



## FOREWORD

The League is pleased to publish this revision of *The Faulkner Act: New Jersey's Optional Municipal Charter Law*.

The League would like to acknowledge and thank the following for their contributions to this publication:

- **Mr. Albert Wolfe**, formerly of the League and now with the Department of Community Affairs, Division of Local Government Services. Mr. Wolfe authored the original version of this article and is one of the State's foremost experts on the Faulkner Act and local forms of government.
- **Ms. Taran B. Samhammer**, NJLM Bureau Publications Designer, whose assistance was vital in updating and reformatting this publication.

We hope you find this publication to be useful and informative.

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## **The Faulkner Act: New Jersey's Optional Municipal Charter Law**

New Jersey's Optional Municipal Charter Law (NJSA 40: 69A-1 et seq., PL 1950, c.210) popularly known as the Faulkner Act, became law on June 8, 1950. The first municipality to adopt a Faulkner Act form of government was the City of Vineland, which adopted a mayor-council plan in 1952. The constitutionality of the Faulkner Act was upheld in 1953, in the case of Bucino v. Malone, 12 N.J. 330, 96 A.2d 669. By January 1, 2003, 127 of New Jersey's 566 municipalities had adopted a form of government under one of the Faulkner Act's four optional plans: mayor-council, council-manager, small municipality, and mayor-council-administrator. According to the 2000 United States Census, these 127 Faulkner Act communities have a combined population of 4,088,757. This represents 48.59% of New Jersey's population. See Appendix A for a list of these 127 municipalities.

The Faulkner Act grew out of a two-year study by the Commission on Municipal Government. The Commission was created by the New Jersey State Legislature in February, 1948. Joint Resolution Number 1 of the Laws of 1948 created the Commission and charged it with the duty of "inquiring into the structure of local government in this State," and "suggesting in what respects the laws of New Jersey might be changed to provide the fullest opportunity for local self-government consistent with the interests of the State as a Whole."

The Commission's second report, Local Self-Government: A Proposed Optional Municipal Charter Plan, published in February 1950, became the basis of the Optional Municipal Charter Law, which was enacted shortly thereafter. The Optional Municipal Charter Law is commonly referred to as the Faulkner Act in honor of the late Mr. Bayard H. Faulkner, former mayor of Montclair and chairman of the Commission on Municipal Government.

We advise, however, that what follows is a general overview of the Faulkner. It is not intended to be a comprehensive legal resource, nor should anyone take what follows as legal advice. As a general guide, there are no footnotes and citations. Any individual or municipality that would like to learn about a charter change should also receive advice from an attorney who is well-versed in municipal law.

## **Adopting a Form of Government under the Faulkner Act (NJSA 40:69A-1 to 40: 69A-21)**

There are two ways in which a municipality can adopt a form of government under the Faulkner Act:

- 1) a charter study commission; or
- 2) a direct petition referendum.

Both methods will be discussed below.

### **I. Charter Study Commission (NJSA 40:69A-1 to 40: 69A-17)**

There are two ways in which a question concerning the election of a charter study commission can be placed on the ballot:

- 1) by an ordinance passed by the current governing body; or
- 2) by a petition of the voters.

Placing the question on the ballot by an ordinance of the governing body presumes that the elected officials in your community are interested in studying a charter change. If the current governing body is willing to pass such an ordinance this is the easiest way to place a charter study question on the ballot.

The alternate way is by a petition of the voters. This method requires that the minimum number of signatures required by the Faulkner Act be gathered on a legally correct petition, which is then filed with the municipal clerk. The clerk has 20 days to determine if the petition is legally correct in its form, and whether the petition is signed by a sufficient number of qualified voters. What qualifies as a sufficient number of qualified voters depends on the municipality's population. The Faulkner Act requires that the petition be signed by the following percentage of the registered voters of the municipality:

- 25 % in municipalities with a population of 7,000 or less;
- 20 % in municipalities with a population of more than 7,000 and less than 70,000;
- 10 % in municipalities with a population of 70,000 or more.

Once the municipal clerk has completed an examination of the petition, the clerk shall certify the results to the governing body at its next regular meeting. If the petition is defective or contains an insufficient number of signatures, the clerk shall specify in his certification the nature of the defects or insufficiency, and must notify at once at least 2 members of the Committee of the Petitioners circulating the petition. If the petition is found to be insufficient, the Committee of the Petitioners has 10 days to gather additional signatures and file a supplementary petition with the

municipal clerk. The clerk has 5 days following the filing of a supplementary petition to examine it and determine its sufficiency. If the petition is still found to be insufficient, the municipal clerk shall file a certificate to that effect in his office, and shall notify the committee of the Petitioners of his findings. No further action shall be taken on the insufficient petition. However, the finding of insufficiency shall not prejudice the filing of a new petition to place the question of electing a charter study commission on the ballot.

Upon finding that a petition is legally correct and contains a sufficient number of signatures of qualified voters, the municipal clerk shall provide for the question to be submitted to the voters at the next general or regular municipal election occurring not less than 75 days after the filing of the petition. Should the governing body opt to place the question on the ballot by ordinance, then the question would be submitted to the voters at the next general or regular municipal election occurring not less than seventy-five days following the passage of the ordinance.

The question of the election of a charter study commission is submitted to the voters as 2 separate issues on the same ballot. The first issue is the question itself: "Shall a charter commission be elected to study the charter of ..... and to consider a new charter or improvements in the present charter and to make recommendations thereon?"

The second issue is the election of the 5 members of the charter study commission. Each voter is instructed to vote on the question of whether or not to elect a charter commission, and then, regardless of how they voted on the first questions, to vote for 5 charter commissioners to serve on the commission. The 5 candidates polling the most votes shall be elected to serve as charter study commissioners only if a majority of those voting approve the creation of the commission. If the question concerning the creation of the commission is defeated, then the election of the 5 commissioners is moot.

If the voters opt to establish a charter study commission, then the 5 commissioners shall, within 15 days of their election, organize and elect a chairman. The charter study commission shall study the current form of government in the municipality, compare it with other forms available under state statute, and determine whether the municipal government can be made more

efficient and effective under a different form of government. Within 9 months of its election, the charter study commission shall report its findings and recommendations. There are 5 options open to the charter study commission as to its report and recommendations.

- 1) It can recommend that the current form of government be retained unchanged;
- 2) It can recommend that the current form of government be retained, but with certain modifications, such as the passage of an ordinance creating the position of municipal administrator;
- 3) It can recommend that the form of government be changed to one of the four plans available under the Faulkner Act. The commission shall specify all the options available within the Faulkner plan it recommends;
- 4) If the municipality is already operating under a Faulkner Act form of government, the charter study commission can recommend that the current charter be amended to adopt any of the alternative provisions authorized under the current Faulkner form of government. The question of amending the charter would be submitted to the voters at a referendum election;
- 5) It can recommend that the governing body petition the Legislature for either a special charter or one or more specific amendments to the municipality's current charter, such as the addition of initiative, referendum and recall to one of the "traditional" forms of municipal government (e.g., a borough or township form).

If the charter study commission recommends that the question of adopting one of the four optional plans available under the Faulkner Act be submitted to the voters, the question must be placed on the ballot, either at the next general or regular municipal election, occurring not less than 60 days nor more than 120 days after the filing of the report, at such time as the commission, in its report, shall direct. If the charter study commission recommends an amendment to a Faulkner charter currently in place, then the referendum on the amendment shall be held at the next general or regular municipal election occurring not less than forty days from the filing of the charter study commission's report.

