

# Forms Of Local Government in New Jersey

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# Summary of Presentation

- Key points
- Forms of Government:
  - 12 forms (legal)
  - 3 types of structures (organizational)
- Variations in Plans/Options
- How Change in Government Occurs
- Descriptions and Differences by Form of Government
- Forms of Government: Analysis
- Conclusions

# Key Points

- ▶ Twelve forms of local government currently exist in New Jersey
- ▶ **3 types of structures** (*not* forms) in general: **1)** elected legislature/elected executive (341; *Mayor-Council; Mayor-Council-Administrator; Small Municipality*); [**with directly elected chief executive**] **2)** elected legislative/appointed executive (52; *Council-Manager; Special Charter*); [**governing body appoints a chief executive**]; **3)** elected legislator-executives (172; *Township Committee; Village; Commission*) [**governing body serves as both chief executive and legislative body**]

[see, Tables 1 and 2 in Forms of Government

- ▶ Three key historical periods (with options created in 1950)
  - ▶ Pre-1950 (from 1798 to 1890's)
  - ▶ Optional Municipal Charter Law (1950)
  - ▶ Amendments to OMCL (1981)
- ▶ Movement from legislative control to executive control; public preference for directly elected mayor rather than diffused responsibilities among legislators
- ▶ Changes in forms of government related to increasing complexity and diversity of public sector services
- ▶ More boroughs (218) and townships (141) than any other forms (64%)
- ▶ Existing tension between strong state oversight/control and home-rule philosophy

# Forms of Local Government

(\* OMCL)

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- **Elected Legislature and Elected Executive**
  - City (elected governing body and elected chief executive)
  - Town (elected governing body and elected chief executive)
  - Borough (elected governing body and elected chief executive)
  - Mayor-Council\* (elected governing body and elected chief executive)
  - Small Municipality\* (elected governing body and elected chief executive if not selected by the council)
  - Mayor-Council-Administrator\* (elected governing body and elected chief executive)
- **Elected Legislature and Appointed Executive**
  - Council-Manager\* (elected governing body and appointed chief executive)
  - Municipal Manager (elected governing body and appointed chief executive) [1923]
- **Elected Legislator-Executives**
  - Township (elected governing body as administrators)
  - Village (elected governing body as administrators)
  - Commission (elected governing body as administrators)

# Forms of Government: Pre-OMCL (8)

## ➤ Prior to 1950

- Township (1798) (incorporated)
- City (1880's – 1890's) (incorporated)
- Town (1880's – 1890's) (incorporated)
- Borough (1880's 1890's) (incorporated)
- Village ((1880's – 1890's) (incorporated)
- Commission (1911) (optional form)
- Municipal Manager (1923) (optional form)
- Special Charter (renewed in 1947)



# Optional Municipal Charter Law (OMCL)

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[1950] *Note: All optional forms*

- May be adopted by any municipality
- Required to enact an **ordinance** creating an administrative code
- **Initiative** and **referendum** are a part of all forms of government
- Form may be changed through a referendum **including council size, partisan/non-partisan elections, use of wards, staggered vs. concurrent terms**
- 3 - 5 year wait to change to another form of government
- OMLC: Mayor Council
- OMLC: Council Manager
- OMLC: Small Municipality
- Special Charter
- (Changes to Commission Form, adopted in 1911 before OMCL)

# Optional Municipal Charter Law Amendment (1981)

- Mayor-Council-Administrator form created
  
- **Expansion** of options available to forms of government (1950)
  - Mayor Council (from 6 to 8 options; increase from 5 options)
  - Council Manager (from 5 to 16 options; increase from 5 options)
  - Small Municipality (from 4 to 8 options; increase from 4 options)
  
- Options include: size of the municipal council, partisan or non-partisan elections, at large or ward elections, concurrent or staggered terms

# Variations in Plans/Options

- Whether the jurisdiction is governed by legislators exclusively or a combination of legislators and an executive
- **Number** of elected officials
- **Terms of office** for elected officials defined
- Whether the terms of office are **staggered** or **concurrent**
- Whether the elected officials serve **at-large** or represent **wards** (or a combination of both)
- Whether the local elections are **partisan** or **non-partisan**



# How Change in Government Occurs

- **Adoption of an ordinance** by the existing governing body creating a Charter Study Commission (referendum required if changes are recommended by the Charter Study Commission)
- **Direct petition** by registered voters (referendum required if sufficient signatures recommend change)
- There were 286 charter change requests made from 1951 to 2015 most of which were related to partisan versus non-partisan elections

# Descriptions and Differences

\*Available Forms for Adoption by Holmdel

- Borough
- City
- **Commission\***
- **Council-Manager\***
- **Mayor-Council\***
- **Mayor-Council-Administrator\***
- **Municipal Manager\***
- Small Municipality
- Town
- **Township\***

# Description and Differences

## ➤ Commission (30 municipalities)

- 3 or 5 Commissioners determined by population size <12K>
- Elections are at large and non-partisan
- 4 year concurrent terms
- Mayor is selected by the Board of Commissioners for 4 year term
- Mayor presides over Board of Commissioners but does not have veto power
- Board of Commissioners exercises legislative power of the municipality and each commissioner has executive function as director of assigned departments
- No single chief executive

# Descriptions and Differences

## ➤ **Council-Manager Form (49 municipalities)**

- Option of partisan or non-partisan elections
- Council comprised of 5, 7 or 9 members
- Council terms are for 4 years and they can run concurrently or staggered (every 2 years)
- Elected at large or combination of at-large and ward representatives (if wards, staggered elections)
- Council limited to legislative tasks/duties
- Council appoints manager, municipal clerk, tax assessor
- Mayor is directly elected by voters or selected by council (option); 4 year term if elected by voters, 2 or 4 years if selected by council
- Manager is chief executive and appoints all subordinate personnel; attends council meetings but cannot vote; can be removed by majority vote of council; prepares and submits annual budget

