

O-16-05
02/17/16

AN ORDINANCE

AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE CITY OF BAYONNE, CHAPTER 2, ADMINISTRATION.

BE IT ORDAINED, by the Municipal Council of the City of Bayonne, as follows:

Section 1. That the Revised General Ordinances of the City of Bayonne, Chapter 2, Administration, be and is hereby supplemented and amended as follows (additions underlined and in “quotes”, deletions in {brackets} and ~~stricken~~ :

CHAPTER 2 ADMINISTRATION*

Note: No change in the wording of the *Editor’s Note in the preamble of this Chapter of the Revised General Ordinances.

Article 1 Municipal Council

2-1 ORGANIZATION AND POWERS OF THE MUNICIPAL COUNCIL.

NO CHANGE

Article 2 Mayor

2-2 POWERS AND DUTIES OF THE MAYOR.

NO CHANGE

Article 3 Administrative Organization

2-3 ORGANIZATION OF ADMINISTRATIVE FUNCTIONS.

2-3.1 Organization Generally.

The administrative functions, powers and duties of City shall be allocated and assigned among and within Departments, Boards, Bodies or Commissions established or constituted by this chapter as follows:

- a. *Statutory Offices.*
 - 1. City Clerk.
 - 2. Tax Assessor.
- b. *Departments Established.*
 - 1. Department of Administration.
 - 2. Department of Public Safety.
 - 3. {~~Department of Municipal Services.~~ } **”Department of Finance”**
 - 4. Department of Public Works and Parks

“5. Department of Law”

- c. *Municipal Court.*
- d. *Boards, Committees, Commissions.*
 - 1. Zoning Board of Adjustment.
 - 2. Planning Board.
 - 3. Parking Authority.
 - 4. Housing Authority.
 - 5. Environmental Commission.
 - 6. Board of Trustees of the Free Public Library and Cultural Center.
 - 7. Insurance Fund Commission.
 - 8. Board of Alcoholic Beverage Control.
 - 9. Local Redevelopment Agency.
 - 10. Town Center Management Corporation.
 - 11. Rent Control Board.
 - 12. Ethical Standards Board.
 - 13. Office of Emergency Management.
 - 14. Municipal Utilities Authority.
(1972 Code § 2-3.1; New; Ord. No. 0-09-28 § 1)

2-3.2 Powers and Duties of Department Directors.

NO CHANGE

2-3.3 Removal.

NO CHANGE

Article 4 City Clerk

2-4 CITY CLERK; APPOINTMENT, FUNCTIONS AND DUTIES.

NO CHANGE

Article 5 Department of Administration

2-5 DEPARTMENT OF ADMINISTRATION.

2-5.1 Department Generally.

There shall be a Department of Administration, the Director of which shall be the Business Administrator. The Department shall be administered through Divisions of Administration. The head of one of such divisions may also be designated as Assistant Administrator to act in the absence of the Business Administrator or to have such other functions, powers and duties as may be assigned by the Business Administrator. (1972 Code § 2-4.1)

2-5.2 Division of Administration.

Within the Department of Administration there will be a Division of Administration. Under the direction and supervision of the Director, the Division shall:

a. Prescribe and install uniform forms and procedures for budget preparation by all departments, and assist in the review and analysis of budget requests and in the preparation of the budget document.

b. Administer the City's personnel program, including job classification, pay plan and other personnel policies, and maintain a complete system of personnel records of municipal officers and employees.

c. Study, prepare and install methods and systems for administration of the various Departments.

d. Manage and sell City property acquired through tax foreclosure or not needed for public use.

(1972 Code § 2-4.2)

~~**2-5.3 Division of Purchasing.**~~

~~Within the Department of Administration there shall be a Division of Purchasing, the head of which shall be the Purchasing Agent. (1972 Code § 2-4.3)~~

~~2-5.4~~ — Procedures and Operation of the Division of Purchasing.

~~— a. — Whenever it becomes necessary that any materials or supplies be purchased by a Department, the Head of the Department shall fill out a requisition slip stating the article required and the use for which it is required and requesting the Purchasing Agent to make the purchase. If the cost in aggregate of materials and/or supplies requested does not exceed the maximum amount permitted by N.J.S.A. 40A:11-3, the Purchasing Agent shall make the purchase of the same and deliver such articles to the Department Head. If the estimated cost of materials or supplies requested by the individual Department exceeds one thousand (\$1,000.00) dollars, the Purchasing Agent shall attempt to get three (3) quotations therefor and shall make the purchase on the basis of the most responsible quotation which is most advantageous to the City, price and other appropriate factors considered, and shall maintain a written record of attempts made and quotations obtained. The Purchasing Agent shall deliver one (1) copy of the order blank bearing the cost of the article or articles purchased to the Comptroller, one (1) copy to the Director of the Division of Finance, one (1) copy to the Department Director making the requisition, and one (1) copy shall be retained in his office. The copies shall be open at all times for public inspection.~~

~~— b. — The Council shall, at intervals to be fixed by it, solicit proposals by public advertisements for the furnishing of all materials and supplies usually required by it or any Department under its control and shall award the contracts to the lowest responsible bidder. Such proposals shall be received and processed as hereinafter provided.~~

~~— c. — If the purchase price of materials or supplies, either in the aggregate sum for all Departments for a full year or on an individual purchase for one Department exceeds the current public bidding threshold as specified under Local Public Contracts Law N.J.S.A. 40A:11-3 as may be amended by the State Legislature, the Purchasing Agent shall advise the Director of the Department requesting same and the Director shall request the Council to authorize bids for the purchase. If the Council deems it necessary to make the purchase therefor, a resolution shall be adopted authorizing the City Clerk to advertise for bids. After bids are received and opened, the Council shall adopt a resolution awarding a contract to the lowest responsible bidder who shall comply with all the requirements prescribed by the Council. Bids shall be received and processed as hereinafter provided.~~

~~— d. — Upon the execution of a contract, materials or supplies purchased shall be delivered to the Department which requested the purchase, and the receiving Department shall examine the materials and supplies to make certain they comply with the specifications.~~

~~— e. — No purchase shall be made by the Purchasing Agent unless the amount remaining as a balance of an appropriation is sufficient to meet the cost, unless provision shall be made by the Council for the making of a further appropriation to meet the cost.~~

~~— f. — All contracts needed to be drawn to carry out the terms and provisions of this section shall be prepared by the {Division} “Department” of Law. Resolutions authorizing the City Clerk to advertise for bids shall be prepared by the City Clerk at the written request of the Purchasing Agent for bids to be taken pursuant to paragraph b. of this subsection and at the written request of the requesting Director pursuant to paragraph c. of this subsection. Resolutions authorizing a contract following the receipt of bids shall be prepared by the City Clerk with the~~

assistance of the {Division} ~~“Department”~~ of Law where necessary. All other resolutions will be prepared by the {Division} ~~“Department”~~ of Law or shall be approved by the {Division} ~~“Department”~~ of Law.

~~— g. — The Purchasing Agent is hereby designated as the agent for the receipt of sealed bids and proposals advertised pursuant to this subsection unless provided otherwise by the Council in the resolution authorizing the advertisement. The Purchasing Agent, on the date and time for receiving bids, shall comply with the following procedure:~~

~~— 1. — Bids shall be received by the Purchasing Agent in the presence of the Corporation Counsel or his designee.~~

~~— 2. — Bids shall be received and opened pursuant to the Local Public Contracts Law. (N.J.S.A. 40A:11-1, et seq.)~~

~~— 3. — The Purchasing Agent shall forward all received bids to the appropriate Department and shall report in writing to the Council the items for which bids were solicited, number of bids received, names of bidders and bid prices.~~

~~— 4. — Upon receipt of the bids, the appropriate Department will review same to make certain they meet their specifications and then recommend to the Municipal Council whether and to whom a contract should be awarded or whether the bids should be rejected. In the case of bids for materials and supplies needed for several Departments or for all Departments, the Purchasing Agent with the assistance of the Directors and the Engineer will make the necessary recommendation to the Council.~~

~~— h. — Insofar as N.J.S.A. 40A:11-36(1) only regulates the sale of the City's personal property not needed for public use if the estimated fair market value of the property to be sold is in excess of two thousand five hundred (\$2,500.00) dollars, if the Purchasing Agent should determine that the City would be best served by selling certain of the City's personal property not needed for public use (i.e., excess inventory, outdated, defective and/or irreparable equipment and/or material to be scrapped or junked) having an estimated fair market value of less than two thousand five hundred (\$2,500.00) dollars, then he shall place the personal property up for sale consistent with the following guidelines:~~