If the charter study commission recommends a change to a Faulkner form of government, the question goes on the ballot in the following form or whichever parts are applicable:

*"Shall ..... (insert name of plan).....of the Optional Municipal Charter Law, providing for (a division of the municipality into ....(insert number).....wards, with ....(insert number)....council members (one to be elected from each ward and ....(insert number).... To be elected at large) for .....(insert "concurrent" or "staggered" terms .....) .....at elections held in .....(insert May or November)...., with the mayor elected .....(insert "directly by the voters" or "by the council from among its members") ....., (insert, if appropriate) with run-off elections to be held thereafter if a sufficient number of candidates fail to attain a majority of votes, be adopted by ....(insert name of municipality).....?"*

## **II. Direct Petition (NJSA 40:69A-18 to 40: 69A-21)**

The second way a Faulkner Act form of government can be adopted is through the direct petition method. Under this method, the voters of a municipality can adopt a Faulkner plan by petition and referendum, without a charter study commission. Upon filing with the municipal clerk a legally correct petition containing a sufficient number of signatures of resident registered voters, the question will be placed on the ballot. The correct number of signatures depends on the population of the municipality, and it is the same number of signatures it takes to place the question of the election of a charter study commission on the ballot:

- 25 % in municipalities with a population of 7,000 or less;
- 20 % in municipalities with a population of more than 7,000 and less than 70,000;
- 10 % in municipalities with a population of 70,000 or more.

The petition shall specify which optional plan is to be voted on, and shall state which of the alternatives available within the plan would be used (e.g., size of the council, election at large or from a combination of wards and at large, staggered or concurrent terms, partisan or nonpartisan elections).

The municipal clerk has 20 days following the filing of a petition to determine if the petition is legally correct in its form, and whether the petition contains a sufficient number of signatures of qualified voters. Once the examination of the petition is complete, the clerk shall certify the results to the governing body at its next regular meeting. If the petition is defective or contains an insufficient number of signatures, the municipal clerk shall specify in his certification the nature of the defects or insufficiency, and he must notify at once at least 2 members of the Committee of the Petitioners circulating the petition. If the petition is found to be insufficient, the Committee of the Petitioners has 10 days to gather additional signatures and file a supplementary petition with the municipal clerk. The clerk has 5 days after the filing of a supplementary petition to examine it and determine its sufficiency. If the petition is still found to be insufficient, the municipal clerk shall file a certificate to that effect in its office, and shall notify the Committee of Petitioners of his findings. No further action shall be had on the insufficient petition. However, the finding of insufficiency shall not prejudice the filing of a new petition to place the question of changing to a specific form of government under the Faulkner Act on the ballot.

If a petition to place the question of changing to a specific form of government under the Faulkner Act is found to be legally correct and contains a sufficient number of signatures of qualified voters, the municipal clerk shall provide for the question to be placed on the ballot at

the next general or regular municipal election occurring not less than 60 days nor more than 120 days after the filing of the petition. If no general or regular municipal election is to be held within that time, the municipal clerk shall schedule a special election on the question within that time.

### **Abandonment of a Faulkner Act Charter (NJSA 40:69A-25)**

The Faulkner Act has provisions to allow a municipality which has adopted a Faulkner plan to revert back to the prior form of government upon the filing of a petition and holding of a referendum on the question. The same number of signatures on the petition and the same time frame for holding a referendum under the direct petition adoption method holds in the case of a reversion to a prior form. However, no petition shall be filed nor referendum held which would provide for the reversion of a municipality to a form of government that it is not currently authorized to adopt by law.

### **Amendment of a Faulkner Act Charter (NJSA 40:69A-25.1 to 40: 69A-25.5)**

The Faulkner Act allows municipalities that have adopted a Faulkner plan to amend that plan without having to place the question of changing the whole form of government on the ballot. There are three ways that a Faulkner charter amendment question can be placed on the ballot:

- 1) by an ordinance adopted by the governing body;
- 2) by a petition of the voters; or
- 3) by the recommendation of a charter study commission.

As in the case of placing a charter study commission question on the ballot, the easiest way to put a Faulkner charter amendment question before the voters is by an ordinance passed by the council. The provisions for placing a Faulkner charter amendment question on the ballot by petition are the same as those for placing an ordinance on the ballot through initiative and referendum. These provisions are explained in a later section of this article entitled: Direct Powers of the Voters Under the Faulkner Act. The provisions for placing a Faulkner charter amendment question on the ballot through a charter study commission are explained above in the section entitled: I. Charter Study Commission (NJSA 40:69A-1 to 40: 69A-17).



At any election to amend a Faulkner Act charter the question to be submitted to the voters shall read substantially as follows:

*"Shall the charter of [insert the name of the municipality] governed by [insert plan of government] be amended, as permitted under that plan, to provide for [insert appropriate language from below for the alternative to be voted upon]?"*

The Faulkner Act provides five groups of alternatives for amending its optional plans:

**Group A**

1. "the holding of regular elections in May";
2. "the holding of general elections in November"

**Group B**

3. "the election of all council members at large";
4. "the division of the municipality into (insert number) wards with (insert number) council members to be elected at large and one from each ward";

**Group C**

5. "the election of all council members for concurrent terms";
6. "the election of council members for staggered terms";

**Group D**

7. "the election of the mayor by the members of the council from among their own number";
8. "the election of the mayor directly by the voters of the municipality";

**Group E**

9. "a municipal council to consist of three members";
10. "a municipal council to consist of five members";
11. "a municipal council to consist of seven members";
12. "a municipal council to consist of nine members";

If more than one alternative is to be submitted to the voters at the same election, each alternative shall appear on the ballot as separate questions stated as above. If the provisions of 2 or more alternatives adopted at the election conflict, then the provision receiving the greatest affirmative vote shall control. However, it is not possible to submit to the voters as a possible charter amendment any provision not authorized by the plan of government under which the municipality is operating. For example, it is not possible to submit a question proposing to have the mayor elected by the council in the mayor-council plan.

## **The Four Optional Forms of Government under the Faulkner Act**

### **I. The Mayor-Council Plan (NJSA 40:69A-31 to 40: 69A-67.2)**

The mayor-council plan of the Faulkner Act is a "strong mayor" form of government. It is a "presidential" system of government, modeled after the federal and state governments. The mayor-council plan consists of 2 separate and co-equal power centers, each directly elected by the people: the mayor as chief executive, and the council as the municipal legislature. The mayor-council plan makes a virtue of the idea of divided and shared power. Neither mayor nor council has the absolute last word in all instances. The system requires constant consultation between the mayor and the council; sometimes cooperating, sometimes competing and conflicting; always acting as a check and balance on the other. Hopefully out of this sometimes friendly, sometimes-hostile flux comes good public policy.

In all variations of the mayor-council plan under the Faulkner Act the mayor's powers are basically the same. Mayors in mayor-council plan municipalities with a population over 100,000 have the power to appoint the members of any board, authority or commission, with the advice and consent of the council. In all other mayor-council municipalities whenever the council is authorized by any provision of general law to appoint the members of any board, authority or commission, the appointment power is vested in the mayor with the advice and consent of the council, unless the general law in question contains specific terms that clearly require a different appointment procedure or appointment by resolution, in which case the appointment shall be made by the council. Under the mayor-council plan the following options are available:

- I. Basis of Election (applies to both mayor and council)
  - A. Partisanship
    - 1. partisan elections (in November)
    - 2. nonpartisan elections (in May)
  - B. Runoff Elections (applies only to nonpartisan elections)
    - 1. majority rule (requires runoffs in some instances)
    - 2. plurality rule (no runoffs; candidates with the greatest number of votes win)
- II. Size and Structure of the Council
  - A. Size of the Council
    - 1. five members
    - 2. seven members
    - 3. nine members

- B. Basis of Representation
  - 1. all elected at large
  - 2. elected from a combination of wards and at large
- C. Terms of Office
  - 1. staggered
  - 2. concurrent

The mayor and council members serve a 4-year term. If the first council is elected from a combination of wards and at large and the terms of office are staggered, then the councilmen at large serve a four-year term, and the ward councilmen serve a two-year term. After that, the ward councilmen also serve a four-year term. If the basis of representation in the first council is all at large and the terms are staggered, then the councilmen draw lots to determine who will serve a two year term and who will serve a four year term. All subsequently elected councilmen will serve for four years. If the council members serve concurrent terms then, of course, all the council members serve a four-year term and all expire at the same time.

