

**THE ADMINISTRATIVE CODE
OF
THE COUNTY OF CUMBERLAND**

Adopted: November 23, 2009

Res #2009-620

Revised: August 2015

Introduction

Short Title

This document shall be known and may be cited as "The Administrative Code of the County of Cumberland", herein referred to as the Code. It shall supersede any previous administrative code adopted by the County.

Severability

If any section, subsection, or paragraph of this Code shall be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, the remaining parts of such section, subsection or paragraph shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect. Any resolution inconsistent with the contents of this code is null and void and of no force and effect.

Revision

This Code may be revised from time to time by resolution of the Board of Chosen Freeholders.

1 CHAPTER 1

1.1 Management of the County

The property, finances and affairs of the County of Cumberland shall be governed by the Board of Chosen Freeholders, except where such powers are by general law vested in another board, agency or committee of the County.

1.2 Election and Term of Office

The Board shall be composed of seven (7) members. Each member to be elected by the people for a three year term, to serve from the annual Reorganization Meeting of the Board following their election and until their successor(s) are elected and qualified.

1.3 Vacancies in the Board of Chosen Freeholders

Vacancies on the Board shall be filled in accordance with N.J.S.A. 40:20-5.3.

1.4 Organization of the Board of Chosen Freeholders

1.4.1 Annual Reorganization

The annual reorganization meeting of the Board of Chosen Freeholders shall be held in accordance with N.J.S.A. 40:45A-1 during the first week in January.

1.4.2 Freeholder Director

At such annual reorganization meeting, the Board shall elect from its members a Freeholder Director to serve for a term of one year and until the election and qualification of a successor. Election of the Director shall be by majority vote of the Board. A newly elected Director shall immediately take the chair and assume the duties of the office. The duties of the office include setting the agenda for all meetings of the Board, chairing all meetings of the Board, acting as spokesperson for the Board and for the County on major issues, executing all contracts authorized by the Board, keeping Board members apprised on issues, initiatives and progress.

1.4.3 Freeholder Deputy Director

At such reorganization meeting, the Board shall elect a Freeholder Deputy Director from among its members to carry out the duties of the Freeholder Director in his/her absence. Election of the Deputy Freeholder Director shall be by majority of the Board.

1.4.4 Acting Freeholder Director

The Board may also elect an Acting Freeholder Director from among its members to preside in the absence of both the Freeholder Director and the Deputy Freeholder Director.

1.4.5 Freeholder Liaisons

Members of the Board will act as liaisons to various County departments, divisions, agencies, boards and commissions. Within these liaison areas, members are responsible for keeping the Board informed on issues and events, reviewing agenda resolutions and items prior to each meeting, and reviewing budget requests.

1.4.6 Qualification of Newly-Elected Members

Newly elected members may take and subscribe the oath of office at the annual reorganization meeting of the Board. Upon so qualifying, a member shall be entitled to immediately assume the duties of the office.

1.5 Meetings

1.5.1 Dates, Times and Places

The dates, times and places of the agenda and regular meetings of the Board of Chosen Freeholders shall be fixed by the Board at its annual reorganization meeting, in accordance with N.J.S.A. 10:4-6 et seq. The Board may, by resolution, conduct meetings of the Board at such other time and place as are necessary, proper and advisable. In general, Freeholder meetings are held on the third Tuesday of each month at 6:00 p.m. at the Cumberland County Administration Building, 164 West Broad Street, Bridgeton, NJ and fourth Tuesday of each month at 6:00 p.m. at the Cumberland County Administration Building, 164 West Broad Street, Bridgeton, NJ.

1.5.2 Special Meetings

Special meetings of the Board shall be held on the written or printed order of the Director, or in his/her absence, the Deputy Freeholder Director, or of any four members of the Board, specifying the business and object thereof, and the place and time where the meeting shall be held. The Clerk of the Board shall call any such special meeting upon receipt of such order, by written notice directed to the members of the Board in accordance with state statute.

1.5.3 Quorum and Voting

Four (4) members of the Board shall constitute a quorum for the purposes of conducting the business of the Board. If a quorum is not achieved at any meeting of the Board, the members attending must adjourn the meeting to such time and place as they deem proper. All Board members shall be so notified that the meeting was adjourned.

Unless otherwise provided by general law or this Code, all matters coming before the Board shall be adopted by a vote of the majority of the Board members present.

It should be noted that while it is not expected, the Cumberland County Board of Chosen Freeholders reserve the right to take action on such matters as may be necessary at the monthly work sessions.