~~— 1. — In establishing the market value of a certain piece of personal property, the Purchasing Agent shall contact original suppliers, salvage operators and/or used equipment dealers and obtain a minimum of three (3) bids in writing. The request for bid shall contain, where applicable, the manufacturer's name, serial number, model number and a brief description of the property including its current operational status.~~

~~— Should an organization, person or entity from which a bid price is solicited, refuse to reply in writing and/or express no interest in the property offered, it shall be the responsibility of the Purchasing Agent, or his designee, to document the conversation, including company name, contact name, exact phone number and any and all comments made by the contact during said conversation as to the utility and/or value of the subject property. The Purchasing Agent's report of such a conversation shall be memorialized in writing and shall be considered a bid, albeit negative. If the Purchasing Agent receives three~~

~~(3) such negative bids, the property in question may be disposed of pursuant to paragraph h, 7. of this subsection.~~

~~— 2. — Once three (3) written bids have been obtained, the bidder submitting the highest bid will be determined to be the successful bidder.~~

~~— 3. — After a successful bidder has been determined by the Purchasing Agent, the Director of the appropriate Department shall request of the Municipal Council that a resolution approving of the sale be presented and passed at the next scheduled Municipal Council meeting. Copies of all bidder replies, the request for bid and all other pertinent information shall be included with the request to the Municipal Council.~~

~~— 4. — Upon approval by the Municipal Council, the Purchasing Agent shall notify the successful bidder and the bidder shall have five (5) business days from the date of notice within which to tender a certified check, bank check or money order payable to the City of Bayonne in an amount equal to the successful bid amount.~~

~~— 5. — Any and all property will be sold "AS IS" and "WHERE IS" with no guarantees, either expressed or implied, as to the operational suitability or nature of the property.~~

~~— 6. — Upon payment to the City of Bayonne of the bid price, the successful bidder shall have five (5) business days therefrom to remove the personal property from City property. Should the successful bidder fail to remove the personal property within five (5) days of payment of the bid price, the bid shall be forfeited and the property shall be re-offered for bidding. This five (5) day time frame can be extended by the Purchasing Agent, in writing, for good cause.~~

~~— 7. — In the event that a minimum of three (3) bidders have been contacted and they have each indicated in writing that the personal property being offered for sale has no resale value, then:~~

~~— (a) — If the property is operational and useful, the Director of the appropriate Department may offer it to another branch of the City government or to a not for profit charitable organization. It shall be the responsibility of the entity receiving the property to remove the property at its own cost and expense.~~

~~— (b) — If the property is defective and/or irreparable and no salvor has exhibited interest in same, the Director of the appropriate Department may dispose of the property through the City's recycling operation or arrangements can be made to have it disposed of at a landfill.~~

~~— (c) — In either event, if the property is under the aegis of the Director of Public Safety, then the Purchasing Agent shall first obtain written approval from the Public Safety Director that the property to be disposed of poses no security concerns. If the Director of Public Safety determines that security would be compromised by the disposal of property under paragraph h, 7(a) or (b), then the property must first be processed by the appropriate City employees and/or contractors to render it free of any such problems prior to disposal.~~

~~— (d) — In either event, the Director of the appropriate Department shall request of the Municipal Council that a resolution approving of the disposal be presented and passed at the next scheduled Municipal Council meeting. Copies of all bidder replies, Public Safety Director's written approval, if required, and any other pertinent information should be included with the request.~~

~~— Any property to be disposed of pursuant to paragraph h,7(a) or (b) of this subsection must be removed from City property within twenty (20) days of the passing of the Municipal Council resolution approving same unless the time is extended in writing and for good cause, by the Purchasing Agent.~~

~~(1972 Code § 2-4.4; Ord. No. 0-09-28 § 2)~~

~~{2-5.5 — Division of Finance.~~

~~— Within the Department there shall be a Division of Finance, the head of which shall be the Chief Financial Officer (CFO). (Ord. No. 0-09-28 § 1)}~~

“2-5.3 Division of Health; Health Officer.

Within the Department there shall be a Division of Health, the head of which shall be the Health Officer. The Health Officer shall be the holder of a Health Officer's license issued by the State Department of Health of New Jersey and shall have thorough education and training in public health theory and practice. Under the supervision of the Health Officer the Division shall:

a. Have all the functions, powers, and duties of a local Board of Health under Title 26 of the New Jersey Statutes and Chapter 52 of the New Jersey Administrative Code, except that the Municipal Council shall have and exercise all local legislative powers under the statutes.

b. Plan and administer a comprehensive public health program including, without limitation thereto, environmental sanitation, communicable disease control, child and adult health and health education, laboratory services, and all other services authorized by statute or ordinance.

c. Administer and enforce local health ordinances and the licensing of dogs and cats.”

~~{2-5.6 — Division Generally.~~

~~— There shall be a Division of Finance, which shall be under the administrative direction of the Chief Financial Officer. The Chief Financial Officer (CFO) shall be responsible for the development of financial policies for recommendation to the Mayor and Business Administrator and shall, prior to this appointment, be qualified by training or experience in government finance and fiscal management. (1972 Code § 2-5.1; New; Ord. No. 0-09-28 § 1)}~~

“2-5.4 Office on Aging.

Within the Department there shall be an Office on Aging. Under the supervision of the Director, the Office shall serve the City's senior citizens as a source of information, outreach, and referral service. The primary objectives of the Office on Aging are to help older residents reach their fullest potential; to make them aware of their rights under the law; to make the public aware

of problem areas of the frail elderly and to seek solutions to these problems; and to insure a lifelong continuum with a focus on program participation.”

{2-5.7 — Chief Financial Officer; Powers and Duties.

~~— The Chief Financial Officer shall be appointed by the Mayor with the advice and consent of the Municipal Council for the term prescribed by law. The Chief Financial Officer may serve as Division Manager as well as Municipal Treasurer or Municipal Comptroller. Through the Bureau of Accounts and Control, Treasury, and the Office of the Tax Collector, he shall be responsible for the following:~~

- ~~— a. — The accounting, pre-auditing and control of all City revenues and expenditures;~~
- ~~— b. — The custody, receipt and disbursement of City funds;~~
- ~~— c. — The safety and investment of the City investments;~~
- ~~— d. — The management of the City's debts;~~
- ~~— e. — The safeguarding of the City's financial interests;~~
- ~~— f. — The assessment of a penalty charge of forty (\$40.00) dollars for any check issued to the City of Bayonne, or to any of its Departments or subdivisions, returned to the City uncollected for any reason;~~
- ~~— g. — Payment quarterly to the Bayonne Urban Enterprise Zone Development Corporation based upon the amount billed for the Special Improvement District less the value of mixed-use residential exemptions;~~
- ~~— h. — Report to the Council annually, at such time as the Council may require, on the nature and terms of outstanding leases, the rent reserved by each, and their respective expiration dates. (1972 Code § 2-5.2; New; Ord. No. 0-09-28 § 1; Ord. No. 0-12-10)}~~

“2-5.5 Division of Community Development.

There shall be a Division of Community Development, the head of which shall be the Division Head. The Division Head may also be the Chief Planner, and shall have at least five (5) years experience in the supervision and administration of housing and redevelopment projects. (1972 Code § 2-10.1)”

{2-5.8 — Bureau of Accounts and Control.

~~— Within the Division of Finance there shall be a Bureau of Accounts and Control, the head of which shall be the City Comptroller. The Bureau shall:~~

- ~~— a. — Develop, maintain and enforce a uniform system of accounts, including forms, standards and procedures for all Departments of the municipal government. Any uniform system of accounts shall include appropriate provision for such records and reports as may be prescribed or approved by the Chief Financial Officer for the determination of the cost of performance of each functional program or activity, measured in such work units as may be appropriate thereto; and for such data, records and reports as may be prescribed or approved by the Chief Financial~~

Officer for the preparation and execution of a budget for the expenditure of public funds for capital purposes to give effect to general improvement programs.

~~— b. — Maintain and operate the City's central bookkeeping and accounting records according to sound accounting principles and in accordance with the requirements of the Director of the State Division of Local Government.~~

~~— c. — Audit all disbursements of the municipal government and of each of its Departments; pre-audit bills, claims and demands against the City, including payrolls, and require each Department Head to certify that materials, supplies or equipment have been received and accepted as specified and that services have been duly rendered.~~

~~— d. — Control all expenditures to assure that budget appropriations are not exceeded and maintain such books and records required for the proper exercise of such budgetary control, including an encumbrance system of budget operation.~~

~~— e. — Review each proposed expenditure and commitment to be made on behalf of any Department for conformity with State Law, the Charter and ordinance of the City and authorize only expenditures and commitments which conform with all the requirements of this chapter.~~

~~— f. — Install a central payroll system and insure that it is operated and maintained in accordance with State requirements.~~

~~— g. — Submit a monthly report of encumbrances, expenditures and unencumbered balances to the Council and Business Administrator, commencing with the adoption of the municipal budget.~~

~~— h. — Undertake periodic audits and studies of various Departments to further assist the safeguarding and efficient use of municipal assets.~~

~~— i. — Advise the Business Administrator and the Council of any need for budgetary transfers, amendments or emergency appropriations.—~~

~~— j. — Perform such other duties as may be assigned by the Chief Financial Officer.
(1972 Code § 2-5.3; Ord. No. 0-09-28 §1)}~~

“2-5.6 Administration of Planning and Community Services.