### **Powers and Duties of the Mayor under the Mayor-Council Plan**

Under the mayor-council plan the mayor exercises the executive power of the municipality. The mayor performs the following functions:

- I. Executive functions of the mayor
  - A. Enforces the charter and ordinances of the municipality
  - B. Supervises all municipal departments
  - C. Fixes the amount of salary or wages paid to the employees of the administrative departments of the municipality
    - 1. subject to civil service requirements and contractual obligations
    - 2. within the general limits of the municipal budget
    - 3. Salaries of the department directors, mayor, and council shall be set by the council by resolution (does not require the mayor's approval)
  - D. Supervises care and custody of municipal property
  - E. Can require reports from and investigate any municipal department, board, commission, or agency

- F. Appoints and removes department heads, subject to council approval
  - 1. Simple majority approval of council by resolution necessary to appoint
  - 2. Two-thirds majority of the whole membership of the council necessary to block removal
  - 3. Also appoints members to municipal boards, authorities or commissions, subject to council approval
- G. Designates an acting mayor in times of illness or absence
  - 1. Can be
    - a) business administrator
    - b) some other department head
    - c) municipal clerk
  - 2. After 60 days council appoints an acting mayor
- II. Fiscal functions of the mayor
  - A. Review, analyze and forecast trends of municipal services, programs and finances
  - B. Oversees the municipal budgeting, purchasing, and personnel procedures
  - C. Prepares the municipal operating and capital budgets
- III. Contractual functions of the mayor
  - A. Negotiates contracts subject to council approval
  - B. Signs all contracts, bonds, and other instruments requiring the consent of the municipality
  - C. Sees that all contractual and franchise terms and conditions are kept and performed
- IV. Ministerial functions of the mayor
  - A. Gives the annual "state of the municipality" address
  - B. Serves as an ex-officio, nonvoting member of all appointive bodies of which he is not an official, voting member
- V. Legislative functions of the mayor
  - A. Can attend council meetings and take part in council discussions
  - B. Can vote to break a tie on the question of filling a vacancy on the council
  - C. Can propose legislation
  - D. Can veto ordinances, subject to override by a two-thirds majority of the whole council
  - E. If the mayor takes no action on an ordinance (neither signs nor vetoes) within ten days of its submission by council, the measure becomes law as if he had signed it

### **Administration under the Mayor-Council Plan**

A municipality operating under the mayor-council plan shall have a department of administration, headed by the business administrator, and such other departments, not less than 2 nor more than 9 in number, as council may create by ordinance. All of the municipality's administrative functions, powers and duties, other than those of the municipal clerk and the municipal tax assessor, must be allocated and assigned among and within such departments. The municipal clerk, as an appointee of the municipal council, and the municipal tax assessor, as an agent of the state legislature, enjoy a special status. The municipal clerk and the municipal tax assessor are subject to the same general administrative procedures and requirements as the other departments of the municipal government in such areas as budgeting, purchasing, personnel practices, and data processing services, but beyond those areas, in the general practice and conduct of their duties, they do not answer to the mayor.

Each department of the municipal government is headed by a director, who is appointed by the mayor with the advice and consent of the council. Each department head serves during the term of the mayor who appointed him, and until the appointment and qualification of his successor.

The mayor may remove any department head at any time. However, prior to the removal the mayor must file written notice of his intention with the council. The removal shall become effective on the 20<sup>th</sup> day after the filing of the notice unless the council shall, within that time, pass a resolution by a two-thirds majority of the whole membership, disapproving the removal.

Department heads appoint subordinate officers and employees within their respective departments, and may, with the approval of the mayor, remove these officers and employees. The only limitations on this power of removal are Civil Service rules, if they are in effect in the municipality, or other general laws.

In the appointment of members to any municipal boards, authorities or commissions, the power of appointment is deemed to vest in the mayor with advice and consent of the council, unless the general law clearly and specifically requires a different procedure, or appointment by resolution, in which case the appointment is made by the council.

The business administrator, who can function much like a "chief of staff" under the mayor, heads the department of administration. The business administrator has five enumerated duties

under the Faulkner Act. Under the direction and supervision of the mayor, the business administrator shall:

1. assist in the preparation of the budget;
2. administer a centralized purchasing system;
3. be responsible for the development and administration of a sound personnel system;
4. perform such other duties as council may prescribe;
5. the governing body of the municipality may provide, by ordinance, that the business administrator also shall, subject to the direction of the mayor, supervise the administration of each of the departments established by ordinance. For this purpose, he shall have the power to investigate the organization and operation of any and all departments, to prescribe standards and rules of all departments, to prescribe standards and rules of administrative practice and procedure, and to consult with the heads of the departments under his jurisdiction; provided that with respect to any department of law or department of audit, accounts or control, the authority of the business administrator under this subsection shall extend only to matter of budgeting, personnel and purchasing.

The first three duties of the business administrator are very specific. However, the last two duties are potentially very broad, if the mayor and council want them to be. Thus, beyond assisting the mayor in the preparation of the municipal budget, and administering the purchasing and personnel systems, the mayor and council define the role of the business administrator and the scope of his authority.

### **The Council under the Mayor-Council Plan**

The legislative power of the municipality is exercised by the municipal council. The council's legislative powers are exercised by ordinance, except for measures, which do not require action, by the mayor, which may be passed by resolution. Council resolutions in the mayor-council plan do not need the signature of the mayor, nor are they subject to his veto. The Faulkner Act gives a list of council actions, which may be exercised by resolution. These include, but are not limited to, the following:

1. the override of a veto of the mayor;
2. the exercise of advice and consent to actions of the mayor;
3. the conduct of a legislative inquiry or investigation;
4. the expression of disapproval of the removal by the mayor of officers or employees;
5. the removal of any municipal officer for cause;
6. the adoption of rules for the council;

## **II. The Council-Manager Plan (NJSA 40:69A-81 to 40:69A-98)**

The philosophy behind the council-manager plan is very different from that behind the mayor-council plan. In the mayor-council plan there are two separately elected and coequal power centers, the mayor and the council, sharing power. In the council-manager plan there is only one directly elected power center: the council. The council, as the policy maker for the municipality, always has the last word. The manager, while chief executive and administrative officer of the municipality, is appointed by the council and can be suspended and removed by a majority vote of the council. The manager's function is to carry out the will of the council.

### **The Council under the Council-Manager Plan**

Under the Faulkner Act the following options are available concerning the nature of the municipal council in the council-manager plan:

- I. Basis of Election
  - A. Partisanship
    - 1. partisan elections (in November)
    - 2. nonpartisan elections (in May)
  - B. Runoff elections (applies only to nonpartisan elections)
- III. Election of Mayor
  - A. By the council
  - B. By the voters
- IV. Size and Structure of the Council
  - A. Size of the Council (including the mayor)
    - 1. Five members
    - 2. Seven members
    - 3. Nine members
  - B. Basis of Representation
    - 1. all elected at large
    - 2. elected from a combination of wards and at large
  - C. Terms of Office
    - 1. staggered
    - 2. concurrent

The council members in the council-manager plan serve a 4-year term. If the council is elected at large with staggered terms, then the councilmen elected to the first council draw lots to determine which members shall serve for 4 years, and which members shall serve for 2 years.

