

City of Plainfield CHARTER

City of Plainfield
COUNTY OF UNION
STATE OF NEW JERSEY

Plainfield Charter

1968

Effective January 1, 1969

City of Plainfield CHARTER

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PLAINFIELD CHARTER (1968)

CHAPTER 159

ASSEMBLY NO. 757

An Act to provide a special charter for the city of Plainfield, in county of Union.

WHEREAS, The Common Council of the city of Plainfield in the county of Union has petitioned the Legislature for the passage of a special law to provide a new charter for the city, pursuant to Article IV, Section VII, paragraph 10 of the Constitution of 1947, in accordance with the procedure prescribed by the laws of 1948, chapter 199 (R.S. 1:6-10 et seq.); and WHEREAS, Notice of intention to apply for the passage of such special law has been duly published, and the original of the petition, together with a duly certified copy of the ordinance authorizing the filing of the same, have been duly presented and filed; now therefore Be it enacted by the Senate and General Assembly of the State of New Jersey:

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ARTICLE 1. CITY CORPORATION

1.1 Short title.

This act shall be known and may be cited as the Plainfield Charter (1968).

1.2 Incorporation.

The inhabitants of the city of Plainfield, in the county of Union, within the boundaries heretofore established by law or as may be hereafter amended, shall be and remain a municipal body corporate and politic with perpetual succession.

1.3 Definitions.

For the purposes of this act, and for the interpretation of any law, ordinance or resolution applicable to the city, unless the context otherwise requires:

(a) "Charter" shall mean this act and all statutory provisions of the State of New Jersey which are now or may hereafter be applicable specifically to the city of Plainfield or to all cities alike, and which are not inconsistent with this act.

(b) "Council" shall mean the governing body of the city, constituted and elected pursuant to the charter.

(c) "Mayor" shall mean the mayor of the city duly elected pursuant to the charter.

(d) "Administrative code" shall mean an ordinance providing, subject to the charter, for the organization or administration of the city government, for the exercise or discharge of its functions, powers and duties, or for the management or control of its property, affairs or government.

(e) "Administrator" shall mean the city administrator duly appointed pursuant to the charter.

(f) "Department" shall mean an administrative organization unit of the city government established or designated by or pursuant to the charter as a department.

(g) "Director" shall mean the administrative head of a department.

(h) "Division" shall mean an administrative organization unit of the city government established, allocated or assigned within a department.

(i) "Ordinance" shall mean any act of local legislation heretofore or hereafter adopted pursuant to law.

(j) "Month" shall mean a calendar month unless otherwise specifically provided.

(k) "Person" shall mean any corporation, firm, partnership, association, organization or other entity, as well as an individual.

(l) "City" shall mean the city of Plainfield within the boundaries now existing or which may be hereafter established pursuant to law.

(m) "Year" shall mean a calendar year unless otherwise specifically provided.

1.4 Construction.

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For the purposes of the charter, other laws, administrative codes and any ordinances heretofore or hereafter adopted, except as the context may otherwise require:

- (a) The present tense includes the past and future tenses and the future, the present.
- (b) The masculine gender includes the feminine and neuter.
- (c) The singular number includes the plural and the plural, the singular.
- (d) The time within which an act is to be done shall be computed by excluding the first and including the last day, and if the last day be a Sunday or a legal holiday, that day shall be excluded.
- (e) "Writing" and "written" shall include printing, typewriting and any other mode of communication using paper or similar material, which is in general use, as well as legible handwriting.

1.5 Powers.

In addition to such powers as may otherwise be conferred by the charter, the city may:

- (a) Organize and regulate its internal affairs, and establish, alter, and abolish offices, positions and employments and define the functions, powers and duties thereof and fix their term, tenure and compensation;
- (b) Adopt and enforce ordinances and impose penalties for violation thereof, by fine or imprisonment or both as authorized by general law;
- (c) Construct, acquire, operate or maintain any and all public improvements, projects or enterprises for any public purpose, subject to referendum requirements otherwise imposed by law;
- (d) Sue and be sued, have a corporate seal, contract and be contracted with, buy, sell, lease, hold and dispose of real and personal property, appropriate and expend moneys, and adopt, amend and repeal such ordinances and resolutions as may be required for the management of the city and the good government thereof;
- (e) Exercise powers of condemnation, borrowing and taxation in the manner provided by general law;
- (f) Exercise all powers of local government in such manner as its governing body may determine.

1.6 Self-government generally.

The general grants of municipal power contained in this article are intended to confer the greatest power of local self-government consistent with the Constitution of this State. Any specific enumeration of municipal powers contained in the charter shall not be construed in any way to limit the general description of power contained in this article, and any such specifically enumerated municipal powers shall be construed as in addition and supplementary to the powers conferred in general terms by this article. All

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grants of power to the city, whether in the form of specific enumeration or general terms, shall be liberally construed, as required by the Constitution of this State, in favor of the city.

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ARTICLE II THE CITY COUNCIL

2.1 Legislative power.

The legislative power of the city, except as otherwise specifically provided by this chapter, shall be exercised by the city council. The council shall have and exercise such other and additional powers and duties as are provided by the charter.

2.2 City council.

The city council shall consist of 7 members to be nominated and elected in accordance with the provisions of Title 19 of the Revised Statutes. One member shall be elected from the city at large, one member shall be elected from each of 4 councilmanic wards to be established and maintained pursuant to the charter, one member shall be elected from the first and fourth wards at large, and one member shall be elected from the second and third wards at large.

