

The Importance of Working with Your Municipal Clerk



*NJLM - An Orientation for Municipal Officials that
are Newly Elected, Re-Elected, or Experienced
January 21, 2023 & February 11, 2023*

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

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

Secretary to the Municipal Corp.

- Secretary to the Municipal Corporation
 - Maintain custody of all minutes, books, deeds, bonds, contracts and archival records
 - 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
 - Attest to the signature of municipal officials

Secretary to the Governing Body Cont'd

- 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*

Secretary to the Governing Body Cont'd

- Chief Administrative Officer of all Elections
- Chief Registrar of Voters in the municipality
- Administrative Officer
- Records Coordinator and Manager
- Other duties that may be imposed by statute

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

FORMS OF GOVERNMENT

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

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.

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

Rules of Order

- 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

Rules of Order Cont'd

- 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

Rules of Order Cont'd

- 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

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

- 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

Ordinances, Resolutions and Minutes

- 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)

Open Public Records Act (OPRA)

- 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 (Records Custodian)
- 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

Secretary to the Governing Body

- **OPEN PUBLIC MEETINGS ACT (Sunshine Law)**
- 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

Licenses and Permits

- Authority to License
 - Governing Bodies are Given the General Power to Make, Amend, Repeal and Enforce Ordinances to License and Regulate
- 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)

Licenses and Permits Cont'd.

- Municipal Clerk Administers Many Mercantile Licenses, But Here Are Just a Few:
 - Dog Licenses
 - Bingo and Raffle
 - Alcoholic Beverage License
 - Solicitors Permits
 - Taxi and Limo
 - Used Car and Junk
 - Parade Permits
 - Precious Metals/Jewelry