7. the establishment of times and places for council meetings;
8. the establishment of the council as a committee of the whole and the delegation of any number of its members as an ad hoc committee;
9. the declaration of emergencies respecting the passage of ordinances;
10. the election, appointment, setting of salaries and removal of officers and employees of the council, subject to any pertinent Civil Service requirements and any pertinent contractual obligations and within the general limits of the municipal budget;
11. designation of official newspapers;
12. approval of contracts presented by the mayor;
13. actions specified as resolutions in the "Local Budget Law" (NJSA 40A: 4-1 et seq.) and the "Local Fiscal Affairs Law" (NJSA 40A: 5-1 et seq.); and
14. the expression of council policies or opinions which require no formal action by the mayor.

In addition, the municipal council has the power to:

1. Require any municipal officer, in its discretion, to prepare and submit sworn statements regarding his official duties in the performance thereof, and otherwise to investigate the conduct of any department, office or agency of the municipal government;
2. Remove, by at least a 2/3<sup>rd</sup> vote of the whole number of the council, any municipal officer, other than the mayor or member of council, for cause, upon notice and an opportunity to be heard;
3. Appoint the municipal clerk, who shall serve as clerk of the council;
4. Reduce any item or items in the mayor's budget by a vote of the majority of the council, but an increase in any item or items in the budget requires an affirmative vote of two-thirds of the members of council.

As of July 1, 2006, there were 67 New Jersey municipalities operating under the mayor-council plan of the Faulkner Act, including nine of the State's ten largest municipalities. These sixty-seven municipalities have a combined population representing over 35% of New Jersey's population, according to the 2000 U. S. Census. See Appendix B for a list of these mayor-council plan communities.



All subsequently elected councilmen serve for 4 years. If the first council is elected from a combination of wards and at large representation, then the ward councilmen serve for 4 years. Subsequently, all councilmen serve a 4-year term. If the council members serve concurrent terms then, of course, they are all elected, and have their terms expire at the same time.

In contrast to the lengthy lists of duties and powers that the mayor and council exercise respectively in the mayor-council plan, the statement concerning the power and function of the council in the council-manager plan is short and to the point:

**All powers of the municipality and the determination of all matters of policy shall be vested in the municipal council, except as otherwise provided by this act, or by general law.**

This is, of course, a reflection of the difference in the nature of the two plans. In the mayor-council plan, policy is hammered out by two separate and coequal power centers, both of which answer to the voters. The council-manager plan, in sharp contrast, is a legislative supremacy, and thus the setting of policy is the responsibility of the council.

### **The Mayor under the Council-Manager Plan**

In the council-manager plan the mayor is a member of the council. As stated earlier, there are two options for electing the mayor under the council-manager plan: by the council or by the voters. If the council elects the mayor he can serve a term of 1, 2 or four years, depending on local ordinance and whether the council members serve staggered or concurrent terms. If the voters elect the mayor, then one of the at-large seats is designated and voted for under the title of mayor. When the voters elect the mayor, he serves a 4-year term.

But regardless of how the mayor is chosen under the council-manager plan, his duties are exactly the same: he presides over the council and, as a member, has a voice and vote in its proceedings. Aside from the power to appoint the trustees of the public library, and the members of the board of education in council-manager communities which have appointed boards, the mayor in the council-manager plan has no executive powers; he is simply the *primus inter pares*. The first among equals on the council.

## **The Manager in the Council-Manager Plan**

The manager serves an indefinite term, and can be suspended and removed by a majority vote of the council, provided that the correct procedures are followed. The manager has the following functions:

- I. Executive functions of the manager
  - A. He is the chief executive and administrative official of the municipality
  - B. Appoints and removes all department heads and all other officers and employees
    1. Except for the
      - a. municipal clerk
      - b. tax assessor
      - c. the council make these appointments
    2. The council has the option to appoint the:
      - a. municipal attorney
      - b. planning board
      - c. zoning board of adjustment
  - C. Investigate any officer or department of the municipality
- II. Policy-making functions of the manager
  - A. Attend all meetings of the council with the right to take part in discussions, but without the right to vote
  - B. Recommend necessary or expedient measure to the council
- III. Contractual functions of the manager
  - A. Negotiates contracts for the municipality, subject to council approval
  - B. Sees that all contract and franchise terms are kept and performed
- IV. Fiscal functions of the manager
  - A. Prepares the municipal budget
  - B. Advises the council as to the financial condition of the municipality
- V. Ministerial functions of the manager
  - A. Makes an annual report to the council
  - B. Makes such other reports as the council requires

As of July 1, 2006 there were 42 New Jersey municipalities operating under the council-manager plan of the Faulkner Act. These 42 municipalities have a combined population over 964,000 which represents 11.5% of New Jersey's population, according to the 2000 U.S. Census. See Appendix D for a list of these council-manager plan communities.

### **III. The Small Municipality Plan (NJSA 40:69A-115 to 40:69A-132)**

The small municipality plan of the Faulkner Act is only available to municipalities with a population of less than 12,000. According to the 2000 U.S. Census, the small municipality plan is available to 366 or 64.7 % of New Jersey's 566 municipalities.

The small municipality plan is a hybrid of the two most widely used "traditional" forms of municipal government in New Jersey. The borough form and the township form. It allows New Jersey's smaller communities to mix and match what they consider to be the best features from these two older forms of municipal government. In the borough form there is a 6-member borough council, presided over by a mayor who is elected by the voters. In the township form the governing body is the township committee, which can have 3 or 5 members. The township committee, from among its own members, selects the mayor. The mayor in the township form simply presides over the township committee.

In all instances, a municipality operating under a small municipality plan shall be governed by a municipal council which is elected at large and chaired by the mayor. Beyond this similarity, the following options are available to a municipality adopting the small municipality plan:

- I. Basis of Elections
  - A. Partisanship
    - 1. partisan elections (in November)
    - 2. nonpartisan elections (in May)
  - B. Runoff Elections (applies only to nonpartisan elections)
    - 1. majority rule (requires runoffs in some instances)
    - 2. plurality rule (no runoffs; candidates with the greatest number of votes win)
- II. Election of Mayor
  - A. By the council
  - B. By the voters

### III. Size and Structure of the Council

#### A. Size of the Council (including the mayor)

1. three members
2. five members
3. seven members

#### B. Terms of Office

1. staggered
2. concurrent

Council members in the small municipality plan serve a 3-year term. If the terms are staggered, then the members of the first council draw lots to determine who serves a 1, 2 or 3 year term. Subsequently, all councilmen serve for 3 years. If the terms are concurrent then, of course, the councilmen are all elected and their terms expire at the same time. If the council elects the mayor, and the council terms are staggered, then the mayor serves a 1-year term. If the council elects the mayor, and the council terms are concurrent, then the mayor serves a 3-year term. If the voters elect the mayor, he serves a 4-year term.

The council in the small municipality plan exercises the legislative power of the municipality. The mayor in the small municipality plan is a member of the council, and functions as both legislator and executive. The mayor presides over the council and has a vote, but no veto. The mayor in the small municipality plan exercises the executive power of the municipality. It is the duty of the mayor to see that all laws and ordinances in effect in the municipality are observed. The mayor appoints all the committees of the council. The mayor appoints the municipal clerk, the municipal attorney, the tax assessor, the tax collector, the treasurer, and such other officers as may be provided by ordinance (e.g., an ordinance administrator) with the advice and consent of the council. The mayor also appoints all other officers and employees of the municipality, if Civil Service is not in effect, and if no other method of appointment is provided in the small municipality plan of the Faulkner Act or by general law.