The Division shall supervise the administration of the planning and implementation of such community services, housing preservation and conservation and such other services and projects as may be funded by any source. The Division shall also supervise the administration of Zoning and Planning process, regulations and enforcement, the administration of the Building Bureau, the oversight of all affordable housing initiatives and any other activities deemed by the director to be related to community development. (1972 Code § 2-10.2)”

{2-5.9 — Division of Treasury.

~~— Within the Department of Administration there shall be a Division of Treasury, the head of which shall be the City Treasurer. He shall be appointed by the Business Administrator to serve for the term prescribed by law, and any vacancy shall be filled for the unexpired term only. The Division shall:~~

- ~~— a. — Have custody of all investments and invested funds of the City or in its possession in a fiduciary capacity, except as otherwise provided by law, and keep such funds and municipal moneys not required for current operations safely invested or deposited in interest-bearing accounts as may be approved by the Business Administrator and the Chief Financial Officer.~~
- ~~— b. — Make disbursements of municipal funds upon warrant of the Comptroller by an individual warrant check for each bill, claim, wage and salary payment.~~
- ~~— c. — Keep a full account of all cash receipts and disbursements by the Division according to the system of accounts approved by the Business Administrator and the Chief Financial Officer.~~
- ~~— d. — Have the safekeeping of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange.~~
- ~~— e. — Oversee the daily operation of the payroll function.~~
- ~~— f. — Oversee the preparation and filing of all payroll tax reports.~~
- ~~— g. — Ensure the timely payment of all municipal debt payments.~~
- ~~— h. — Other duties as assigned by the Chief Financial Officer or the Business Administrator. (1972 Code § 2-5.5; New; Ord. No. 0-09-28 § 1)}”~~

“2-5.7 Duties of the Division Head.

The Division Head shall also have administrative oversight of the personnel employed to perform building, construction code, subcode and zoning enforcement and administration. The Division shall, with the oversight of the Division Head, and through the appropriate Construction and Subcode Officials, issue all permits for construction and certificates of occupancy, perform all inspections and other duties required by the Uniform Construction Code and Chapter 15 of the Revised General Ordinances of the City of Bayonne, Section 15-1, the Uniform Construction Code and its Subcodes, and such other inspections or activities as may be necessary to comply with law, statute or regulation or to promote the goals of community development and housing preservation. The Division shall also, with the oversight of the Division Head and through the Zoning Officer, perform all of the functions and duties of the office of zoning as required by the Zoning Chapter of the Revised General Ordinances of the City of Bayonne. (1972 Code § 2-10.3)”

{2-5.10 — Disbursement of Municipal Funds.

~~— Payment of claims certified and approved by the proper officers as herein provided shall be authorized by the Council at least once during each month of the calendar year. The Chief Financial Officer shall submit a list of such claims to the City Clerk at least two (2) days before the time fixed for the meeting at which such claims are to be authorized for payment. The Chief Financial Officer shall state at the foot of the list his recommendations with regard to the payment of the claims. When a claim is disapproved for payment by the Chief Financial Officer, he shall state his reasons for disapproval. Payment of salaries to City Officers and employees shall be made by checks signed by the City Comptroller and City Treasurer. Payment of claims and other disbursements shall be on warrants signed by the Chief Financial Officer, the~~

~~Comptroller, the Treasurer and the Clerk. If there is a vacancy in the Office of the Chief Financial Officer or during his disability or absence from the City, such warrants shall be signed by the Mayor in addition to the officers herein named, provided that the Chief Financial Officer may direct that in the event of his disability or absence from the City, another City Official in his Division may be designated by him to sign such warrants on his behalf. (1972 Code § 2-5.6; Ord. No. 0-09-28 § 1)}~~

“2-5.8 Bureau of Building.

Within the Division of Community Development there shall be a Bureau of Building, the head of which shall be the Construction Official. Under the direction and supervision of the Construction Official, the Bureau shall:

a. Have administrative oversight of the personnel employed to perform Building, Construction Code and subcode enforcement and administration.

b. Have authority, through the appropriate Construction and Subcode Officials, to issue all permits for construction and certificates of occupancy, perform all inspections and other duties required by the Uniform Construction Code and Chapter 15 of the Revised General Ordinances of the City of Bayonne, Section 15-1, the Uniform Construction Code and its Subcodes, and such other inspections or activities as may be necessary to comply with law, statute or regulation. (Ord. No. O-04-03 § 1)”

{2-5.11 — Bureau of Tax Collections.

~~— Within the Division of Finance there shall be the Tax Collector, who shall be appointed by the Business Administrator to serve for the term prescribed by law. Pursuant to N.J.S.A. 40A:9-145.7, no person shall be appointed or reappointed as Tax Collector without first holding a Tax Collector's Certificate issued by the State of New Jersey. The Division shall:~~

~~— a. Perform the functions of a collector of taxes under general law including, but without limitation thereto, the preparation and mailing of tax bills, the enforcement of tax collections by tax sales and otherwise, and the maintenance of tax accounting records in such manner as may be prescribed or approved pursuant to the Charter and this chapter.~~

~~— b. Receive and collect all current and delinquent real and personal property taxes, and charge and receive penalties and interest, pursuant to law.~~

~~— c. Make, or cause to be made, and certify searches for tax and other liens on real property as may be authorized by law, and charge and collect for the use of the City the fee required pursuant to law for any such search. The Tax Collector may appoint or designate one of the Bureau employees as Official Tax Searcher to perform these functions within the Bureau.~~

~~— d. Receive funds entrusted to or under the control of any Department and deposit all funds received by it in depositories authorized by the Council by resolution.~~

~~— e. Charge ten (\$10.00) dollars for the preparation of a duplicate tax bill, and fifty (\$50.00) dollars for the preparation of a duplicate certificate of redemption. The ten (\$10.00) dollar fee may be waived by the Chief Financial Officer.~~

~~— f. Pursuant to N.J.S.A. 54:5-54, charge fifty (\$50.00) dollars for preparation of a redemption calculation requested by a property owner or property owner's agent after two (2) free redemption calculations have been provided in any one (1) calendar year. A request for a redemption calculation shall be made in writing to the Tax Collector.~~

~~— g. Pursuant to N.J.S.A. 54:5-97.1, charge fifty (\$50.00) dollars for preparation of a redemption calculation requested by a third party lien holder. Any request for a redemption calculation shall be made to the Tax Collector in writing and specify the date to be used for the calculation, which shall be the date of the notice. Neither the City Tax Collector nor the City of Bayonne shall be liable for an incorrect calculation. The fee paid to the City of Bayonne shall not become part of the lien and shall not be passed on to any party entitled to redeem under N.J.S.A. 54:5-54.~~

~~— h. The Tax Collector may write off any delinquency in the amount of ten (\$10.00) dollars or less.~~

~~— i. Perform other duties as assigned by the Chief Financial Officer or the Business Administrator.}~~

“2-5.9 Bureau of Planning and Zoning.

Within the Division of Community Development there shall be a Bureau of Planning and Zoning, the head of which shall be the Planner or Assistant Planner. Under the direction and supervision of the Planner or Assistant Planner, the Bureau shall:

a. Have administrative oversight of the personnel employed to perform zoning and land use functions.

b. Have authority, through the Zoning Officer, to perform all of the functions and duties of the Office of Zoning as required by Chapter 35 of the Revised General Ordinances of the City of Bayonne.

c. Have authority to perform all of the functions and duties of the Bureau of Planning and Zoning as required by Chapter 33 of the Revised General Ordinances of the City of Bayonne and all other related planning functions.”

{2-5.12 Division of Law.}

“2-5.10 Municipal Housing Liaison/RCA Administrator.

a. Purpose. The purpose of this subsection is to create the administrative mechanisms needed for the execution of the City of Bayonne's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.

b. Definitions. As used in this subsection, the following terms shall have the meanings indicated:

Administrative Agent shall mean the entity responsible for administering the affordability controls of some or all units in the affordable housing program for the City of Bayonne to

ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low- and moderate-income households.