1.6 Rules of Procedure

As far as practicable, the rules on proceeding and debate as contained in "*Robert's Rules of Order*" shall govern.

1.6.1 Conduct of Public Meetings

The business of the Board at any public meeting shall be those matters set forth on an agenda prepared by the Clerk of the Board, in accordance with the procedure set forth in sections 1.6 and 1.7 of this Code.

1.6.2 Public Comment

Prior to reading any resolutions or adopting a consent agenda, the Board shall solicit comment concerning any resolution listed on the agenda from the general public. Public participation may be time limited at the discretion of the Director. Persons desiring to speak shall seek recognition by the Director by raising a hand. Upon recognition by the Director, persons shall move to microphone and state their name and address, and direct concerns, comments, or questions to the Director. The Director may recognize County officials or staff to respond.

1.6.3 Public Hearings

These rules shall not apply to public hearings required to be held according to law.

1.7 Resolutions

1.7.1 Procedures

County Counsel, the Administrator, Department or agency heads shall submit a written request (Minute Traq) for the adoption of a resolution or ordinance by the Board at a regular meeting. Included with the resolution shall be a resolution cover sheet and all appropriate proposals, recommendations, tabulations, contracts, certifications, account numbers or other pertinent data. As an exception, resolutions may be added to the agenda at the meeting with the approval of the Board.

1.7.2 Time Limits

The initial request shall be in the possession of County Counsel in accordance with the schedule distributed by the Clerk of the Board. Generally, resolution requests and all attachments are due to County Counsel by 12:00 pm the **Monday** of the week preceding the **Tuesday** meeting.

1.7.3 Approvals and Certifications

The Clerk of the Board will obtain approval as to form for each resolution from County Counsel. Any resolution obligating funds requires certification from the Chief Financial Officer as to the availability of such funds. Any resolution awarding any type of contract and/or grant shall be reviewed and approved prior to submission by either the Purchasing Agent and/or the Chief Financial Officer.

2 CHAPTER 2

2.1 Administrative Organization

The County government consists of all departments, divisions, and agencies that are subject to the jurisdiction of the Board and Administrator, the Constitutional Officers, the educational institutions and agencies, independent boards and commissions, authorities and advisory committees.

2.2 Constitutional Officers

The Constitutional Officers are the County Clerk, the Prosecutor, the Sheriff and the Surrogate, as specified in the Constitution of the State of New Jersey, Article VII, Section II.

2.3 Educational Institutions

The educational institutions are the Cumberland County College and the Cumberland Technical Education Center, all as provided for in N.J.S.A. 18A:1-1 et seq.

2.4 Independent Agencies and Commissions

The independent agencies include the Board of Social Services, the Board of Elections, the Board of Taxation, the Superintendent of Schools, the Library Commission, the Board of Health, the Improvement Authority, the Utilities Authority and the Industrial Pollution Control Financing Authority, all as variously designated in the relevant State statutes.

2.5 Advisory Boards, Commissions and Bodies

The following are advisory to the Board of Chosen Freeholders:

Agriculture Development Board

Citizens Local Advisory Council on Alcoholism and Drug Abuse (eliminated 1/7/14) *

Compliance Committee for the Americans with Disabilities Act

Construction Board of Appeals

Cultural and Heritage Commission

Cumberland Manor Joint Citizens Lay Advisory Board

Disabled Advisory Council

Economic Development Board

Economic Development Steering Committee (added 1/7/14) *
County Ethics Advisory Board
HIV Services Planning Council
Human Relations Commission
Human Services Advisory Council
Industrial Pollution Control Financing Authority
Inter-Agency Coordinating Council
Local Citizens Transportation Advisory Committee
Mental Health Board (eliminated 1/7/14) *
Mental Health Board and Addiction Board (added 1/7/14) *
Office on Aging Advisory Council
Planning Board
Recreation Commission
R.S.V.P. Advisory Council
Self Insurance Fund Commission
Solid Waste Advisory Committee
South Jersey Economic Development District
Tourism Advisory Council
Transportation Coordination Committee
Veteran's Commission
Workforce Investment Board
Youth Service Advisory Commission

*Items so marked were either eliminated or added via Resolution 2014-1

2.6 Clerk of the Board

The Board of Chosen Freeholders shall appoint a Clerk of the Board, pursuant to N.J.S.A. 40A:9-26, to serve for a term of three years. The Clerk shall be the official depository and custodian of the County seal and all official documents of the County. The Clerk of the Board shall keep and maintain a record of the official minutes, files and correspondence of the Board. The Clerk of the Board and/or County Counsel's Office shall prepare the agenda for all Board meetings and shall perform all related work as required and other duties as may be assigned by the Board from time to time.