While the small municipality plan makes no provision for a municipal administrator, such a position could be created by ordinance, in accordance with NJSA 40A:9-136. The annual budget of a municipality operating under the small municipality plan is prepared by the mayor with the assistance of the treasurer and the cooperation of the rest of the council.

Despite the large number of municipalities that it is available to as a charter option, the small municipality plan has been adopted by relatively few communities in New Jersey. As of July 1, 2006, only 18 municipalities have adopted it. These 18 municipalities have a combined population representing approximately 1.5% of New Jersey's population, according to the 2000 U.S. Census. See Appendix E for a list of these small municipality plan communities.

#### **IV. The Mayor-Council-Administrator Plan (NJSA 40:69AA-149.1 to 40:69A-149.16)**

The mayor-council-administrator plan is a "Faulknerized" version of the borough form of government. This plan was added to the Faulkner Act following the recommendation of the County and Municipal Government Study Commission in its 1979 report, Forms of Municipal Government in New Jersey. The Commission found that the borough form with a municipal administrator created by ordinance worked so well that a version of this form of government should be made available as a charter option for all of New Jersey's municipalities. The Legislature accepted the recommendation of the Commission, and added the mayor-council-administrator plan to the Faulkner Act as the fourth optional form of municipal government in 1981.

It should be noted that while the mayor-council-administrator plan is available to all New Jersey municipalities as an optional form of government, within the plan itself there are no optional provisions. There is only one version of the mayor-council-administrator plan available. This is very different than the three original Faulkner Act plans (i.e., mayor-council, council-manager, small municipality) which allow more flexibility in terms of type of elections (partisan or nonpartisan), terms of office (staggered or concurrent), size of the council (five, seven or nine in the mayor-council and council-manager plans; three, five or seven in the small municipality plan), and basis of council representation (all at large representation -- optional in the mayor-council and council-manager plans, mandated in the small municipality plan; or a combination of wards and at large representation -- available only in the mayor-council and council-manager plans). In the mayor-council-administrator plan there is no mixing and matching of optional provisions; it is simply a one size fits all, take it or leave it proposition.

The mayor-council-administrator plan provides that a municipality adopting it shall be governed by an elected mayor and council, and an appointed municipal administrator. The council consists of the mayor and 6 councilmen, elected at large, in the partisan general elections in November. The mayor serves a 4-year term. The six councilmen serve staggered 3-year terms; each year 2 council seats are up for election. In the first council, 2 members serve a 1-

year term, 2 members serve for 2 years, and 2 members serve for 3 years. All subsequently elected councilmen serve a 3-year term.

In the mayor-council-administrator plan, the council exercises the legislative power of the municipality; the mayor exercises the executive power. The mayor presides over the meetings of the municipal council, but has not voted except to break a tie. When the council passes an ordinance, the mayor has 10 days upon receiving it to exercise one of the 3 options:

- 1) sign the ordinance into law,
- 2) veto all or any part of it by delivering it to the municipal clerk with a written statement of his objections for return to the council, or
- 3) let the ordinance become law automatically by neither signing nor vetoing it within the ten days of receiving it.

If the mayor vetoes an ordinance, the council can override it by a  $2/3^{\text{rd}}$ -majority vote. The mayor's veto, however, in the mayor-council-administrator plan, as in the borough form, is rather toothless. In both forms of government the four vote simple majority needed to pass an ordinance is also the two-thirds extra-majority needed to override the mayor's veto. In both forms, the mayor's veto is more of a symbolic gesture; a change for the mayor to state his objections, formally and in writing, before the council goes ahead and passes the ordinance anyway.

The mayor in the mayor-council-administrator plan appoints, with the advice and consent of the council, the municipal administrator, the municipal clerk, the municipal attorney, the tax assessor, the tax collector, the treasurer and such other officers as may be provided by ordinance. A municipality operating under the mayor-council-administrator plan may create up to six municipal departments by ordinance. Each department is headed by a director who is appointed by the mayor with the advice and consent of the council. Each department head serves during the term of the mayor who appointed him, and until the appointment and qualification of his successor. The mayor may remove department heads upon written notice to the council. The council may remove department heads for cause after a hearing. Unless the municipality has adopted Civil Service, all other officers and employees whose appointment is not otherwise provided for in the mayor-council-administrator plan of the Faulkner Act or by general law shall be appointed by the mayor.

The municipal administrator in the mayor-council-administrator plan supervises the administration of each of the departments established by ordinance. He may investigate the

organization and operations of any municipal department, prescribe standards and rules of administrative practice and procedure, and consult with the department heads. The municipal administrator also administers the business affairs of the municipality, and has, as provided by ordinance, such powers and performs such duties which are not required by the mayor-council-administrate plan or by general law to be exercised by the mayor, council or other officer, board or body. The municipal administrator serves during the term of the mayor appointing him, however the council may remove the administrator by a 2/3<sup>rd</sup> -majority vote.

The annual budget in municipalities operating under the mayor-council-administrator plan is prepared by the council with the assistance of the municipal administrator and the treasurer.

As of January 1, 2007 only three municipalities have adopted the mayor-council-administrator plan.

## **Direct Powers of the Voters under the Faulkner Act**

### **I. Recall (NJSA 19:27A-1 et seq.)**

Under the passage of the Uniform Recall Election Law in 1995, (PL 1995, c. 105) the right of recalling elected officials was only available under the Commission form, the 1923 Municipal Manger Act, municipalities operating under the Faulkner Act and counties operating under the Optional County Charter Law.

The Uniform Recall Election Law extended the right to recall to any elected official in New Jersey, including U.S. Senators, members of the House of Representatives, the Governor, members of the State Legislature, County Freeholders, elected municipal officials and school board members.

The new law was intended to address procedural issues that emerged over the years in previous recall legislation, and provides for a process that includes a notice of intention, a petition format generated by the Secretary of State with required information, time limits, petition filing requirements and the challenging of petitions.

### **II. Initiative (NJSA 40:69A-184 to 40:69A-196)**

The power of the voters to propose and enact legislation themselves is known as the initiative. In the initiative process an ordinance is proposed by petition and either adopted or rejected at the polls. A group of voters, known as the Committee of the Petitioners, is responsible for circulating and filing the initiative petition, and for the petition's possible withdrawal. Initiative petition papers must be uniform in size and style, and must contain the full text of the proposed ordinance.

In order to set the initiative process in motion, a petition must be signed by a sufficient number of the municipality's qualified voters. The Faulkner Act provides two sets of numbers, which will require an initiated ordinance to be submitted by the municipal council:



1. A number of signatures equal to at least 15% of the total votes cast in the municipality at the last election at which members of the General Assembly were elected; or
2. A number of signatures equal to at least 10% but less 15% of the total votes cast in the municipality at the last election at which members of the General Assembly were elected.

If an initiative petition has the first set of numbers, the ordinance will be put on the ballot in a special election if there is no general or regular municipal election occurring not less than 40 days nor more than 90 days after the final date for withdrawal of the petition. The special election would be held not less than forty days nor more than sixty days from the final date for withdrawal of the petition. If an initiative petition has the second set of numbers, the ordinance will be submitted to the voters at the next general or regular municipal election occurring not less than forty days after the final date for withdrawal of the petition. Thus the difference between the two sets of numbers is that the first provides an opportunity for the ordinance to be placed on the ballot in a special election, while the second does not.