2.3 Qualification; term.

(a) Each councilman shall be a legal voter of the city and a resident of the ward or wards from which he is elected, in the case of a ward councilman, or of any ward in the city in the case of an at-large councilman, for at least 1 year prior to his election.

(b) Each councilman shall serve for a term of 4 years beginning on January 1 next following his election except that of those first elected the first ward councilman shall be elected for a term of 1 year; second ward, 2 years; third ward, 3 years; fourth ward, 4 years; and councilman-at-large, 3 years; councilman-at-large from first and fourth wards, 2 years; and councilman-at-large from second and third wards, 1 year.

2.4 Vacancies.

A vacancy in the office of councilman occurring during a term shall be filled by election at the next general election to be held not less than 60 days after the occurrence of the vacancy. The council shall forthwith fill the vacancy temporarily by appointment of a qualified person to serve until the qualification of the person so elected. A person appointed to fill a vacancy shall have the qualifications required of the previous incumbent and shall be a member of the same political party as such prior incumbent. In the event the council fails to fill the vacancy within 60 days following its occurrence the mayor shall forthwith appoint a qualified person to serve as above.

2.5 Organization.

(a) Council shall, by ordinance, provide for its own organization and rules of procedure, not inconsistent with the charter.

(b) The council at its organization meeting and every year thereafter shall elect a president of the council from among the members thereof. He shall preside at its

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meetings and perform such other duties as the council may prescribe. In the absence of the president, the council shall elect a temporary presiding officer.

2.6 Meetings.

Council shall convene in regular meetings at least once each month at the city hall at a time to be fixed by ordinance, except in the event of a public catastrophe or emergency, which renders such meeting impractical or unduly hazardous. Special meetings upon at least 2 days public notice may be called by the mayor whenever he deems necessary, and shall be called by the city clerk upon written request signed by a majority of the councilmen. The call for a special meeting shall specify the purpose of the meetings, and no other business may be conducted at such meeting.

2.7 Procedures.

(a) Generally. Council procedures shall be governed by or pursuant to the charter. In the event of a conflict between any other applicable laws and this act, this act shall prevail.

(b) Voting; quorum. A majority of the whole number of members of the council shall constitute a quorum. The vote upon every motion, resolution or ordinance shall be taken by roll call and the yeas and nays shall be entered on the minutes. The minutes of each meeting shall be signed by the officer presiding at such meeting and by the city clerk.

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(c) Resolutions. All resolutions of permanent import shall be introduced in writing, and the votes thereon shall be taken by yeas and nays, and shall require the affirmative vote of a majority of the whole council. A resolution unless otherwise specifically required by law need not be submitted to the mayor for approval.

(d) Appointments. Resolutions of appointments by council require the affirmative vote of a majority of the whole council.

(e) Mayor's participation. The mayor may attend meetings of council and may take part in discussions of council but shall have no vote.

2.8 Investigations; removals.

(a) The council may make investigations into the affairs of the city and the conduct of any city department, office, commission or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. In addition to any other remedy, any person who willfully fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be adjudged a disorderly person, punishable by a fine of not more than \$200.00, or by imprisonment for not more than 30 days or both.

(b) Council may remove any officer or employee, other than the mayor or a councilman, for cause, upon notice and an opportunity to be heard.

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2.9 Ordinances; veto.

(a) Ordinances shall be prepared, introduced, considered and acted upon as required by law. No ordinance may be enacted without the affirmative vote of a majority of all the councilmen.

(b) Ordinances adopted by the council shall be submitted to the mayor, and he shall within 10 days after receiving any ordinance, either approve the ordinance by affixing his signature thereto or return it to the council by delivering it to the city clerk together with a statement setting forth his objections thereto or to any item or part thereof. No ordinance or any item or part thereof shall take effect without the mayor's approval, unless the mayor fails to return an ordinance to the council within 10 days after it has been presented to him, or unless council upon reconsideration thereof on or after the third day but not later than its next regular meeting following its return by the mayor shall by a vote of 2/3 of the members resolve to override the mayor's veto.

2.10 Separation of powers; administration.

The legislative, executive and administrative powers of the city are divided between the legislative and executive branches. No person or persons belonging to or constituting one branch shall exercise any of the powers of the other unless specifically authorized by the Charter. Neither the council nor any councilman shall intervene in administrative matters, except for legislative purposes.

2.11 Compensation.

The council may provide by ordinance for an annual salary of councilmen, provided that no ordinance increasing or decreasing such salary shall take effect prior to the next budget year following a general election which occurs not less than 60 days after its adoption. In addition to such salary, councilmen may be paid their actual and necessary expenses incurred in the performance of the duties of their office.

2.12 Judge of qualifications.

The council shall be the judge of the election and qualifications of its members, and may determine the grounds for forfeiture of the office due to misconduct or malfeasance. For this purpose, the council shall have the power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to a public hearing on demand. Notice of such hearing shall be published in one or more newspapers of general circulation in the city at least 1 week in advance of the hearing. Any action by the council under this section shall be subject to judicial review.

2.13 Clerk of the council.

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The council shall appoint the city clerk or some other qualified person to serve as clerk of the council. The clerk shall keep a journal of the council proceedings and record the minutes of every meeting. The minutes of each meeting shall be signed by the officer presiding at the meeting and by the clerk of the council.