MHL/RCA Administrator shall mean the employee charged by the Governing Body with the responsibility for oversight and administration of the affordable housing program for the City of Bayonne and any RCA it enters into.

c. *Establishment of MHL/RCA Administrator Position and Compensation; Powers and Duties.*

1. Establishment of Position of MHL/RCA Administrator. There is hereby established the position of MHL/RCA Administrator for City of Bayonne.

2. Subject to the approval of the Council on Affordable Housing (COAH), the MHL/RCA Administrator shall be appointed by the Governing Body and may be a full or part time municipal employee. The City Planner or the Community Development Division Head may be the MHL/RCA Administrator.

3. The MHL/RCA Administrator shall be responsible for oversight and administration of the municipality's affordable housing program and the administration of any RCA entered into by the City of Bayonne, including the following responsibilities which may not be contracted out:

(a) Serving as the City of Bayonne's primary point of contact for all inquiries, from the State, affordable housing providers, Administrative Agents, and interested households;

(b) Establishing an escrow account for the RCA funds and submitting to COAH a signed escrow agreement between the City of Bayonne, the bank and COAH for each RCA;

(c) Monitoring the status of all restricted units in the City of Bayonne's Fair Share Plan and any Project Plan for an RCA;

(d) Compiling, verifying and submitting semi-annual reports as required by COAH;

(e) Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;

(f) Attending continuing education opportunities as offered or approved by COAH;

(g) If applicable, serving as the Administrative Agent for some or all of the restricted units in the City of Bayonne as described in paragraph f. below and any RCA's entered into by the City of Bayonne.

d. Subject to approval by COAH, the City of Bayonne may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of the City of Bayonne, except for those responsibilities which may not be contracted out pursuant to

paragraph c. above. If the City of Bayonne contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the MHL/RCA Administrator shall supervise the contracting Administrative Agent.

e. Compensation shall be fixed by the Governing Body at the time of the appointment of the MHL/RCA Administrator.

f. Administrative powers and duties assigned to the MHL/RCA Administrator.

1. Affirmative Marketing.

(a) Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the City of Bayonne and the provisions of N.J.A.C. 5:80-26.15; and

(b) Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;

2. Household Certification.

(a) Providing written notification to each applicant as to the determination of eligibility or noneligibility;

(b) Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in appendices J and K of N.J.A.C. 5.80-26.1 et. seq.;

(c) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and

(d) Employing the random selection process as provided in the Affirmative Marketing Plan of the City of Bayonne when referring households for certification to affordable units.

(e) Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and

(f) Employing the random selection process as provided in the Affirmative Marketing Plan of the City of Bayonne when referring households for certification to affordable units.

3. Affordability Controls.

(a) Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;

(b) Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;

(c) Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;

(d) Communicating with lenders regarding foreclosures; and

(e) Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.

4. Resale and Rental.

(a) Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and

(b) Instituting and maintaining an effective means of communicating information to low- and moderate-income households regarding the availability of restricted units for resale or rental.

5. Processing Request From Unit Owners.

(a) Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;

(b) Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and

(c) Processing requests and making determinations on requests by owners of restricted units for hardship waivers.

6. Enforcement.

(a) Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;

(b) Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;

(c) The posting annually in all rental properties, including two-family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;

(d) Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d) 4;

(e) Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;

(f) Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and

(g) Providing annual reports to COAH as required.

7. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder. “

{2-5.13—Corporation Counsel.

~~—There shall be a Division of Law, the head of which shall be the Corporation Counsel of the City of Bayonne, who shall be the Chief Legal Officer. He shall be appointed pursuant to the Charter and receive such compensation as shall be provided by ordinance. Prior to his appointment, he shall have been admitted to the practice of law in the State of New Jersey for at least five (5) years. (1972 Code § 2-6.1)}~~

“2-5.11 Division of Recreation

Within the Department there shall be a Division of Recreation whose duty it shall be to:

a. Plan and provide for a comprehensive recreation program for all citizens of the City of Bayonne.

b. Administer and operate the City’s senior and recreation centers.

c. Support private recreation endeavors and those of the Bayonne Board of Education.

d. Manage scheduling of municipal facilities including parks, fields and the municipal pool.

e. Administer the municipal pool.

f. Coordinate with the Department of Public Works and Parks for the proper maintenance and availability of all municipal facilities.

g. Promote the Arts in Bayonne.

h. Charge and collect fees for use of facilities as provided in Chapter 13, Municipal Parks, Recreation Areas, Swimming Pool and Docks.”

~~{2-5.14—Professional Assistants.~~

~~—The Corporation Counsel may appoint Assistant City Attorneys to serve during the term of Office of the Corporation Counsel appointing them and until their successors are appointed and qualify. (1972 Code § 2-6.2; Ord. No. 0-09-28 § 1)}~~

~~{2-5.15—Powers and Duties Generally.~~

~~—The Corporation Counsel shall be the legal advisor to the Mayor, the Council and all Departments except as may be otherwise provided by the Charter. He shall prosecute and defend actions and proceedings by and against the City and its Departments. In furtherance of these general powers, and without limitation thereto, he shall:~~

~~— a. Advise the Council or its Committees or its City Officers, when requested, upon all legal questions arising in the conduct of City business.~~

~~— b. Prepare or revise ordinances when so requested by the Council or by a Committee and review all ordinances and resolutions prepared by the City Clerk prior to action by the Council.~~

~~— c. Give his opinion upon any legal matter or question submitted to him by the Council or any of its Committees or by any City Officer.~~

~~— d. Attend all Council meetings in their entirety for the purpose of giving the Council any legal advice requested by its members.~~

~~— e. Prepare all contracts and instruments when the City is a party and approve all bonds to be submitted to the City.~~

~~— f. Represent the City in all judicial proceedings brought against the City and, when authorized by the Municipal Council or other City authority, prepare and prosecute complaints against third parties.~~

~~— g. Immediately report the outcome of any litigation in which the City has an interest to the Council and to the City official having control of the subject matter of litigation.~~

~~— h. Annually report to the Council the condition of all pending litigation in which the City has an interest.~~

~~— i. Perform all legal services auxiliary to Council action in connection with the appropriating of property to public use.~~

~~— j. Supervise the investigation in all cases, including Worker's Compensation, and assume the direction and supervision of investigator for the legal department.~~

~~— k. Keep a complete record of all suits in which the City has an interest, stating the names of the parties, the nature of the action, the disposition of the case, or its condition if pending, and the briefs of counsel.~~

~~— l. Have such other and different functions, powers and duties as may be provided by Charter or ordinance.}~~

~~(1972 Code § 2-6.3; Ord. No. 0-09-09 § 2; Ord. No. 0-09-28 § 1)~~

~~{2-5.16—Assistant City Attorneys.~~

~~—The Assistant City Attorneys shall perform such duties as the Corporation Counsel may direct or prescribe and, during the absence or disability of the Corporation Counsel, one shall be designated to possess all the powers and perform all the duties of the Corporation Counsel. In the event of the death or resignation of the Corporation Counsel or of the occurrence of a vacancy in the Office for any other reason, one of the Assistant City Attorneys shall act as Corporation Counsel until the office is duly filled pursuant to the Charter.} (1972 Code § 2-6.4; Ord. No. 0-09-28 § 1)~~

~~{2-5.17—Prosecutor.~~

~~—The Mayor, with the advice and consent of the Municipal Council, shall appoint one (1) or more Municipal Prosecutors for a term of one (1) year in accordance with the provisions of N.J.S.A. 2B:25-1 et seq. An Assistant City Attorney may be appointed as Prosecutor. (New; Ord. No. 0-09-28 § 1)}~~

~~{2-5.18—Special Counsel.~~

~~—Whenever he deems the interests of the City so require, the Corporation Counsel may, with the approval of the Council, appoint Special Counsel to assist him in the preparation, trial or argument of such legal matters or proceedings as he may determine. If the Corporation Counsel should be disqualified in any matter, the Mayor shall appoint Special Counsel, with the approval of the Municipal Council, to represent the City in the matter. (1972 Code § 2-6.5; Ord. No. 0-09-28 § 1)}~~

~~{2-5.19—Records and Papers.~~

~~—All papers, documents, memoranda, reports and other materials relating to the administration of the Division of Law shall be and remain the property of the City. Upon the termination of his service with the City, the Corporation Counsel shall forthwith surrender to his successor all such property, together with a written consent to substitution of his successor in all legal actions and proceedings then pending to which the City is a party. The Assistant City Attorneys shall have a like duty and obligation upon the termination of their services with the City. (1972 Code § 2-6.6; Ord. No. 0-09-28 § 1)}~~

2-5.~~{20}~~"12" Division of Grants Management Community Development Block Grant.