The municipal clerk has 20 days after the filing of an initiative petition to determine whether the petition is legally correct in its form, and whether the petition, will certify the result thereof to the council at its next regular meeting. If the clerk certifies that the petition is defective or insufficient, the clerk must state in the certificate the particulars in which the petition is defective or insufficient, and must notify at least 2 members of the Committee of the Petitioners of his findings. The Committee of the Petitioners shall have 10 days to collect more signatures after being served with the notification of insufficiency by the municipal clerk. Within the 5 days after an amendment to the petition is filed, the municipal clerk shall examine the amended petition and, if the number of signatures is still insufficient, shall notify the Committee of the Petitioners of his findings and file his certificate as to the insufficiency in his office. No further action on the insufficient petition will be necessary. However, the finding of insufficiency in an initiative petition shall not prejudice the filing of a new petition for the same purpose.

If the municipal clerk finds that an initiative petition is sufficient, he shall submit the petition to the municipal council without delay. An initiated ordinance so submitted shall be deemed to have had its first reading and the municipal council shall hold a public hearing on it. The municipal council has 20 days following the submission of a certified initiative petition by the municipal clerk to pass an ordinance in substantially the same form. If the council fails or refuses to pass such an ordinance within the 20 days, then the municipal clerk shall submit the

ordinance to the voters. However, within 10 days after final adverse action by the municipal council or after the expiration of the time allowed for such action, as the case may be, the Committee of Petitioners may file with the municipal clerk a request signed by at least for of the 5 members of the Committee asking that the petition be withdrawn. Upon the filing of such a request, the original initiative petition shall cease to have any force or effect.

Whenever an initiated ordinance is to be submitted to the voters of the municipality, the municipal clerk shall have the proposed ordinance published in at least 2 newspapers that are either published or circulated in the municipality. The publication of the proposed ordinance shall not be more than 20 days or less than 5 days before the election at which the ordinance will be voted on. The ballots used in an initiative election shall read substantially as follows: "Shall the ordinance submit by initiative petition providing for [here state the nature of the proposed ordinance] be adopted?" The question is voted on "yes" or "no".

If majority of the voters is in favor of the proposed ordinance, it becomes a valid and binding ordinance of the municipality. No such ordinance shall be amended or repealed within three years immediately following the date of its adoption by the voters, except by a vote of the people. During the 3 years immediately following the date of the adoption of the ordinance, the municipal council may submit a proposition for the repeal or amendment of that ordinance to the voters at any general or regular municipal election held during that period. If the proposition so submitted receives a majority of the votes cast at the election, the ordinance shall be repealed or amended accordingly. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the most "yes" votes shall control.

### **III. Referendum (NJSA 40:69A-184 to 40:69A-196)**

The power of referendum is the power of the voters to approve or reject at the polls any ordinance submitted to them by the municipal council or any ordinance passed by the council, against which a referendum petition has been filed. No ordinance passed by the municipal council shall take effect before 20 days from the time of its final passage, and its approval by the mayor, where such approval is required (only in the mayor-council and mayor-council-administrator plans), with two exceptions:

1. when otherwise required by general law; or
2. when authorized to take effect in less than 20 days after its final passage, and approval by the mayor, where such approval is necessary (mayor-council and mayor-council-administrator plans only), by a council resolution declaring an emergency and passed by a least two-thirds of all the members of the council.

If within 20 days after the final passage and approval of an ordinance a legally correct petition protesting against the ordinance is filed with the municipal clerk, and the petition is signed by a number of the legal voters of the municipality equal to at least 15% of the total votes cast in the municipality at the last election at which members of the General Assembly were elected, the ordinance shall be suspended from taking effect until the municipal council repeals the ordinance, or the ordinance is submitted to the voters for their approval or rejection, or the referendum petition is withdrawn.

As in the case of an initiative petition, a group of voters known as the Committee of the Petitioners is responsible for circulating and filing the referendum petition, and for the petition's possible withdrawal. Like an initiative petition, referendum petition papers must be of uniform size and style.

Following the filing of a referendum petition, the municipal clerk has 20 days to determine whether the petition is legally correct in its form, and whether the petition is signed by a sufficient number of qualified voters. After completing his examination of the petition, the municipal clerk shall certify the result thereof to the council at its next regular meeting. If the municipal clerk certifies that the petition is defective or insufficient, he must state in his certificate the particulars in which the petition is defective or insufficient, and must notify at once at least two members of the Committee of the Petitioners of his findings. The Committee of the Petitioners shall have 10 days to gather additional signatures after being served with the notification of insufficiency by the municipal clerk. Within 5 days after an amendment to the petition is filed, the municipal clerk shall examine the amended petition, and, if the petition is still insufficient, he shall notify the Committee of the Petitioners of his findings and file his certificate as to the insufficiency in his office. No further action on the insufficient petition will be necessary. However, the findings of insufficiency in a referendum petition shall not prejudice the filing of a new petition for the same purpose.

When a referendum petition is filed with the municipal clerk, the ordinance in question is suspended until 10 days following a finding by the clerk that the petition is insufficient or, if an amended petition is filed, until 5 days after that; or, if the petition or amended petition is found to be sufficient, until it is withdrawn by the Committee of the Petitioners, or until the municipal council repeals the ordinance, or until the ordinance is approved or rejected by the voters at the polls.

Once the municipal clerk finds that a referendum petition or amended referendum petition is sufficient, the clerk must submit it to the municipal council without delay. The municipal council has 20 days following the submission of a certified referendum petition by the municipal clerk to repeal the ordinance in question. If within the 20-day period the council fails to act on the petition or refuses to repeal the ordinance in questions, then the municipal clerk shall submit the question to the voters in a referendum election. However, if within 10 days after final adverse action by the council or after the expiration of the time allowed for such action, as the case may be, a request signed by at least 4 of the 5 members of the Committee of the Petitioners is filed with the municipal clerk asking that the referendum petition be withdrawn, then the petition will cease to have any force or effect.

If an ordinance is to be submitted to the voters in a referendum election, it shall be done at the next general or regular municipal election occurring not less than 40 days nor more than 90 days after the final date for withdrawal of the petition. If no such election, however, will be held in the municipality within that time period, then the council will provide for a special election to be held on the question not less than 40 days nor more than 60 days from the final date for the withdrawal of the referendum petition. In any instance where a referendum election is to be held as a result of an ordinance passed by the council which by its terms or by law cannot become effective in the municipality unless it is submitted to the voters, or which by its terms authorizes a referendum in the municipality concerning the subject matter thereof, the time for submission of the question to the voters shall be calculated from the date of the final passage and approval of the ordinance.

Whenever an ordinance is to be submitted to the voters in a referendum election, the municipal clerk shall cause the ordinance to be published in at least 2 of the newspapers published or circulated in the municipality. The ordinance shall be published not more than 20 days or less than 5 days before the date that the referendum election is to be held.

The ballots used in a referendum election shall read substantially as follows: *"Shall the ordinance submitted by [the municipal council or referendum petition, as the case may be] providing for [here state the nature of the proposed ordinance] be adopted?"* The question is voted on "yes" or "no". If a majority of the votes are in favor of the ordinance, it then becomes a

valid and binding ordinance and is published as in the case of other ordinances. If a majority of the votes are opposed to the ordinance it is, of course, defeated. If the provisions of two or more measures approved or adopted at the same election conflict, then the measure receiving the greatest number of "yes" votes shall control.

### **Succession in Government (NJSA 40:69A-205 to 40:69A-208.3)**

The Faulkner Act provides the following schedule of installation should the voters choose to adopt one of its plans:

1. If the voters choose a form of government using nonpartisan elections with the municipal council all elected at large, then the first election under the new plan shall take place on the second Tuesday in May occurring not less than 75 days following the adoption of the new plan;
2. If the voters choose a form of government using nonpartisan elections with the municipal council elected from a combination of wards and at large, the first election under the new plan shall take place on the second Tuesday in May occurring not less than 120 days following the adoption of the new plan;
3. If the voters choose a form of government using partisan elections with the municipal council all elected at large, then the first election under the new plan shall take place at the next November general election occurring not less than 75 days following the adoption of the new plan;
4. If the voters choose a form of government using partisan elections with the municipal council elected from a combination of wards and at large, the first election under the new plan shall take place at the next November general election occurring not less than 120 days following the adoption of the new plan.