# Descriptions and Differences:

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## ➤ Mayor-Council (71 municipalities)

- Mayor (4 yr. term) and (5, 7 or 9) Council Members (4 yr. term concurrent or staggered).
- Mayor elected separately (not chosen by legislators)
- Mayor *as chief executive* exercises executive power of the municipality and has veto power over ordinances. Mayor may/may not attend council meetings; can speak but not vote at council meetings
- Elections can be partisan or non-partisan.
- Council Members elected at large or as ward representatives. Members select council President. Council has authority to appoint clerk.
- Mayor has executive authority to appoint administrator, attorney, tax assessor, treasurer, business administrator and department heads with council approval
- Council serves as the legislative body limited to legislative functions
- *Administrator supervises* administration of each department.



# Descriptions and Differences

## ➤ Mayor-Council-Administrator (3 municipalities)

- Elections at large; elections are partisan
- Mayor has 4 year term and presides at council meetings but votes only to break ties
- Mayor has veto authority over ordinances (can be overridden by 2/3 council vote)
- Mayor exercises executive powers of the municipality, enforces the charter, local ordinances and general laws
- Mayor appoints municipal administrator, tax assessor, tax collector, attorney, municipal clerk, treasurer and other officers for 1 year terms with advice and consent of council
- Council is comprised of 6 members with 3 year terms (staggered; election of 2 members each year)
- Council is the legislative body with no administrative or appointive powers, prepares budget, provides advise and consent for appointments
- *Municipal administrator administers* the business affairs of the municipality and supervises all departments; may be removed by 2/3 vote of council

# Descriptions and Differences

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## ➤ **Municipal Manager**

- Elections are at-large; elections are non-partisan,
- Council of 3, 5, 7, or 9 Members serve a 4 year term in office.
  - Terms are concurrent. However, if a municipality adopting this form had staggered terms under its previous form of government, it may adopt 3-year staggered terms, and may change to 4-year staggered terms after adoption.
  - Mayor is selected by the council with duties limited to presiding and voting as a member of the council. Mayor's term of office varies depending on the length of time between council elections.
- Council appoints manager, tax assessor, auditor, treasurer clerk and attorney.
- Council acts as a legislative body; administrative duties are prohibited
- *Manager is the chief executive*, making all additional appointments
- Manager prepares the tentative budget for council consideration
- Manager serves at the pleasure of the council
- Initiative or referendum are not authorized.

# Descriptions and Differences

- ▶ **Small Municipality (18 municipalities)**
  - ▶ Limited to jurisdictions with less than 12,000 residents
  - ▶ Not available to Holmdel

# Special Charter

- Unique form of government through enactment of a state law providing a municipality with their own special charter.
- Usually based on an existing optional form of government with special variations to meet the desires of a particular community.

# Descriptions and Differences:

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## ➤ **Township (141 municipalities)**

(Current form for Holmdel)

### ➤ Governed by Township Committee

- 3 – 5 members serving at large (option; increase or decrease in number of officials based on petition or referendum)
- 3 year terms (staggered; annual election each year)
- Partisan elections
- *Committee “as a whole” exercises all formal legislative and executive powers including appointments*
- Mayor is chosen annually by members of the township committee (presides at meetings and votes as a member)
- May create position of administrator by ordinance with delegation of managerial responsibilities



<u>Forms of Government as of 2015</u>					
<u>Form</u>	<u># of Governments</u>	<u>% of Governments</u>	<u>2010 Population</u>	<u>% of Population</u>	
Borough	218	38.6%	1,530,921	17.4%	
Township	141	25.0%	1,574,329	17.9%	
Mayor-Council (OMLC)	71	12.6%	3,302,762	37.6%	
Council-Manager (OMCL)	42	7.3%	964,478	11.0%	
Commission	30	5.3%	364,320	4.1%	
Small City (OMLC)	18	3.2%	132,678	1.5%	
City	15	2.7%	209,185	2.4%	
Special Charter	11	1.9%	302,715	3.4%	
Town	9	1.6%	128,439	1.5%	
Mun. Manager (1923)	7	1.2%	202,098	2.3%	
Mayor-Council-Admin (1981)	3	0.5%	79,775	0.9%	
Village	1	0.2%	194	0.0%	
Total	565		8,791,894		

# Forms of Government: Analysis

- ▶ Boroughs (218) and Townships (141) are the most popular forms of government in New Jersey 359 out of 565 jurisdictions (or 64%)
- ▶ Distribution by Structure
  - ▶ Elected legislators/elected executive **341**  
*(Includes 15 cities; 9 towns; 288 Mayor-Council; 18 small municipality; 3 Mayor-Council-Administrator; 8 special charter)*
  - ▶ Elected legislator-executives **172**  
*(Includes 141 township committees; 1 Village Board of trustees; 30 Boards of Commissioners)*
  - ▶ Elected legislators/appointed executive **52**  
*(Includes 7 council manager; 42 municipal manager and 3 special charter)*

# Conclusions

- The form of government is a “means” to an “end” – it is the structure, not the product
- There is no one “best form of government”
- It is the individuals who occupy office that matter, not the form of government
- Essential elements of ‘congruence’ in government:
  - Common vision
  - Unambiguous roles
  - Clear understanding of authority and limits to authority
  - Clear and effective communication among all parties
  - Clarity between personal vs. elected roles (for elected officials)
  - Ability to assess/evaluate decisions, services and staff on a regular basis (“you can’t manage what you can’t measure”)
  - Ability to “shift” direction/priorities based on changing circumstances
  - Reliance and confidence in staff