2.14 Compilation of ordinances and resolutions.

The clerk of the council shall record all ordinances and resolutions adopted by council and at the close of each year, with the advice and assistance of the corporation counsel, shall bind, compile or codify all the ordinances and resolutions, or true copies thereof, of the city which then remain in force and effect. He shall also properly index the record books, compilation or codification of ordinances and resolutions.

2.15 Enacting clause.

The council shall act in relation to legislative matters by ordinance. The enacting clause of all ordinances shall be: "Be It Enacted by the Council of the City of Plainfield:"

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ARTICLE III. THE MAYOR

3.1 Mayor; term.

The executive power of the city shall be exercised by a mayor, who shall be elected by the legal voters at a general election. The mayor shall be elected to serve for a term of 4 years beginning January 1 next following his election.

3.2 Mayor; qualifications and compensation.

A mayor shall have been a legal voter in the city for at least 4 years prior to his election. His compensation shall be fixed by ordinance and may not be increased or decreased during the term for which he was elected.

3.3 Vacancies.

Whenever the mayor shall be unable to attend to the duties of his office, due to his absence, disability or other cause, for a period of less than 48 hours, the city administrator or, in the event of his inability to serve, a department head designated by the mayor in writing filed with the city clerk, shall serve as acting mayor. Whenever the mayor shall be unable to attend to the duties of his office:

- (a) For a period of less than 48 hours and at a time when neither the city administrator, nor a duly designated department head can serve; or
- (b) For a period of more than 48 consecutive hours; or
- (c) At any time during an emergency declared by the council; a councilman designated under this section shall serve as acting mayor. The mayor may at any time designate in writing filed with the city clerk a councilman to serve as acting mayor under the provisions of this section. Whenever the provisions of this section require a councilman to serve as acting mayor and the mayor has failed to make such a designation or the councilman so designated by the mayor is unable to serve, the council shall by a majority vote of its whole number appoint an acting mayor from among its membership. Any person appointed pursuant to this section shall succeed to all of the rights, powers and duties of the mayor, until the mayor returns, the disability or other cause ceases. In the event of the death, resignation or disqualification of the mayor, there shall be a vacancy in the office, which shall be filled by election for the remainder of the unexpired term at the next general election occurring not less than 60 days after the occurrence of the vacancy. The office shall be filled by the acting mayor until the qualification of the person so elected.

3.4 Mayor: general duties.

The mayor shall enforce the charter and ordinances of the city and all general laws applicable thereto. He shall annually report to the council and the public on the work of the previous year and on the condition and requirements of the city government and shall from time to time make such recommendations for action by the council as he may deem in the public interest. He shall supervise the departments of the city government and shall require each department to make an annual and such other reports of its work as he may deem desirable. The

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mayor shall make available to any councilman, upon request, any departmental report, official record or document.

3.5 Appointments and removals.

(a) The mayor shall appoint and remove officers and employees as authorized by the charter or administrative code; and shall, with the advice and consent of the council, make all appointments for which no other provision is made by or pursuant to the charter.

(b) The mayor may remove a department head or the city administrator whenever, in his discretion, the public interest so requires; and any such removal shall take effect 10 days after the mayor files notice of removal with the city clerk unless prior thereto the council shall at a regular or special meeting disapprove of such removal by resolution adopted by the affirmative vote of 2/3 of the entire membership. In the event of such resolution of disapproval, the affected officer shall be restored to his office without loss of pay.

3.6 Additional powers and duties.

The mayor shall have and exercise such additional duties and powers as are prescribed by the charter to direct and supervise the departments, to prepare and submit an executive budget, and to act with respect to such other matters as may be provided by the charter and ordinances of the city.

3.7 Emergencies.

In the event of an emergency which represents an immediate, clear and present danger to the public health, safety or welfare, the mayor may assume the personal direction of any department, agency or instrumentality of the city government as may, in his discretion, be necessary to alleviate the emergency; and he may take such action as he may deem necessary or desirable to that end.

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ARTICLE IV. ADMINISTRATIVE ORGANIZATION

4.1 City administrator; appointment and term.

The mayor, with the advice and consent of the council, shall nominate and appoint a city administrator. The city administrator shall serve during the term of office of the mayor appointing him and until the appointment and qualification of his successor, subject to removal as provided by the charter.

4.2 City administrator; qualifications.

The city administrator shall be chosen solely on the basis of his training, experience, and administrative and executive qualifications. Prior to his appointment, he shall have completed and received a master's degree in public or business administration and shall have had at least 2 years of actual executive experience in municipal administration or an equivalent combination of education and experience. At the time of his appointment, he need not be a resident of the city or of the State.

4.3 City administrator; powers and duties.

Under the direction and supervision of the mayor, the city administrator shall:

- (a) Direct and supervise the administration of the departments of the city government, subject to the provisions of the charter;
- (b) Provide for the organization of the work of the departments, subject to the requirements of an administrative code to be adopted by the council;
- (c) Review the administration and operation of each of the departments and recommend to the mayor from time to time such measures as may appear necessary or desirable for the purpose of improving the efficiency and the economy of the city government;
- (d) Review, analyze and forecast trends of city services and finance the activities and programs of all boards, commissions and other municipal bodies, and report and recommend thereon to the mayor;
- (e) Assist the mayor to prepare an annual current expense budget and an annual capital budget for consideration by the council;
- (f) Develop, install and maintain centralized personnel and purchasing procedures and systems as may be authorized by the administrative code;
- (g) Perform such other functions and duties as may be prescribed by charter or ordinance.