Within the Department there shall be a Division of Grants Management Community Development Block Grant. Under the supervision of the Director, the Division shall:

- a. Perform all of the functions and duties associated with implementation of Community Development Block Grant Programs and related grants.
- b. Monitor and administer the Community Development Block Grant Program.
- c. Manage all aspects of all grants received by the municipality.

d. Coordinate applications for grants from the State and Federal Government and private sources.

e. Handle all grant drawdowns, documentation and reporting in accordance with grant requirements.

(Ord. No. 0-09-28 § 1)

2-5.{24}”13” Division of Human Resources.

Within the Department there shall be a Division of Human Resources whose head shall be the Personnel Officer. The Division shall:

a. Administer the human resources function for all departments.

b. Ensure compliance with civil service and other applicable regulations.

c. Coordinate all hiring, termination and discipline functions with each department.

d. Manage and oversee the municipal payroll.

e. Manage and oversee all employee benefits.

f. Provide for an employee assistance program.

g. Manage all employee pre-placement testing, screenings, and physicals.

(Ord. No. 0-9-28 § 1)

Article 6 Department of Public Works and Parks

2-6 DEPARTMENT OF PUBLIC WORKS AND PARKS.

NO CHANGE

Article 7 {Reserved}—“Department of Finance”

“2-7.1 Generally.

There shall be a Department of Finance, which shall be under the administrative direction of the Director of Finance. The Director shall be responsible for the development of financial policies for recommendation to the Mayor and shall, prior to this appointment, be qualified by training or experience in government finance and fiscal management. (1972 Code § 2-5.1; New)

2-7.2 Chief Financial Officer; Powers and Duties.

The Chief Financial Officer shall be appointed by the Mayor with the advice and consent of the Municipal Council for the term prescribed by law. The Chief Financial Officer may serve as Director of Finance as well as Municipal Treasurer or Municipal Comptroller. Through the

Division of Accounts and Control, Treasury, and the Office of the Tax Collector, he shall be responsible for the following:

- a. The accounting, pre-auditing and control of all City revenues and expenditures;
- b. The custody, receipt and disbursement of City funds;
- c. The safety and investment of the City investments;
- d. The management of the City's debts;
- e. The safeguarding of the City's financial interests;
- f. The assessment of a penalty charge of forty (\$40.00) dollars for any check issued to the City of Bayonne, or to any of its Departments or subdivisions, returned to the City uncollected for any reason;
- g. Payment quarterly to the Bayonne Urban Enterprise Zone Corporation based upon the amount billed for the Special Improvement District less the value of mixed-use residential exemptions;
- h. Report to the Council annually, at such time as the Council may require, on the nature and terms of outstanding leases, the rent reserved by each, and their respective expiration dates.

2-7.3 Division of Accounts and Control.

Within the Department of Finance there shall be a Division of Accounts and Control, the head of which shall be the City Comptroller. The Division shall:

- a. Develop, maintain and enforce a uniform system of accounts, including forms, standards and procedures for all Departments of the municipal government. Any uniform system of accounts shall include appropriate provision for such records and reports as may be prescribed or approved by the Chief Financial Officer for the determination of the cost of performance of each functional program or activity, measured in such work units as may be appropriate thereto; and for such data, records and reports as may be prescribed or approved by the Chief Financial Officer for the preparation and execution of a budget for the expenditure of public funds for capital purposes to give effect to general improvement programs.
- b. Maintain and operate the City's central bookkeeping and accounting records according to sound accounting principles and in accordance with the requirements of the Director of the State Division of Local Government.
- c. Audit all disbursements of the municipal government and of each of its Departments; pre-audit bills, claims and demands against the City, including payrolls, and require each Department Head to certify that materials, supplies or equipment have been received and accepted as specified and that services have been duly rendered.
- d. Control all expenditures to assure that budget appropriations are not exceeded and maintain such books and records required for the proper exercise of such budgetary control, including an encumbrance system of budget operation.

e. Review each proposed expenditure and commitment to be made on behalf of any Department for conformity with State Law, the Charter and ordinance of the City and authorize only expenditures and commitments which conform with all the requirements of this chapter.

f. Install a central payroll system and insure that it is operated and maintained in accordance with State requirements.

g. Submit a monthly report of encumbrances, expenditures and unencumbered balances to the Council and Business Administrator, commencing with the adoption of the municipal budget.

h. Undertake periodic audits and studies of various Departments to further assist the safeguarding and efficient use of municipal assets.

i. Advise the Business Administrator and the Council of any need for budgetary transfers, amendments or emergency appropriations.

j. Perform such other duties as may be assigned by the Chief Financial Officer or Director of Finance.

2-7.4 Division of Treasury.

Within the Department of Finance there shall be a Division of Treasury, the head of which shall be the City Treasurer. He shall be appointed by the Director to serve for the term prescribed by law, and any vacancy shall be filled for the unexpired term only. The Division shall:

a. Have custody of all investments and invested funds of the City or in its possession in a fiduciary capacity, except as otherwise provided by law, and keep such funds and municipal moneys not required for current operations safely invested or deposited in interest-bearing accounts as may be approved by Director of Finance.

b. Make disbursements of municipal funds upon warrant of the Comptroller by an individual warrant check for each bill, claim, wage and salary payment.

c. Keep a full account of all cash receipts and disbursements by the Division according to the system of accounts approved by the Director of Finance.

d. Have the safekeeping of all bonds and notes of the City and the receipt and delivery of City bonds and notes for transfer, registration or exchange.

e. Oversee the daily operation of the payroll function.

f. Oversee the preparation and filing of all payroll tax reports.

g. Ensure the timely payment of all municipal debt payments.

h. Other duties as assigned by the Chief Financial Officer or the Director.
(1972 Code § 2-5.5; New)

2-7.5 Disbursement of Municipal Funds.

Payment of claims certified and approved by the proper officers as herein provided shall be authorized by the Council at least once during each month of the calendar year. The Director of Finance shall submit a list of such claims to the City Clerk at least two (2) days before the time fixed for the meeting at which such claims are to be authorized for payment. The Director of Finance shall state at the foot of the list his recommendations with regard to the payment of the claims. When a claim is disapproved for payment by the Director of Finance, he shall state his reasons for disapproval. Payment of salaries to City Officers and employees shall be made by checks signed by the City Comptroller and City Treasurer. Payment of claims and other disbursements shall be on warrants signed by the Director of Finance, the Comptroller, the Treasurer and the Clerk. If there is a vacancy in the Office of the Director of Finance or during his disability or absence from the City, such warrants shall be signed by the Mayor in addition to the officers herein named, provided that the Director of Finance may direct that in the event of his disability or absence from the City, another City Official in his Department may be designated by him to sign such warrants on his behalf. (1972 Code § 2-5.6)

2-7.6 Division of Tax Collections.

Within the Department of Finance there shall be the Tax Collector, who shall be appointed by the Director to serve for the term prescribed by law. Pursuant to N.J.S.A. 40A:9-145.7, no person shall be appointed or reappointed as Tax Collector without first holding a Tax Collector's Certificate issued by the State of New Jersey. The Division shall:

a. Perform the functions of a collector of taxes under general law including, but without limitation thereto, the preparation and mailing of tax bills, the enforcement of tax collections by tax sales and otherwise, and the maintenance of tax accounting records in such manner as may be prescribed or approved pursuant to the Charter and this chapter.

b. Receive and collect all current and delinquent real and personal property taxes, and charge and receive penalties and interest, pursuant to law.

c. Make, or cause to be made, and certify searches for tax and other liens on real property as may be authorized by law, and charge and collect for the use of the city the fee required pursuant to law for any such search. The Tax Collector may appoint or designate one of the Division employees as Official Tax Searcher to perform these functions within the Bureau Division.

d. Receive funds entrusted to or under the control of any Department and deposit all funds received by it in depositories authorized by the Council by resolution.

e. Charge ten (\$10.00) dollars for the preparation of a duplicate tax bill, and fifty (\$50.00) dollars for the preparation of a duplicate certificate of redemption. The ten (\$10.00) dollar fee may be waived by the Director of Finance.

f. Pursuant to N.J.S.A. 54:5-54, charge fifty (\$50.00) dollars for preparation of a redemption calculation requested by a property owner or property owner's agent after two (2) free redemption calculations have been provided in any one (1) calendar year. A request for a redemption calculation shall be made in writing to the Tax Collector.

g. Pursuant to N.J.S.A. 54:5-97.1, charge fifty (\$50.00) dollars for preparation of a redemption calculation requested by a third party lien holder. Any request for a redemption calculation shall be made to the Tax Collector in writing and specify the date to be used for the calculation, which shall be the date of the notice. Neither the City Tax Collector nor the City of Bayonne shall be liable for an incorrect calculation. The fee paid to the City of Bayonne shall not become part of the lien and shall not be passed on to any party entitled to redeem under N.J.S.A. 54:5-54.

h. The Tax Collector may write off any delinquency in the amount of ten (\$10.00) dollars or less.

i. Perform other duties as assigned by the Chief Financial Officer or the Director.

