Type II; Board Members are Elected and Tax Levy is Approved by the Voters
- The Sources of Revenue for School Districts are Property Taxes, State Aid and Federal Aid.

SOURCES OF BASIC LAW

- Chapter Laws - Compilation of laws passed during a legislative session and signed by the governor (Example Chapter 174 of the Laws of 2012 would be cited as P.L. 2012, c174)
- New Jersey Statutes Annotated - Unofficial compilation of legislation currently in effect.
- New Jersey Administrative Code - The “how to” book of rules, regulations and other documents issued by state agencies.

Municipal Clerk Qualifications (Registered Municipal Clerk)

- Must Successfully Complete 5 Rutgers University Administered Courses:
 - Introduction to the Duties of Mun. Clerk
 - Local Elections Administration
 - Information and Records Management
 - Advanced Duties of Municipal Clerk
 - Municipal Finance Administration
- Passage of State Exam (Min. Grade 80 Req.)
- Re-Certification Required Every 2 Years

Secretary to the Governing Body

- Ordinances - Are Legislative in Nature and Requires Two (2) Readings
- Resolution - May Be Passed When Introduced
 - Procedural Requirements to Amend or Repeal a Resolution is Accomplished by the Same Means
 - Resolution May Not Amend or Repeal an Ordinance
- Minutes
 - Pertains to All Meetings (Regular, Special, Emergency and Closed Sessions)

Secretary to the Governing Body

- Parliamentary Procedures
 - Motions - How a Meeting is Transacted
 - Privileged Motion - Not Related to Pending Business but to Special Matters of Immediate & Overriding Importance Which, Without Debate, Should Be Allowed to Interrupt the Consideration of Anything Else
 - Fix Time to Which to Adjourn (Set Time for Next Mtg.)
 - Adjourn
 - Recess
 - Question of Privilege
 - Orders of the Day

Secretary to the Governing Body

- Parliamentary Procedures Cont'd
 - Motions
 - Main Motion- To Commit the Governing Body to Action.
 - Subsidiary Motion - Change the Wording, Controls the Discussion or Disposes of a Main Motion Without Accepting or Rejecting It
 - Lay on the Table
 - End Debate
 - Limit or Extend Debate
 - Postpone to a Definite Time or Postpone Indefinitely
 - Refer to Committee
 - Amend

Secretary to the Governing Body

- Parliamentary Procedures Cont'd.
 - Incidental Motions - Questions of Procedure
 - Division of Question
 - Division of Assembly
 - Withdraw or Modify a Motion
 - Object to Consideration
 - Point of Order
 - Parliamentary Inquiry
 - Point of Information
 - Appeal From Decision of the Chair
 - Suspend a Rule

Secretary to the Governing Body

- Parliamentary Procedures Cont'd.
 - Voting on Motions (Voice Vote, Roll Call, Show of Hands, Ballot Vote, or Rule of Consent)
 - Tie Vote Defeats a Motion Except to Confirm Action Already Taken
 - Member May Change His or Her Vote Up Until the Result is Announced
 - Member Does Not Have the Right to Explain Vote During Voting (Represents Debate Which is Not Permitted)

Public Meeting Tips

- Review Your Meeting Materials in Advance of Meeting (Not Being Prepared Becomes Obvious to Those in Attendance)
- Reach Out to Your Municipal Clerk or Business Administration with Questions About the Agenda
- Asking Questions at the Meeting is Perfectly Acceptable - Provides for Transparency

Public Meeting Tips Cont'd.