4.4 Departments.

- (a) There shall be the following administrative departments of the city government:
 - (1) Administration and finance;
 - (2) Public works;
 - (3) Public affairs and safety.
- (b) Council shall by ordinance allocate and assign all of the administrative functions, powers and duties of the city among and within such departments.

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Council may, by ordinance, create, abolish and modify boards and commissions, whether or not heretofore or hereafter established by or pursuant to ordinance; provided that whenever a board, commission, public corporation or other body is abolished or substantially altered by ordinance and has outstanding bonded indebtedness or other obligations, the city shall assume and become liable for such indebtedness and obligations to the same extent and with the same security and enforceability as though such indebtedness and obligations had been issued or incurred originally in the same form by the city itself.

4.5 Department heads.

Each department shall be headed by a director, who shall be appointed by the mayor with the advice and consent of the council. A director shall serve during the term of office of the mayor appointing him and until the appointment and qualification of his successor, subject to removal as provided by the charter.

4.6 Department heads; powers and duties.

- (a) Subject to the direction and supervision of the city administrator, each department director shall:
- (1) Administer his department in accordance with the charter and administrative code;
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 - (2) Organize the work of the department, and allocate and assign personnel and functions within the department;
 - (3) Supervise and direct the programs and activities of the department.
- (b) Each director shall appoint and remove subordinate officers and employees within his department, subject to the approval of the city administrator and in accordance with the provisions of the Revised Statutes, Title 11, Civil Service, or other applicable provision of the charter and administrative code.

4.7 Corporation counsel.

There shall be a corporation counsel who shall be nominated and appointed by the mayor with the advice and consent of the council. The corporation counsel shall serve during the term of office of the mayor appointing him and until the appointment and qualification of his successor, subject to removal as provided by the charter. He shall be the chief legal advisor to the mayor and to the council, and shall have such specific functions, powers and duties, and may appoint such assistants, as may be provided by the administrative code.

4.8 Other appointments.

Whenever any statute applicable to the city authorizes the appointment of the members of any board, commission, authority or other body for municipal purposes within the city, except the board of education, the power of appointment, notwithstanding any provision to the contrary in such statute, shall be exercised by the mayor with the advice and consent of the council.

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4.9 Human relations.

In addition to such departments as are authorized by this article, a human relations board or commission may be established or continued by ordinance, and it may be authorized to appoint an executive director with such qualifications and to serve for such term of years as may be provided by the administrative code. Any such appointment shall not be within the classified service of the civil service.

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ARTICLE V BUDGET AND CONTROL

5.1 Fiscal year.

The fiscal year of the city shall begin on January 1 and end on December 31 in each year, until otherwise provided by law.

5.2 Budget document.

For each fiscal year, the mayor with the assistance of the city administrator shall prepare a budget document consisting of a budget message, a current operating expense budget, a capital budget, a budget summary, and such explanatory schedules, charts and exhibits as the mayor may deem appropriate or as the council may require.

5.3 Budget preparation; current operating expenses.

The city administrator shall annually require each department head to submit requests for appropriations for the ensuing budget year, and to appear before the administrator at a scheduled public hearing to justify such request. The city administrator, with the assistance of the department of administration and finance, shall compile, review and analyze departmental requests for appropriations, and shall make his recommendations with respect thereto to the mayor.

5.4 Budget preparation; capital budget.

Not less than 90 days before the end of each fiscal year the planning board established pursuant to law shall prepare and transmit to the mayor and the council a proposed capital budget in such form and covering such period of years as will comply with the requirements of capital budgeting established by or pursuant to State law. As to each project, the proposed capital budget shall at least set forth the estimated cost, its priority as compared with other projects required by the city, its method of financing, and the amount required for the "down-payment" under the local bond law; the amount of bonds to be issued and the amount to be raised by other sources; together with an estimate of the effect of the acquisition and operation of each project upon the current operating expense budget.

5.5 The executive budget.

The mayor, with the assistance of the city administrator, shall review the various budget proposals, estimates of revenues, and related data, and shall, in the exercise of his discretion and judgment, prepare and submit to the council the budget document. The current operating expense budget and capital budget included in the budget document shall be known as the executive budget. The budget document shall be transmitted by the mayor to the council not less than 30 days prior to the last day for introduction of the budget ordinance as prescribed by the local budget law.

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5.6 Action by the council.

(a) The council shall consider the executive budget, make available for public distribution copies of the budget document, and cause a budget ordinance to be introduced, published and hearing thereon held pursuant to the local budget law.

(b) The council may increase, decrease, or eliminate any item in the executive budget for current operating expenses, except that it may not increase any item unless, upon separate motion as to each increase, 2/3 of the members of the council shall vote in favor thereof.

(c) The council may include, exclude, increase, or decrease a capital outlay or capital project contained in the executive budget, and may add capital outlays and capital projects thereto. Any capital outlay or project not included in the executive budget shall be referred to the planning board for a report and recommendation prior to council's action thereon. The planning board shall report within 30 days and may recommend either that the project or outlay be approved or that it be disapproved or deferred. In the event that the planning board should recommend that the project or outlay be disapproved or deferred, such project or outlay shall not be included in the budget adopted by the council except upon a favorable vote of 2/3 of the members of the council, upon separate motion as to each project or outlay. If the planning board should fail to report within 30 days, it shall be deemed to recommend approval. The requirements of this section shall be in addition to any imposed by the Municipal Planning Act (1953) and the local budget law.