2-7.7 Division of Purchasing.

Within the Department of Finance there shall be a Division of Purchasing, the head of which shall be the Purchasing Agent. (1972 Code § 2-4.3)

2-7.8 Procedures and Operation of the Division of Purchasing.

a. Whenever it becomes necessary that any materials or supplies be purchased by a Department, the Head of the Department shall fill out a requisition slip stating the article required and the use for which it is required and requesting the Purchasing Agent to make the purchase. If the cost in aggregate of materials and/or supplies requested does not exceed the maximum amount permitted by N.J.S.A. 40A:11-3, the Purchasing Agent shall make the purchase of the same and deliver such articles to the Department Head. If the estimated cost of materials or supplies requested by the individual Department exceeds one thousand (\$1,000.00) dollars, the Purchasing Agent shall attempt to get three (3) quotations therefor and shall make the purchase on the basis of the most responsible quotation which is most advantageous to the City, price and other appropriate factors considered, and shall maintain a written record of attempts made and quotations obtained. The Purchasing Agent shall deliver one (1) copy of the order blank bearing the cost of the article or articles purchased to the Comptroller, one (1) copy to the Director of the Division of Finance, one (1) copy to the Department Director making the requisition, and one (1) copy shall be retained in his office. The copies shall be open at all times for public inspection.

b. The Council shall, at intervals to be fixed by it, solicit proposals by public advertisements for the furnishing of all materials and supplies usually required by it or any Department under its control and shall award the contracts to the lowest responsible bidder. Such proposals shall be received and processed as hereinafter provided.

c. If the purchase price of materials or supplies, either in the aggregate sum for all Departments for a full year or on an individual purchase for one Department exceeds the current public bidding threshold as specified under Local Public Contracts Law N.J.S.A. 40A:11-3 as may be amended by the State Legislature, the Purchasing Agent shall advise the Director of the Department requesting same and the Director shall request the Council to authorize bids for the purchase. If the Council deems it necessary to make the purchase therefor, a resolution shall be adopted authorizing the City Clerk to advertise for bids. After bids are received and opened, the Council shall adopt a resolution awarding a contract to the lowest responsible bidder who shall

comply with all the requirements prescribed by the Council. Bids shall be received and processed as hereinafter provided.

d. Upon the execution of a contract, materials or supplies purchased shall be delivered to the Department which requested the purchase, and the receiving Department shall examine the materials and supplies to make certain they comply with the specifications.

e. No purchase shall be made by the Purchasing Agent unless the amount remaining as a balance of an appropriation is sufficient to meet the cost, unless provision shall be made by the Council for the making of a further appropriation to meet the cost.

f. All contracts needed to be drawn to carry out the terms and provisions of this section shall be prepared by the Department of Law. Resolutions authorizing the City Clerk to advertise for bids shall be prepared by the City Clerk at the written request of the Purchasing Agent for bids to be taken pursuant to paragraph b. of this subsection and at the written request of the requesting Director pursuant to paragraph c. of this subsection. Resolutions authorizing a contract following the receipt of bids shall be prepared by the City Clerk with the assistance of the Department of Law where necessary. All other resolutions will be prepared by the Department of Law or shall be approved by the Department of Law.

g. The Purchasing Agent is hereby designated as the agent for the receipt of sealed bids and proposals advertised pursuant to this subsection unless provided otherwise by the Council in the resolution authorizing the advertisement. The Purchasing Agent, on the date and time for receiving bids, shall comply with the following procedure:

1. Bids shall be received by the Purchasing Agent in the presence of the Corporation Counsel or his designee.

2. Bids shall be received and opened pursuant to the Local Public Contracts Law. (N.J.S.A. 40A:11-1, et seq.)

3. The Purchasing Agent shall forward all received bids to the appropriate Department and shall report in writing to the Council the items for which bids were solicited, number of bids received, names of bidders and bid prices.

4. Upon receipt of the bids, the appropriate Department will review same to make certain they meet their specifications and then recommend to the Municipal Council whether and to whom a contract should be awarded or whether the bids should be rejected. In the case of bids for materials and supplies needed for several Departments or for all Departments, the Purchasing Agent with the assistance of the Directors and the Engineer will make the necessary recommendation to the Council.

h. Insofar as N.J.S.A. 40A:11-36(1) only regulates the sale of the City's personal property not needed for public use if the estimated fair market value of the property to be sold is in excess of two thousand five hundred (\$2,500.00) dollars, if the Purchasing Agent should determine that the City would be best served by selling certain of the City's personal property not needed for public use (i.e., excess inventory, outdated, defective and/or irreparable equipment and/or material to be scrapped or junked) having an estimated fair market value of less than two thousand five hundred (\$2,500.00) dollars, then he shall place the personal property up for sale consistent with the following guidelines:

1. In establishing the market value of a certain piece of personal property, the Purchasing Agent shall contact original suppliers, salvage operators and/or used equipment dealers and obtain a minimum of three (3) bids in writing. The request for bid shall contain, where applicable, the manufacturer's name, serial number, model number and a brief description of the property including its current operational status.

Should an organization, person or entity from which a bid price is solicited, refuse to reply in writing and/or express no interest in the property offered, it shall be the responsibility of the Purchasing Agent, or his designee, to document the conversation, including company name, contact name, exact phone number and any and all comments made by the contact during said conversation as to the utility and/or value of the subject property. The Purchasing Agent's report of such a conversation shall be memorialized in writing and shall be considered a bid, albeit negative. If the Purchasing Agent receives three (3) such negative bids, the property in question may be disposed of pursuant to paragraph h, 7. of this subsection.

2. Once three (3) written bids have been obtained, the bidder submitting the highest bid will be determined to be the successful bidder.

3. After a successful bidder has been determined by the Purchasing Agent, the Director of the appropriate Department shall request of the Municipal Council that a resolution approving of the sale be presented and passed at the next scheduled Municipal Council meeting. Copies of all bidder replies, the request for bid and all other pertinent information shall be included with the request to the Municipal Council.

4. Upon approval by the Municipal Council, the Purchasing Agent shall notify the successful bidder and the bidder shall have five (5) business days from the date of notice within which to tender a certified check, bank check or money order payable to the City of Bayonne in an amount equal to the successful bid amount.

5. Any and all property will be sold "AS IS" and "WHERE IS" with no guarantees, either expressed or implied, as to the operational suitability or nature of the property.

6. Upon payment to the City of Bayonne of the bid price, the successful bidder shall have five (5) business days therefrom to remove the personal property from City property. Should the successful bidder fail to remove the personal property within five (5) days of payment of the bid price, the bid shall be forfeited and the property shall be re-offered for bidding. This five (5) day time frame can be extended by the Purchasing Agent, in writing, for good cause.

7. In the event that a minimum of three (3) bidders have been contacted and they have each indicated in writing that the personal property being offered for sale has no resale value, then:

(a) If the property is operational and useful, the Director of the appropriate Department may offer it to another branch of the City government or to a not-for-profit charitable organization. It shall be the responsibility of the entity receiving the property to remove the property at its own cost and expense.

(b) If the property is defective and/or irreparable and no salvor has exhibited interest in same, the Director of the appropriate Department may dispose of the property through the City's recycling operation or arrangements can be made to have it disposed of at a landfill.

(c) In either event, if the property is under the aegis of the Director of Public Safety, then the Purchasing Agent shall first obtain written approval from the Public Safety Director that the property to be disposed of poses no security concerns. If the Director of Public Safety determines that security would be compromised by the disposal of property under paragraph h, 7(a) or (b), then the property must first be processed by the appropriate City employees and/or contractors to render it free of any such problems prior to disposal.

(d) In either event, the Director of the appropriate Department shall request of the Municipal Council that a resolution approving of the disposal be presented and passed at the next scheduled Municipal Council meeting. Copies of all bidder replies, Public Safety Director's written approval, if required, and any other pertinent information should be included with the request.

Any property to be disposed of pursuant to paragraph h,7(a) or (b) of this subsection must be removed from City property within twenty (20) days of the passing of the Municipal Council resolution approving same unless the time is extended in writing and for good cause, by the Purchasing Agent.”

Article 8 Department of Public Safety

2-8 DEPARTMENT OF PUBLIC SAFETY.

No Change.