An optional plan under the Faulkner Act shall take effect at noon on July 1 following the first election of officers in municipalities, which choose to hold nonpartisan election in May. A Faulkner Act plan shall take effect at noon on January 1 following the first election of officers in municipalities, which choose to hold partisan elections in November.

At noon on the effective date of an optional charter under the Faulkner Act, the old form of government is superseded, all offices then existing in the municipality are abolished, and the terms of all elected and appointed officers shall then cease, with the following exceptions: the board of education, board of fire commissioners of a township fire district, trustees of the free public library, commissioners of a local housing authority, members of a municipal shade tree commission, municipal magistrates, any official or employee protected by any tenure of office law, or any policemen, fireman, teacher, principal or school superintendent whether or not protected by any tenure of office law. If the municipality is operating under Title 11 (Civil Service), a change in the form of government to a plan under the Faulkner Act will not affect the

tenure of any person whose position is covered by Civil Service. If the municipal clerk has gained tenure prior to the effective date of the Faulkner plan, he shall become the first municipal clerk under the optional form of government. Despite the change in the form of government all previously enacted ordinances shall remain in full force and effect, to the extent that they are not inconsistent with the Faulkner Act, until modified or repealed as provided by law.

During the time between the date of the first election of officers to serve under the new Faulkner plan and the date the newly elected officers take office under the new form of government, no subordinate board, department, body, office, position or employment shall be created and no appointments shall be made to any subordinate board, department or body, or to any office, employment or position, including police officers and fire fighters.

Once the new form of government has been installed, provision for officers and for the organization and administration of the municipal government under the new Faulkner form of government may be made by an interim resolution pending the adoption of an administrative code. Within 90 days of the date of its organizational meeting, the new municipal council shall adopt, by ordinance, an administrative code. The administrative code shall spell out the organization of the administration of the municipal government. The code shall set forth the duties, responsibilities and powers of all municipal officers, departments and agencies, and shall establish the manner in which these duties, responsibilities and powers will be performed. The administrative code shall restate the major provisions of the municipal charter and any applicable sections of general law. Additionally, the code shall provide whatever additional details are necessary to present a complete guide describing:

1. the municipal offices;
2. how municipal officers are selected;
3. how municipal departments, divisions, boards, commissions, and agencies are organized;
4. lines of supervisory responsibility and accountability;
5. procedures to be followed to carry out the functions and activities of the municipal government.

The administrative code shall take effect 30 days after its adoption. When the code becomes effective, all municipal offices, departments, divisions, boards, commissions, and agencies shall assume the form, perform the duties and responsibilities, and exercise the powers granted under the administrative code.

At the time that the old Faulkner At letter plans (i.e., mayor-council plans A-F, council-manager plans A-F, small municipality plans A-D) were repealed in 1981, provisions were added to the Faulkner Act grandfathering in the old letter plan forms of government in the communities which had adopted them prior to January 9, 1982. Thus, any municipality which adopted any of the old Faulkner Act letter plan forms of government prior to January 9, 1982 shall continue to operate under that letter plan until such time as the letter plan charter is abandoned, altered or amended. While it is possible to adopt all of the provisions contained in any of the old letter plans, it is not now possible to adopt, say mayor-council plan F as mayor-council plan F.

### **Conclusion**

One question remains: What is the best form of government under the Faulkner Act? Unquestionably, the mayor-council and council-manager plans are the most popular forms, but what can be considered the "best form?" In the end, there is no objective "best form" of municipal government. What form of government would work best in a particular community is something that each community must decide for itself. There are, however, some considerations to keep in mind when assessing the "fit" between a particular form of government and a particular municipality:

1. Tradition: What forms of government has the municipality used in the past? What were the strengths and weaknesses of those past forms? Why did the municipality try different forms of government? What kind of framework does the municipality use in holding elections: staggered or concurrent terms of office, all at large representation or a combination of wards and at large? Has the municipality used a different election framework in the past? Why was it modified?
2. Recent History: What has been happening in the municipality recently? What considerations, problems or crises have sparked interest in a charter change as part of a possible solution?
3. Nature of Population: Does the municipality have a large and diverse population? Or is the population relatively small, and do the residents have a similar socioeconomic background?
4. Geographic considerations: Is the municipality small and compact? Or is the municipality large and spread out -- a collection of smaller communities and neighborhoods, each with its own individual character?
5. Character of the Local Politics: When is the general atmosphere in which the business of the municipal government conducted? Are the activities of the municipal government conducted in a consensual and businesslike manner? Or is the public's business conducted in a divisive and contentious manner: in a way that is often looked at scornfully as "politics as usual?"

The "best form" of municipal government is not one particular scheme which stands out objectively and in all instances in stark contrast to all other possibilities. Rather it is that form, which best suits the nature and character of the community, and which best serves the needs and desires of its residents. The Faulkner Act, in its flexibility, allows the residents of New Jersey a wide range of options to shape municipal governments which can better suit their communities and which can better serve their residents.



## Appendixes Key:

### "FORM OF GOVERNMENT" Abbreviations:

M-C: Mayor-Council Plan  
M-C-A: Mayor-Council-Administrator Plan  
C-M: Council-Manager Plan  
SM: Small Municipality Plan

The letter or number in parentheses following the OMCL Plan denotes the particular letter plan or number option in effect in that particular municipality.

### "HOW ADOPTED" Abbreviations:

DP: Direct Petition  
CSC: Charter Study Commission  
CIA: Council Initiated Amendment

## Appendix A

### All 127 Municipalities Operating Under the Optional Municipal Charter Law (Faulkner Act)

(As of January 1, 2003)

MUNICIPALITY	COUNTY	2000 CENSUS	FORM OF GOVERNMENT	HOW ADOPTED	DATE EFFECTIVE
Aberdeen Township	Monmouth	17,454	OMCL:C-M (3)	DP	1/1/90
Allamuchy Township	Warren	3,877	OMCL:SM (C)	DP	1/1/80
Atlantic City	Atlantic	40,517	OMCL:M-C (D)	DP	7/1/82
Avalon Borough	Cape May	2,143	OMCL:M-C (B)	DP	7/1/79
Bayonne City	Hudson	61,842	OMCL:M-C (C)	CSC	7/1/62
Belleville Township	Essex	35,928	OMCL:C-M (16)	DP	7/1/89
Belmar Borough	Monmouth	6,045	OMCL:SM (3)	CSC	1/1/91
Berkeley Township	Ocean	39,991	OMCL:M-C (D)	DP	7/1/83
Berlin Township	Camden	5,290	OMCL:SM (3)	DP	1/1/88
Bradley Beach Borough	Monmouth	4,793	OMCL:SM (5)	CSC	7/1/92
Brick Township	Ocean	76,119	OMCL:M-C (2)	DP	1/1/90