5.7 Budget adoption.

The council shall, except as otherwise required by this article, enact a current operating expense budget and a capital budget in accordance with the requirements of the local budget law.

5.8 Budget operation.

(a) The adopted budget shall be administered in accordance with the requirements of general law.

(b) The council shall include in an administrative code appropriate provision for the maintenance of a system of work programs and periodic allotments for the operation of the current operating budget. The city administrator, so far as feasible, shall install and maintain procedures to develop and report appropriate unit costs of budget expenditures.

(c) The council shall include in an administrative code provision for the exercise of a control function in the management of the city's finances. The control functions shall include provisions for an incumbrance system of budget operations, for expenditures only upon written requisition, and for the pre-audit of all claims and demands against the city prior to payment without action by the council, and for such other safeguards of the public treasury as may be required by general law or as the council may deem appropriate.

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5.9 Other staff services.

The council shall provide by administrative code for such centralized purchasing, personnel and management services as may be necessary or desirable for the efficient and economical administration of the city government.

5.10 Independent agencies.

Each board, commission, corporation or other entity providing municipal services within the city, shall comply with the requirements of the administrative code for budget preparation, budget administration, financial procedures and controls, with respect to expenditure of municipal funds, notwithstanding the provisions of any other law.

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ARTICLE VI. INITIATIVE, REFERENDUM AND RECALL

A. INITIATIVE AND REFERENDUM

6.1 Initiative power.

The voters of the city may propose any ordinance and may adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the council by a petition signed by 20% of the registered voters of the city.

6.2 Referendum power.

The voters shall also have the power of referendum, which is the power to approve or reject at the polls any ordinance passed by the council, against which a referendum petition has been filed as herein provided. No ordinance passed by the council, except when otherwise required by general law, shall take effect before 15 days from the date of its final passage and its approval by the mayor where such approval is required. If within 15 days after such final passage and approval a petition protesting against the passage of such ordinance shall be filed with the city clerk and if the petition shall be signed by 20 of the registered voters, the ordinance shall be suspended from taking effect until proceedings are had as herein provided.

6.3 Form and content of petition.

All petition papers circulated for the purposes of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any such petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition paper the names and address of 5 voters, designated as the committee of the petitioners, who shall be regarded as responsible for the circulation and filing of the petition and for its possible withdrawal as hereinafter provided. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he, and he only, personally circulated the foregoing paper, that all the signatures appended thereto were made in his presence, and that he believes them to be the genuine signatures of the persons whose names they purport to be.

6.4 Certification.

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the city clerk as one instrument. Within 20

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days after a petition is filed, the clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters. After completing his examination of the petition, the clerk shall certify the result thereof to the council at its next regular meeting. If he shall certify that the petition is insufficient he shall set forth in his certificate the particulars in which it is defective and shall at once notify at least 2 members of the committee of the petitioners of his findings.

6.5 Amendments.

An initiative or referendum petition may be amended at any time within 10 days after the notification of insufficiency has been served by the city clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The clerk shall, within 5 days after such an amendment is filed, examine the amended petition and, if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the committee of the petitioners of his findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

6.6 Ordinance suspended.

Upon the filing of a referendum petition with the city clerk, the ordinance shall be suspended until 10 days following a finding by the clerk that the petition is insufficient or, if amended petition be filed, until 5 days thereafter; or, if the petition or amended petition be found to be sufficient, until it be withdrawn by the committee of the petitioners or until repeal of the ordinance by vote of the council or approval or disapproval of the ordinance by the voters.

6.7 Submission to council.

Upon a finding by the city clerk that any petition or amended petition filed with him in accordance with this article is sufficient, the clerk shall submit the same to the council without delay. An initiative ordinance so submitted shall be deemed to have had first reading and provision shall be made for a public hearing.

6.8 Submission to voters.

If within 60 days of the submission of a certified petition by the city clerk the council shall fail to pass an ordinance requested by an initiative petition in substantially the form requested or to repeal an ordinance as requested by a referendum petition, the clerk shall submit the ordinance to the voters unless, within 10 days after final adverse action by the council or after the expiration of the time allowed for such action, as the

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case may be, a paper signed by at least 4 of the 5 members of the committee of the petitioners shall be filed with the city clerk requesting that the petition be withdrawn. Upon the filing of such a request, the original petition shall cease to have any force or effect.

6.9 General or special elections.

Any ordinance to be voted on by the voters in accordance with section 6.2 or section 6.8 of this article shall be submitted at the next general election occurring not less than 60 days after the date of final action by council or the expiration of the time allowed for action by council in section 6.8 of this article, as the case may be, provided that if no election is to be held within 90 days, the council may in its discretion provide for a special election.

6.10 Elections generally.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this article, but there shall not be more than one special election in any period of 6 months for such purpose.

6.11 Publication.

Whenever an ordinance is to be submitted to the voters of the city at any election in accordance with this article, the clerk shall cause the ordinance to be published in at least one of the newspapers published or circulated in the city. The publication shall be not more than 20 nor less than 10 days before the submission of the ordinance or proposition to be voted on.