Article 9 Department of {Municipal Services} “Law”

~~2-9 DEPARTMENT OF MUNICIPAL SERVICES.~~

~~2-9.1 Department Generally.~~

~~— There shall be a Department of Municipal Services, the head of which shall be the Director of Municipal Services. (New; Ord. No. 0-09-28 § 1)~~

~~2-9.2 Division of Health; Health Officer.~~

~~— Within the Department there shall be a Division of Health, the head of which shall be the Health Officer. The Health Officer shall be the holder of a Health Officer's license issued by the~~

State Department of Health of New Jersey and shall have thorough education and training in public health theory and practice. Under the supervision of the Health Officer the Division shall:

~~— a. — Have all the functions, powers, and duties of a local Board of Health under Title 26 of the New Jersey Statutes and Chapter 52 of the New Jersey Administrative Code, except that the Municipal Council shall have and exercise all local legislative powers under the statutes.~~

~~— b. — Plan and administer a comprehensive public health program including, without limitation thereto, environmental sanitation, communicable disease control, child and adult health and health education, laboratory services, and all other services authorized by statute or ordinance.~~

~~— c. — Administer and enforce local health ordinances and the licensing of dogs and cats.~~
(New; Ord. No. 0-09-28 § 1)

~~2-9.3 — Office on Aging.~~

~~— Within the Department there shall be an Office on Aging. Under the supervision of the Director, the Office shall serve the City's senior citizens as a source of information, outreach, and referral service. The primary objectives of the Office on Aging are to help older residents reach their fullest potential; to make them aware of their rights under the law; to make the public aware of problem areas of the frail elderly and to seek solutions to these problems; and to insure a lifelong continuum with a focus on program participation. (New; Ord. No. 0-09-28 § 1)~~

~~2-9.4 — Reserved.~~

~~— Former subsection 2-9.4, Registrar of Vital Statistics, previously codified herein and containing portions of 1972 Code § 2-10.1 and Ordinance No. O-09-28, was repealed by Ordinance No. O-11-08. See subsection 2-4.9 for Registrar of Vital Statistics.~~

~~2-9.5 — Division of Community Development.~~

~~— There shall be a Division of Community Development, the head of which shall be the Division Head. The Division Head may also be the Chief Planner, and shall have at least five (5) years experience in the supervision and administration of housing and redevelopment projects. (1972 Code § 2-10.1; Ord. No. 0-09-28 § 1)~~

~~2-9.6 — Administration of Planning and Community Services.~~

~~— The Division shall supervise the administration of the planning and implementation of such community services, housing preservation and conservation and such other services and projects as may be funded by any source. The Division shall also supervise the administration of Zoning and Planning process, regulations and enforcement, the administration of the Building Bureau, the oversight of all affordable housing initiatives and any other activities deemed by the director to be related to community development. (1972 Code § 2-10.2; Ord. No. 0-09-28 § 1)~~

~~2-9.7 — Duties of the Division Head.~~

~~— The Division Head shall also have administrative oversight of the personnel employed to perform building, construction code, subcode and zoning enforcement and administration. The~~

~~Division shall, with the oversight of the Division Head, and through the appropriate Construction and Subcode Officials, issue all permits for construction and certificates of occupancy, perform all inspections and other duties required by the Uniform Construction Code and Chapter 15 of the Revised General Ordinances of the City of Bayonne, Section 15-1, the Uniform Construction Code and its Subcodes, and such other inspections or activities as may be necessary to comply with law, statute or regulation or to promote the goals of community development and housing preservation. The Division shall also, with the oversight of the Division Head and through the Zoning Officer, perform all of the functions and duties of the office of zoning as required by the Zoning Chapter of the Revised General Ordinances of the City of Bayonne. (1972 Code § 2-10.3; Ord. No. 0-09-28 § 1)~~

~~**2-9.8 — Bureau of Building.**~~

~~— Within the Division of Community Development there shall be a Bureau of Building, the head of which shall be the Construction Official. Under the direction and supervision of the Construction Official, the Bureau shall:~~

~~— a. — Have administrative oversight of the personnel employed to perform Building, Construction Code and subcode enforcement and administration.~~

~~— b. — Have authority, through the appropriate Construction and Subcode Officials, to issue all permits for construction and certificates of occupancy, perform all inspections and other duties required by the Uniform Construction Code and Chapter 15 of the Revised General Ordinances of the City of Bayonne, Section 15-1, the Uniform Construction Code and its Subcodes, and such other inspections or activities as may be necessary to comply with law, statute or regulation. (Ord. No. 0-04-03 § 1; Ord. No. 0-09-28 § 1)~~

~~**2-9.9 — Bureau of Planning and Zoning.**~~

~~— Within the Division of Community Development there shall be a Bureau of Planning and Zoning, the head of which shall be the Planner or Assistant Planner. Under the direction and supervision of the Planner or Assistant Planner, the Bureau shall:~~

~~— a. — Have administrative oversight of the personnel employed to perform zoning and land use functions.~~

~~— b. — Have authority, through the Zoning Officer, to perform all of the functions and duties of the Office of Zoning as required by Chapter 35 of the Revised General Ordinances of the City of Bayonne.~~

~~— c. — Have authority to perform all of the functions and duties of the Bureau of Planning and Zoning as required by Chapter 33 of the Revised General Ordinances of the City of Bayonne and all other related planning functions. (Ord. No. 0-04-03 § 1; Ord. No. 0-09-28 § 1)~~

2-9.10 — Municipal Housing Liaison/RCA Administrator.

~~— a. — Purpose. The purpose of this subsection is to create the administrative mechanisms needed for the execution of the City of Bayonne's responsibility to assist in the provision of affordable housing pursuant to the Fair Housing Act of 1985.~~

~~— b. — Definitions. As used in this subsection, the following terms shall have the meanings indicated:~~

~~— Administrative Agent shall mean the entity responsible for administering the affordability controls of some or all units in the affordable housing program for the City of Bayonne to ensure that the restricted units under administration are affirmatively marketed and sold or rented, as applicable, only to low and moderate income households.~~

~~— MHL/RCA Administrator shall mean the employee charged by the Governing Body with the responsibility for oversight and administration of the affordable housing program for the City of Bayonne and any RCA it enters into.~~

~~— c. — Establishment of MHL/RCA Administrator Position and Compensation; Powers and Duties:~~

~~— 1. — Establishment of Position of MHL/RCA Administrator. There is hereby established the position of MHL/RCA Administrator for City of Bayonne.~~

~~— 2. — Subject to the approval of the Council on Affordable Housing (COAH), the MHL/RCA Administrator shall be appointed by the Governing Body and may be a full or part time municipal employee. The City Planner or the Community Development Division Head may be the MHL/RCA Administrator.~~

~~— 3. — The MHL/RCA Administrator shall be responsible for oversight and administration of the municipality's affordable housing program and the administration of any RCA entered into by the City of Bayonne, including the following responsibilities which may not be contracted out:~~

~~— (a) — Serving as the City of Bayonne's primary point of contact for all inquiries, from the State, affordable housing providers, Administrative Agents, and interested households;~~

~~— (b) — Establishing an escrow account for the RCA funds and submitting to COAH a signed escrow agreement between the City of Bayonne, the bank and COAH for each RCA;~~

~~— (c) — Monitoring the status of all restricted units in the City of Bayonne's Fair Share Plan and any Project Plan for an RCA;~~

~~— (d) — Compiling, verifying and submitting semi annual reports as required by COAH;~~

~~— (e) — Coordinating meetings with affordable housing providers and Administrative Agents, as applicable;~~

~~— (f) — Attending continuing education opportunities as offered or approved by COAH;~~

~~— (g) — If applicable, serving as the Administrative Agent for some or all of the restricted units in the City of Bayonne as described in paragraph f. below and any RCA's entered into by the City of Bayonne.~~

~~— d. — Subject to approval by COAH, the City of Bayonne may contract with or authorize a consultant, authority, government or any agency charged by the Governing Body, which entity shall have the responsibility of administering the affordable housing program of the City of Bayonne, except for those responsibilities which may not be contracted out pursuant to paragraph c. above. If the City of Bayonne contracts with another entity to administer all or any part of the affordable housing program, including the affordability controls and Affirmative Marketing Plan, the MHL/RCA Administrator shall supervise the contracting Administrative Agent.~~

~~— e. — Compensation shall be fixed by the Governing Body at the time of the appointment of the MHL/RCA Administrator.~~

~~— f. — Administrative powers and duties assigned to the MHL/RCA Administrator.~~

~~— 1. — Affirmative Marketing.~~

~~— (a) — Conducting an outreach process to insure affirmative marketing of affordable housing units in accordance with the Affirmative Marketing Plan of the City of Bayonne and the provisions of N.J.A.C. 5:80-26.15; and~~

~~— (b) — Conducting interviews and obtaining sufficient documentation of gross income and assets upon which to base a determination of income eligibility for a low- or moderate-income unit;~~

~~— 2. — Household Certification.~~

~~— (a) — Providing written notification to each applicant as to the determination of eligibility or noneligibility;~~