The Board, at their discretion, may appoint a Deputy Clerk of the Board to perform the Clerk's duties when he/she is not available.

2.7 County Counsel

The Board of Chosen Freeholders shall appoint a County Counsel, pursuant to N.J.S.A. 40A:9-43, to serve for a term of three years. The County Counsel shall have the power, duty and responsibility of managing all legal matters for the

County, and shall serve as legal counsel to the Board, Administrator and to all departments, divisions and Constitutional Offices of the County. The Counsel shall perform other such duties as may be assigned by the Board from time to time. The Board, in consultation with County Counsel, may appoint such assistants or special counsel as are necessary.

2.8 County Administrator

The Board of Chosen Freeholders shall appoint an Administrator, pursuant to N.J.S.A. 40A:9-42, to serve a term of three, four, or five years as determined by the Board. The County Administrator shall be responsible to the Freeholder Director or other Freeholders, as required, to carry out the daily administrative functions. The Administrator shall be the chief executive officer of the County, dealing with the day-to-day business of the County, responsible to the Board for carrying out its policies and for the proper administration of County affairs within the Board's jurisdiction. The Administrator shall negotiate, with the advice of County Counsel, contracts and agreements for the Board's approval, and shall enforce the terms thereof on behalf of the County. The County Administrator shall have jurisdiction over all division and offices of the County except County Counsel, Clerk of the Board, Constitutional Offices, the educational institutions, and the independent commissions and agencies.

2.8.1 Deputy County Administrator

The Board of Chosen Freeholders may appoint a Deputy County Administrator. In the County Administrator's absence, the Deputy shall be Acting County Administrator. The Deputy shall report to the County Administrator and shall carry out the duties assigned to him/her by the Administrator. These duties shall be in addition to his/her normal County departmental duties.

2.8.2 Chief Financial Officer

The Board of Chosen Freeholders shall, pursuant to N.J.S.A. 40A:9-28, appoint a Chief Financial Officer who shall perform such duties as are imposed by the statute and such duties as assigned from time to time by the Board or the Administrator. The Chief Financial Officer shall report to the County Administrator. The Finance Office shall follow the internal policies/procedures developed by this office which shall meet the requirements of N.J.S.A. 40A:1 through N.J.S.A. 40A:9-175.

2.8.3 County Engineer

The Board of Chosen Freeholders shall appoint a County Engineer, pursuant to N.J.S.A.27:14-24, for a term of five (5) years. The County Engineer shall report to the County Administrator. The Engineer will oversee:

Engineering
Traffic Safety

2.8.4 County Purchasing Agent

The Board of Chosen Freeholders shall appoint a County Purchasing Agent, pursuant to N.J.S.A.27:9-30, for a term of three (3) years. Purchasing procedures shall be as per the County's Purchasing Manual and shall meet the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.

3 CHAPTER 3

3.1 ADMINISTRATIVE PROCEDURES

The Departments, Constitutional Officers, Board of Elections, Board of Taxation, Executive County - Superintendent of Schools, Library Commission and Board of Health shall be subject to the requirements adopted by the Board of Chosen Freeholders as to annual budgeting procedure and requirements, periodic budget reporting requirements, accounting controls, central purchasing practices, personnel procedures, including salary administration, and computer services as specified in the County Personnel Policies and Procedure Manual or in administrative orders adopted pursuant thereto; provided, however, that nothing herein shall restrict or limit the authority of any of the above as the appointing authority of their respective offices. Nothing in the Code shall change the duties or powers of County officers whose existence is mandated by the Constitution or other State Agencies or departments shall diminish the duties, responsibilities or powers of those County officers.

4 CHAPTER 4

4.1 APPOINTMENT OF PERSONNEL

In order to provide the best possible service to it's' residents, Cumberland County Government shall recruit and select the best qualified applicants for employment. Cumberland County Government shall comply with N.J.C.C. Title 4A:1-1.1 et seq and New Jersey Statutes which established a personnel system that provides a balance between managerial needs and employee protection for the effective delivery of public services. For specific details regarding appointment of personnel, please see Chapter 1, "Appoint of Personnel" contained in the Cumberland County Personnel Policy and Procedure Manual.

This Administrative Code shall take effect 30 days after its adoption, and all theretofore existing agencies shall assume the form, perform the duties and exercise the powers granted them under this code and shall do so in the manner prescribed therein.