6.12 Ballots.

The ballots to be used at such election shall be in substantially the following form:

"To vote upon the public question printed below, if in favor thereof mark a cross (X) or plus (+) or check (/) in the square at the left of the word Yes, and if opposed thereto mark a cross (X) or plus (+) or a check (y) in the square to the left of the word No."

Yes

No

"Shall the ordinance (indicate whether submitted by council or initiative or referendum petition) providing for (here state nature of proposed ordinance or proposition) be adopted?"

6.13 Election results.

If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a

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valid and binding ordinance of the city and be published as in the case of other ordinances. If the provisions of 2 or more measures approved or adopted at the same election conflict, then the measure receiving the greatest affirmative vote shall control.

B. RECALL

6.14 Recall power.

Any elective officer shall be subject to removal from office for cause connected with his office, after he has served at least 1 year, upon the filing of a recall petition and the affirmative vote of a majority of those voting on the question of removal at any general or special election.

6.15 Number of signatures.

A recall petition shall demand the removal of a designated incumbent, shall be signed by qualified voters equal in number to at least $33 \frac{1}{3}$ of the registered voters of the city or councilmanic district, as the case may be, and shall be filed with the city clerk. It shall set forth a statement of the case upon which the removal is sought.

6.16 Certification; amendment.

The signatures to a recall petition need not all be appended to one paper but each signer shall add to his signature his place of residence giving the street and number or other sufficient designation if there shall be no street and number. One of the signers to each such paper shall take an oath before an officer competent to administer oaths that the statement therein made is true as he believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within 10 days from the date of filing the petition the city clerk shall complete its examination and ascertain whether or not such petition is signed by the requisite number of qualified voters, and shall attach to the petition his certificate showing the result of his examination. If by that certificate the petition is shown to be insufficient it may be amended within 10 days from the date of said certificate. The city clerk shall, within 5 days after such amendment, make a similar examination and determination of the amended petition, and if the certificate shall show the same to be insufficient, it shall be returned to the person filing it without prejudice to the filing of a new petition to the same effect.

6.17 Time for recall election; publication.

If the petition shall be sufficient the city clerk shall within 2 days notify the mayor, councilman or councilmen whose recall is sought thereby. If such notice cannot be served personally upon the mayor, councilman or councilmen affected, service may be made by registered mail addressed

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to the officer's last known address. If within 5 days after the service of the notice by the clerk the mayor, councilman or councilmen sought to be recalled by such petition do not resign, or a tendered resignation shall not have been accepted by the council, the clerk shall order and fix a date for holding a recall election not less than 60 nor more than 90 days from the filing of the petition. Notice of the filing of the petition and of the date of the election shall be posted for public view in the office of the city clerk and he shall also insert the notice forthwith in a newspaper published in the city, or if there be no such newspaper, then in a newspaper having general circulation in the city.

6.18 Ballot

The ballots at the recall election shall conform to the requirements respecting the election of officers in municipalities, as provided in Title 19 of the Revised Statutes (Elections), except that the words "recall election" shall appear on the ballot. The recall features of the ballot shall appear at the top thereof and shall be separated from the portion of the ballot for the election of officers by a heavy black line. The proposal for recall shall be placed on the ballot in the following manner:

"Shall (here insert name of incumbent) be removed from office by recall?"

This matter shall occupy 2 lines in bold-face type. Immediately below the above wording shall appear the phrase "for recall" and immediately underneath such phrase the words "against recall." Immediately at the left of each of these 2 phrases shall be printed a square , in which the voter may make a cross (X) or plus (+) or a check (/) mark. Immediately below the foregoing shall appear the following: "Indicate your vote by placing a cross (X) or plus (+) or a check (/) mark in one of the squares above."

6.19 Several officers.

If the removal of more than one officer is sought the same provisions for submitting to the electors the question and direction hereinbefore described shall be repeated in the case of each officer concerned and their position on the ballot for their recall shall be in the order of the filing of the petition with the city clerk.

6.20 Election of successor.

If an incumbent is recalled, there shall be a vacancy in the office, which shall be filled in the same manner as vacancies resulting from other causes; and the elected successor shall serve for the remainder of the unexpired term.

6.21 Election procedure.

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The provisions of Title 19 of the Revised Statutes (Elections), concerning the nomination of municipal officers, preparation of the ballot, election of municipal officers, counting and canvassing of the results of the election of such officers, shall apply to the election for the recall of officers and the election of their successors.

6.22 Notices.

The city clerk shall cause to be made due publication of notices of arrangements for holding all recall elections and they shall be conducted as are other elections for municipal officers in the city.

6.23 Election results.

(a) If a majority of votes in connection with the recall of any officer be in favor of the recall, the term of office of such officer shall terminate, upon the certification of the results of election by the city clerk.

(b) If the results of such recall election shall, by the certificate of the city clerk, be shown to be against the recall of the officer, he shall continue in office as if no recall election had been held.

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ARTICLE VII. GENERAL PROVISIONS

7.1 Elective city offices.

The mayor and the members of the council shall be the only elective city offices. They shall be nominated and elected as required by the charter at a general election, or if there is no general election in a year when an election is required to fill a vacancy, at an election to be held on the first Tuesday after the first Monday in November of such year, in accordance with the provisions of Title 19 of the Revised Statutes.