~~— (b) — Requiring that all certified applicants for restricted units execute a certificate substantially in the form, as applicable, of either the ownership or rental certificates set forth in appendices J and K of N.J.A.C. 5.80-26.1 et. seq.;~~

~~— (c) — Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and~~

~~— (d) — Employing the random selection process as provided in the Affirmative Marketing Plan of the City of Bayonne when referring households for certification to affordable units.~~

~~— (e) — Creating and maintaining a referral list of eligible applicant households living in the housing region and eligible applicant households with members working in the housing region where the units are located; and~~

~~— (f) — Employing the random selection process as provided in the Affirmative Marketing Plan of the City of Bayonne when referring households for certification to affordable units.~~

~~— 3. — Affordability Controls.~~

~~— (a) — Furnishing to attorneys or closing agents forms of deed restrictions and mortgages for recording at the time of conveyance of title of each restricted unit;~~

~~— (b) — Creating and maintaining a file on each restricted unit for its control period, including the recorded deed with restrictions, recorded mortgage and note, as appropriate;~~

~~— (c) — Ensuring that the removal of the deed restrictions and cancellation of the mortgage note are effectuated and properly filed with the appropriate county's register of deeds or county clerk's office after the termination of the affordability controls for each restricted unit;~~

~~— (d) — Communicating with lenders regarding foreclosures; and~~

~~— (e) — Ensuring the issuance of Continuing Certificates of Occupancy or certifications pursuant to N.J.A.C. 5:80-26.10.~~

~~— 4. — Resale and Rental.~~

~~— (a) — Instituting and maintaining an effective means of communicating information between owners and the Administrative Agent regarding the availability of restricted units for resale or rental; and~~

~~— (b) — Instituting and maintaining an effective means of communicating information to low and moderate income households regarding the availability of restricted units for resale or rental.~~

~~— 5. — Processing Request From Unit Owners.~~

~~— (a) — Reviewing and approving requests from owners of restricted units who wish to take out home equity loans or refinance during the term of their ownership;~~

~~— (b) — Reviewing and approving requests to increase sales prices from owners of restricted units who wish to make capital improvements to the units that would affect the selling price, such authorizations to be limited to those improvements resulting in additional bedrooms or bathrooms and the cost of central air conditioning systems; and~~

~~— (c) — Processing requests and making determinations on requests by owners of restricted units for hardship waivers.~~

~~— 6. — Enforcement.~~

~~— (a) — Securing annually lists of all affordable housing units for which tax bills are mailed to absentee owners and notifying all such owners that they must either move back to their unit or sell it;~~

~~— (b) — Securing from all developers and sponsors of restricted units, at the earliest point of contact in the processing of the project or development, written acknowledgement of the requirement that no restricted unit can be offered, or in any other way committed, to any person, other than a household duly certified to the unit by the Administrative Agent;~~

~~— (c) — The posting annually in all rental properties, including two family homes, of a notice as to the maximum permitted rent together with the telephone number of the Administrative Agent where complaints of excess rent can be made;~~

~~— (d) — Sending annual mailings to all owners of affordable dwelling units, reminding them of the notices and requirements outlined in N.J.A.C. 5:80-26.18(d) 4;~~

~~— (e) — Establishing a program for diverting unlawful rent payments to the municipality's affordable housing trust fund or other appropriate municipal fund approved by the DCA;~~

~~— (f) — Creating and publishing a written operating manual, as approved by COAH, setting forth procedures for administering such affordability controls; and~~

~~— (g) — Providing annual reports to COAH as required.~~

~~— 7. — The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities hereunder.~~

~~(Ord. O-06-27 §§ 1-4; Ord. No. O-07-25 § 1; Ord. No. O-09-28 § 1)~~

~~2-9.11 — Division of Recreation~~

~~— Within the Department there shall be a Division of Recreation whose duty it shall be to:~~

~~— a. — Plan and provide for a comprehensive recreation program for all citizens of the City of Bayonne.~~

~~— b. — Administer and operate the City's senior and recreation centers.~~

~~— c. — Support private recreation endeavors and those of the Bayonne Board of Education.~~

~~— d. — Manage scheduling of municipal facilities including parks, fields and the municipal pool.~~

~~— e. — Administer the municipal pool.~~

~~— f. — Coordinate with the Department of Public Works and Parks for the proper maintenance and availability of all municipal facilities.~~

~~— g. — Promote the Arts in Bayonne.~~

~~— h. — Charge and collect fees for use of facilities as provided in Chapter 13, Municipal Parks, Recreation Areas, Swimming Pool and Docks.~~

~~(Ord. No. O-09-28 § 1)~~

“2-9 DEPARTMENT OF LAW.

2-9.1 Department Generally.

There shall be a Department of Law, the head of which shall be the Director of the Department of Law, who shall be the Chief Legal Officer. He shall be appointed pursuant to the Charter and receive such compensation as shall be provided by ordinance. Prior to his appointment, he shall have been admitted to the practice of law in the State of New Jersey for at least five (5) years. (1972 Code § 2-6.1)

2-9.2 Professional Assistants.

The Director may appoint Assistant City Attorneys to serve during the term of Office of the Director appointing them and until their successors are appointed and qualify. (1972 Code § 2-6.2)

2-9.3 Powers and Duties Generally.

The Director of the Department of Law shall be the legal advisor to the Mayor, the Council and all Departments except as may be otherwise provided by the Charter. He shall prosecute and defend actions and proceedings by and against the City and its Departments. In furtherance of these general powers, and without limitation thereto, he shall:

a. Advise the Council or its Committees or its City Officers, when requested, upon all legal questions arising in the conduct of City business.

b. Prepare or revise ordinances when so requested by the Council or by a Committee.

c. Give his opinion upon any legal matter or question submitted to him by the Council or any of its Committees or by any City Officer.

d. Attend all Council meetings in their entirety for the purpose of giving the Council any legal advice requested by its members.

e. Prepare all contracts and instruments when the City is a party and approve all bonds to be submitted to the City.

f. Represent the City in all judicial proceedings brought against the City and, when authorized by the Municipal Council or other City authority, prepare and prosecute complaints against third parties.

g. Immediately report the outcome of any litigation in which the City has an interest to the Council and to the City official having control of the subject matter of litigation.

h. Annually report to the Council the condition of all pending litigation in which the City has an interest.

i. Perform all legal services auxiliary to Council action in connection with the appropriating of property to public use.

j. Supervise the investigation in all cases, including Worker's Compensation, and assume the direction and supervision of investigator for the legal department.

k. Keep a complete record of all suits in which the City has an interest, stating the names of the parties, the nature of the action, the disposition of the case, or its condition if pending, and the briefs of counsel.

1. Have such other and different functions, powers and duties as may be provided by Charter or ordinance.

2-9.4 Assistant City Attorneys.

The Assistant City Attorneys shall perform such duties as the Director of Law may direct or prescribe and, during the absence or disability of the Director of Law, one shall be designated to possess all the powers and perform all the duties of the Director of Law. In the event of the death or resignation of the Director of Law or of the occurrence of a vacancy in the Office for any other reason, one of the Assistant City Attorneys shall act as Director of Law until the office is duly filled pursuant to the Charter. (1972 Code § 2-6.4)

2-9.5 Prosecutor.

The Mayor, with the advice and consent of the Municipal Council, shall appoint one (1) or more Municipal Prosecutors for a term of one (1) year in accordance with the provisions of N.J.S.A. 2B:25-1 et seq. An Assistant City Attorney may be appointed as Prosecutor. (New)

2-9.6 Special Counsel.

Whenever he deems the interests of the City so require, the Director of Law may, with the approval of the Council, appoint Special Counsel to assist him in the preparation, trial or argument of such legal matters or proceedings as he may determine. If the Director of Law should be disqualified in any matter, the Mayor shall appoint Special Counsel, with the approval of the Municipal Council, to represent the City in the matter. (1972 Code § 2-6.5)

2-9.7 Records and Papers.

All papers, documents, memoranda, reports and other materials relating to the administration of the Department of Law shall be and remain the property of the City. Upon the termination of his service with the City, the Director of Law shall forthwith surrender to his successor all such property, together with a written consent to substitution of his successor in all legal actions and proceedings then pending to which the City is a party. The Assistant City Attorneys shall have a like duty and obligation upon the termination of their services with the City. (1972 Code § 2-6.6)”

NO FURTHER CHANGES

Section 2. That the city’s codifier, in consultation with the City Clerk and Corporation Counsel, be and is hereby authorized and directed to make such changes in the Revised General Ordinances of the City of Bayonne as may be needed to make the provisions of any and all other Chapters consistent with the terms of this Chapter 2, Administration.

Section 3. Severability. If any part of this Ordinance shall be declared to be invalid or inoperative, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.