- Don't Hesitate to Say You Don't Know the Answer - You Will Get Back to Them.
- Let Them Know That You Will Take Their Comments/Suggestions Under Advisement, Again, Get Back to Them With Response
- Keep Every Promise That You Make and Only Make Promises That You Can Keep!
- Your Decisions Will Not Always be Easy & Not Everyone Will Always Agree

Open Public Records Act

- P.L. 2001, Chapter 404 - Statutory Right to Access Records that are Made, Maintained and Kept on File or Received in the Course of Official Business
- Municipal Clerk is the Official Designated to Address Requests
- Many Towns Must Hire Outside Legal Counsel
- Law is Currently Outdated and Unbalanced

Open Public Records Act Tips

- Do Not Use Your Personal Email Address or Cell Phone to Conduct Official Business
- Official Business Emails Must Be Kept for Seven (7) Years
- Social Media Pages - Consult Your Attorney
- Violations/Penalties (Municipal and Civil)
 - 1st Violation - \$1,000
 - 2nd Violation - \$2,500
 - 3rd Violation - \$5,000

Licenses and Permits

- Authority to License
 - Governing Bodies are Given the General Power to Make, Amend, Repeal and Enforce Ordinances to License and Regulate
 - Governing Bodies May, by Ordinance, Require as a Condition that the Owner Pay Any Delinquent Property Taxes or Assessments on Property that is the Subject of the License or on Which a Licensed Activity or Business will be Conducted.
 - Exempt to the above - Alcoholic Beverage Lics.

Licenses and Permits Cont'd.

- May Also Provide for License Revocation or Suspension if Taxes or Assessments Become Delinquent for at Least Three (3) Consecutive Quarters (NJSA 40:52-1.2)
- Municipal Clerk Administers Process Many, But Here Are Just a Few:
 - Dog Licenses
 - Bingo and Raffle
 - Alcoholic Beverage License

International Association of Municipal Clerks Certification

- Certified Municipal Clerk
 - Minimum 120 Hours of University Instruction
 - Management
 - Communication
 - Leadership
- Master Municipal Clerk
 - Advanced Programs - 3 Components
 - Educational
 - Professional Management
 - Social Contribution

Municipal Land Use Law

- Administrative Officer
 - The Municipal Clerk is the AO Under the Law (N.J.S.A. 40:55D-1 Et Seq.) Unless Otherwise Designated by Local Ordinance and Such Duties Include:
 - Receive Applications and Maps for Development
 - Prepare Lists of Property Owners to be Served with Notices
 - Issue Certificates of Subdivision Approval
 - Issue or Deny Zoning Permit with Ten (10) Business Days of Receipt.

Secretary to the Governing Body

- **OPEN PUBLIC MEETINGS ACT**
- Quorum - Majority of Members Assembled to Conduct Business
- Agendas - Preparation/Distribution
 - Must Be Made Available to the Public
 - Should Be Concise and Well Organized
 - Standard Order of Business May Be Suspended
- Consent Agenda - Provides Rapid, Effective Action on Routine, Non-Controversial Matters Needing No Discussion

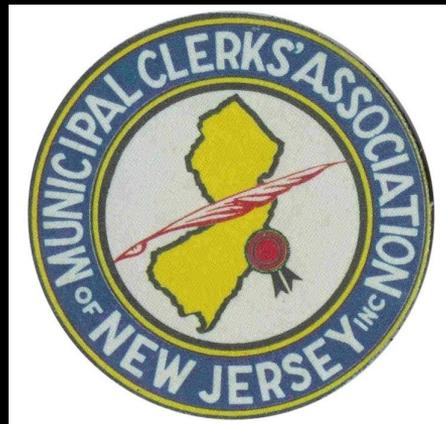
Bond Ordinances

- The Authorization of Bonds is Method by Which Municipalities Incur Debt to Finance Capital Projects Over Time Rather Than Provide for the Total Cost of the Project in the Current Annual Budget
- The Municipality Issues Bonds or Notes in Order to Borrow, and These are Known as Municipal Obligations

Bond Ordinances Cont'd.

- The Local Bond Law Provides that Any Local Government, by Bond Ordinance, May Incur Indebtedness, Borrow Money, Authorize and Issue Negotiable Obligations for Financing Specified Items
- Capital Projects May Be Paid for by the Expenditure of Funds from Moneys in the Capital Improvement Fund or Through the Sale of Municipal Bonds or Notes to Finance the Purchase

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