7.2 Councilmanic wards; reapportionment.

(a) Until the first election for city offices to be held not less than 6 months after the promulgation of a Federal census, the boundaries of the four councilmanic wards shall be the same as those set forth for the wards by chapter 18 of the revised ordinances of the city of Plainfield, New Jersey, 1957.

(b) Immediately following the promulgation of each Federal census, a city reapportionment commission shall be constituted, consisting of the city chairman of each political party which polled at least 20 of the vote cast at the last general election for members of the General Assembly, and not more than 2 additional members who hold no other public office to be appointed by those herein designated. If they fail to make said appointment, by filing notice thereof with the city clerk within 30 days after the promulgation of the census, the appointment or appointments shall be made by the mayor with the advice and consent of the council. The city reapportionment commission shall review and if necessary revise the ward boundaries, so that the wards shall not differ in population according to the then most recent Federal census, by more than 10 respectively, of the population of the least populous ward. The commissioners shall make and file their report within 60 days after the official promulgation of the Federal census by filing a copy thereof, signed by at least 2 of the commissioners in the office of the city clerk, and in such other offices as shall be required by law. Thereafter, the boundaries of the wards so described in the report shall be used for the election of councilmen until the taking and promulgation of the next Federal census and the making and filing of another reapportionment commission report.

7.3 Dual office holding.

No officer under the city government shall hold or retain any office under the county government, nor shall any officer under the county government be eligible to hold or retain office under the city government, except in each case when any such office is held ex officio by virtue of an act by the Legislature. Any person holding city office, whether by election or appointment who shall, during his term to office, accept, hold or retain any other civil office of honor, trust or emolument under the government of the United States, except commission for the taking of bail, or under the government of the State, except the office of notary public or commissioner of deeds or officer of the National Guard, or who

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shall hold or accept any other office connected with the government of the city, or who shall accept a seat in the Legislature, shall be deemed thereby to have vacated any office previously held by him under the city government; except that the mayor may accept, or may in writing authorize any other person holding office to accept, a specified civil office, in respect to which no salary or other compensation is provided.

7.4 Conflict of interests.

(a) Except as provided by paragraph (b) of this section, no officer or employee under the city government shall have any interest, direct or indirect, in any contract with the city, or with any agency or instrumentality thereof, whenever any such officer or employee, individually or as a member of a board, may:

- (i) Prepare, authorize or approve the contract or authorize or approve payment thereunder;
- (ii) Audit bills or claims under the contract; or
- (iii) Appoint an officer or employee who has any of the powers or duties set forth in (i) or (ii) above.

(b) The provisions of paragraph (a) of this section shall not apply to:

- (i) The designation of an official depository of city funds unless the city administrator, director of administration and finance, or city treasurer has an interest in such depository;
- (ii) The designation of an official newspaper;
- (iii) The purchase of real property or an interest therein, provided that purchase and the consideration therefore is approved by order of the Superior Court upon petition of the council.

(c) "An interest in a contract" within the meaning of this section shall not include the holding of stock in a corporation listed on any national securities exchange, or an interest in a contract for public utilities service when the rates or charges therefore are fixed or regulated by a governmental agency.

(d) Any city officer or employee who has, will have, or later acquires an interest, direct or indirect, in any actual or proposed contract with the city shall publicly disclose the nature and extent of such interest in writing to the council as soon as he has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of the council. Once disclosure has been made by an officer or employee with respect to an interest in a contract with a particular person, firm, corporation or association, no further disclosures need be made by such officer or employee with respect to additional contracts with the same party during the remainder of the fiscal year.

(e) Any contract with the city obtained or procured in violation of this article shall be void.

(f) Any city officer or employee who willfully and knowingly violates the foregoing provisions of this section shall forfeit his office or employment.

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7.5 Code of ethics.

The council shall provide by ordinance for the adoption of a code of ethics setting forth for the guidance of the employees and officers of the city, the standards of ethical conduct in the performance of their duties which will be required of them. Any such code may provide standards for officers and employees with respect to:

- (a) Representation of private interests before city agencies and courts;
- (b) Disclosure of interest in legislation before the council;
- (c) Acceptance of gifts and favors;
- (d) Disclosure of confidential information;
- (e) Holding of investments in conflict with official duties;
- (f) Incompatible employment;
- (g) Future employment; and
- (h) Such other standards relating to the conduct of officers and employees as may be deemed advisable; provided, however, that no provision which in any way conflicts with the provisions of this article shall be authorized.

7.6 Fraud of officers or employees.

Any councilman or other officer or employee of the city who shall willfully violate or evade any provision of law relating to his office or employment, or commit any fraud upon the city, or convert any of the public property to his own use, or knowingly permit any other so to convert it or by gross or culpable neglect of duty allow the same to be lost to the city, upon conviction thereof and in addition to other penalties imposed by law, shall forfeit his office or employment, and be excluded forever after from receiving or holding any office or employment under the city government.

7.7 Duty to testify.

If the mayor, any councilman or other officer or employee of the city shall, after lawful notice or process, expressly referring to this section, willfully refuse or fail to appear before any local legislative committee, or any city officer, board or body authorized to conduct any hearing or inquiry, or having appeared shall refuse to testify or to answer any question relevant to the hearing or inquiry regarding the property, government or affairs of the city or regarding the nomination, election, appointment or official conduct of any officer or employee of the city, his term or tenure of office or employment shall terminate and such office or employment shall be vacant, and he shall not be eligible thereafter to election or appointment to any office or employment under the city government or any agency thereof.

7.8 Conviction of crime.

Any person convicted of a crime involving moral turpitude shall be ineligible to hold any city office, position or employment, and upon conviction thereof while in office or employment shall forfeit his office or employment, except as may be

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otherwise provided by the administrative code with respect to specified employments.

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ARTICLE VIII. TRANSITIONAL PROVISIONS

8.1 Transition date.

This charter shall supersede the charter of the city of Plainfield approved April 4, 1872 (P.L. 1872, p. 1134) and shall take effect on January 1, 1969, subject to the provisions of this article.

8.2 Existing laws and ordinances.

(a) All laws and parts of laws relating to or affecting the city of Plainfield are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of this charter, and only to that extent and with respect to such application.

(b) All ordinances and resolutions of the city, to the extent that they are not inconsistent with the charter, shall remain in full force and effect until repealed or amended pursuant to law.

8.3 Elective officers.

A mayor and council shall be first elected under the charter at the general election in November, 1969, and shall take office at noon on January 1, 1970. The mayor and common council as constituted and elected pursuant to the charter of April 4, 1872, shall continue in office and shall have, exercise and discharge the functions, powers and duties of the mayor and council, respectively, under this charter until noon on January 1, 1970.

8.4 Appointive officers and employees.

(a) At 12:00 o'clock noon on the effective date of the charter, all offices, boards and commissions then existing in the city shall be abolished and the terms of all elected and appointed officers shall immediately cease and determine; provided that nothing in this section shall be construed to abolish the office or terminate the term of office of any member of the board of education, trustees of the public library, commissioners of the local housing authority, parking authority, or of any official or employee now protected by any tenure of office law, or under the provisions of Title 11 of the Revised Statutes (Civil Service) as of the effective date of the ordinance adopted by the common council to authorize a petition for a special law enacting this charter.

(b) The adoption or taking effect of the charter shall not adversely affect the civil service tenure, pension, seniority or promotional rights of any city officer or employee.

(c) No subordinate board, department, body, office, position, or employment shall be created and no appointments shall be made to any subordinate board, department or body, or to any office, employment or position, including without limitation patrolmen and firemen, between the date of election of officers and the date the newly elected officers take office under the charter.

8.5 Administrative code.

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(a) On or before the thirtieth day following the effective date of the charter the council shall adopt an administrative code, to take effect not later than that date, to provide for the organization and administration of the city government pursuant to the charter.

(b) Provision for the organization and administration of the city government, and the creation and filling offices under the charter may be made temporarily by resolution pending the adoption of the administrative code, but any such resolution shall expire not later than 30 days after the effective date of the charter.

8.6 Transfer of employees.

Officers and employees in the classified service upon the effective date of this charter shall be transferred to the department, division or agency to which the functions, power or duties in which they were engaged are allocated by this charter, without examination and without affecting existing compensation, pension, or retirement rights, privileges or obligations of any such officers or employees.

8.7 Continuity of functions.

Any department, agency or officer to whom the charter or administrative code allocates or assigns any powers and duties shall exercise such powers and duties in continuation of their exercise by the agency or officer by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such powers or duties and applicable to the agency or officer formerly exercising such powers and duties shall, so far as not inconsistent with the provisions of this charter, apply to the agency or officer to which such powers and duties are assigned by this charter.

8.8 Pending actions and proceedings.

No action or proceeding, civil or criminal, pending at the time when this charter shall take effect, brought by or against the city or any agency or officer, shall be affected or abated by the adoption of the charter or administrative code. All such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer, party thereto, may be assigned or transferred to another agency or officer, and in that event the action or proceeding may be prosecuted or defended by the head of the agency to which such functions, powers and duties are assigned or transferred.

8.9 Referendum on adoption of this act.

This act shall be submitted to referendum, and shall take effect upon a favorable vote thereon, as herein provided. The question of adoption of this act shall be

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submitted to the legal voters within the city of Plainfield at the next general election to be held not less than 25 days after its passage.

(a) There shall be printed in the space provided for public questions on the ballot to be used in such special election the following question:

YES

NO

Shall “An Act to provide a special charter for the city of Plainfield, in the county of Union” to provide a strong mayor-council form of government, with city administrator for the city, be adopted?”

(b) If at such election a majority of all the valid votes cast for and against the adoption of this act shall be cast in favor of the adoption thereof, the act shall take effect and become operative in accordance with its terms.

8.10 Validation.

All proceedings of the charter committee of the city of Plainfield, including the appointment and qualification of its members and the submission of its report and recommendations, and all actions of the mayor and common council with respect thereto including the petition to the Legislature for the passage of this special act, and the time and manner of publication of notice of intention to apply thereof, are hereby ratified, confirmed and validated.

8.11 Repealer.

All acts and parts of acts inconsistent with the provisions of this act are, to the extent of such inconsistency, hereby repealed.

8.12 Effective Date.

This act shall take effect immediately, subject to the results of the referendum under section 8.9. The city clerk of the city of Plainfield shall, following such referendum, forthwith file his certificate of the results of the vote on the public question with the Secretary of State.

Approved July 12, 1968.

Introductory Statement

This is a special act applicable only to the city of Plainfield, for which the city has petitioned upon recommendation of its charter study committee.