MUNICIPALITY	COUNTY	2000 CENSUS	FORM OF GOVERNMENT	HOW ADOPTED	DATE EFFECTIVE
Bridgeton City	Cumberland	22,771	OMCL:M-C (A)	CSC	7/1/70
Bridgewater Township	Somerset	42,940	OMCL:M-C (2)	CIA	1/1/84
Brigantine City	Atlantic	12,594	OMCL:C-M (5)	DP	1/1/91
Burlington City	Burlington	9,736	OMCL:M-C (4)	CSC	1/1/92
Burlington Township	Burlington	20,294	OMCL:M-C (E)	CSC	1/1/75
Byram Township	Sussex	8,254	OMCL:C-M (11)	DP	7/1/85
Camden City	Camden	79,904	OMCL:M-C (4)	CIA	7/1/61
Cape May City	Cape May	4,034	OMCL:SM (8)	DP	7/1/95
Cedar Grove Township	Essex	12,300	OMCL:C-M (B)	CSC	7/1/55
Cherry Hill Township	Camden	69,965	OMCL:M-C (2)	DP	1/1/88
Chester Township	Morris	7,282	OMCL:SM (C)	CSC	1/1/60
Clark Township	Union	14,597	OMCL:M-C (F)	DP	1/1/61
Clinton Township	Hunterdon	12,957	OMCL:SM (C)	CSC	1/1/73
Delran Township	Burlington	15,536	OMCL:M-C (D)	CSC	7/1/72
Denville Township	Morris	15,824	OMCL:M-C (F)	CSC	1/1/72
Deptford Township	Gloucester	26,763	OMCL:C-M (E)	CSC	1/1/72
East Brunswick Township	Middlesex	46,756	OMCL:M-C (E)	CSC	1/1/65
East Hanover Township	Morris	11,393	OMCL:SM (3)	CSC	1/1/92
East Windsor Township	Mercer	24,919	OMCL:C-M (E)	DP	1/1/70
Eastampton Township	Burlington	6,202	OMCL:C-M (E)	CSC	1/1/83
Edison Township	Middlesex	97,687	OMCL:M-C (E)	CSC	1/1/58
Elizabeth City	Union	120,568	OMCL:M-C (F)	CSC	1/1/61
Estell Manor City	Atlantic	1,585	OMCL:SM (D)	DP	1/1/77
Evesham Township	Burlington	42,275	OMCL:C-M (11)	CSC	7/1/83
Ewing Township	Mercer	35,707	OMCL:M-C (2)	CSC	1/1/95

MUNICIPALITY	COUNTY	2000 CENSUS	FORM OF GOVERNMENT	HOW ADOPTED	DATE EFFECTIVE
Fair Lawn Borough	Bergen	31,637	OMCL:C-M (E)	DP	1/1/86
Fairfield Township	Essex	7,063	OMCL:SM (C)	DP	1/1/62
Florence Township	Burlington	10,746	OMCL:M-C (F)	CSC	1/1/72
Franklin Township	Somerset	50,903	OMCL:C-M (8)	DP	1/1/95
Galloway Township	Atlantic	31,209	OMCL:C-M (E)	CSC	1/1/76
Gloucester Township	Camden	64,350	OMCL:M-C (B)	DP	7/1/82
Greenwich Township	Gloucester	4,879	OMCL:SM (C)	DP	1/1/82
Hamilton Township	Mercer	87,109	OMCL:M-C (E)	CSC	1/1/76
Hawthorne Borough	Passaic	18,218	OMCL:M-C (4)	DP	1/1/90
Highlands Borough	Monmouth	5,097	OMCL:SM (C)	DP	1/1/78
Hillside Township	Union	21,747	OMCL:M-C (4)	N/A	7/1/97
Hoboken City	Hudson	38,577	OMCL:M-C (D)	CSC	7/1/53
Howell Township	Monmouth	48,903	OMCL:C-M (3)	DP	1/1/93
Irvington Township	Essex	60,695	OMCL:M-C (D)	DP	7/1/62
Island Heights Borough	Ocean	1,751	OMCL:SM (A)	DP	7/1/74
Jefferson Township	Morris	19,717	OMCL:M-C (E)	CSC	1/1/71
Jersey City	Hudson	240,055	OMCL:M-C (C)	CSC	7/1/61
Keansburg Borough	Monmouth	10,732	OMCL:C-M (B)	DP	7/1/74
Lambertville City	Hunterdon	3,868	OMCL:SM (C)	DP	1/1/83
Lawrence Township	Mercer	29,159	OMCL:C-M (E)	CSC	1/1/70
Lincoln Park Borough	Morris	10,930	OMCL:M-C (F)	CSC	1/1/71
Livingston Township	Essex	27,391	OMCL:C-M (E)	CSC	1/1/57
Logan Township	Gloucester	6,032	OMCL:SM (3)	DP	1/1/84
Long Branch City	Monmouth	31,340	OMCL:M-C (A)	DP	7/1/66
Lopatcong Township	Warren	5,765	OMCL:SM (C)	CSC	1/1/76

MUNICIPALITY	COUNTY	2000 CENSUS	FORM OF GOVERNMENT	HOW ADOPTED	DATE EFFECTIVE
Lower Township	Cape May	22,945	OMCL:C-M (7)	CIA	1/1/89
Mahwah Township	Bergen	24,062	OMCL:M-C (B)	DP	7/1/84
Manchester Township	Ocean	38,928	OMCL:M-C (6)	DP	7/1/90
Maple Shade Township	Burlington	19,079	OMCL:C-M (E)	DP	1/1/75
Marlboro Township	Monmouth	36,398	OMCL:M-C (E)	DP	1/1/64
Medford Township	Burlington	22,253	OMCL:C-M (E)	CSC	1/1/80
Mine Hill Township	Morris	3,679	OMCL:M-C (E)	CSC	1/1/80
Monroe Township	Gloucester	28,967	OMCL:M-C (F)	DP	1/1/71
Monroe Township	Middlesex	27,999	OMCL:M-C (F)	DP	1/1/72
Montclair Township	Essex	38,977	OMCL:C-M (13)	CIA	7/1/88
Moorestown Township	Burlington	19,017	OMCL:C-M (E)	CSC	1/1/67
Morristown Town	Morris	18,544	OMCL:M-C (F)	CSC	1/1/74
Mount Holly Township	Burlington	10,728	OMCL:C-M (12)	CIA	7/1/90
Mount Laurel Township	Burlington	40,221	OMCL:C-M (E)	CSC	1/1/72
Mount Olive Township	Morris	24,193	OMCL:M-C (E)	CSC	1/1/72
Mountain Lakes Borough	Morris	4,256	OMCL:C-M (E)	CSC	1/1/75
New Brunswick City	Middlesex	48,573	OMCL:M-C (E)	CSC	1/1/71
Newark City	Essex	273,546	OMCL:M-C (C)	CSC	7/1/54
Newton Town	Sussex	8,244	OMCL:C-M (B)	CSC	7/1/68
North Brunswick Township	Middlesex	36,287	OMCL:M-C-A	CSC	1/1/84
North Plainfield Borough	Somerset	21,103	OMCL:M-C (E)	CSC	1/1/77
Ocean City	Cape May	15,378	OMCL:M-C (D)	DP	7/1/78
Ocean Township	Monmouth	26,959	OMCL:C-M (A)	CSC	7/1/63
Old Bridge Township	Middlesex	60,456	OMCL:M-C (4)	DP	1/1/84
Orange City	Essex	32,868	OMCL:M-C (D)	DP	7/1/76

MUNICIPALITY	COUNTY	2000 CENSUS	FORM OF GOVERNMENT	HOW ADOPTED	DATE EFFECTIVE
Parsippany-Troy Hills Towns	Morris	50,649	OMCL:M-C (E)	DP	1/1/66
Passaic City	Passaic	67,861	OMCL:M-C (B)	DP	7/1/73
Paterson City	Passaic	149,222	OMCL:M-C (D)	CSC	7/1/74
Pemberton Borough	Burlington	1,210	OMCL:M-C (1)	CSC	1/1/91
Pequannock Township	Morris	13,888	OMCL:C-M (E)	CSC	1/1/57
Perth Amboy City	Middlesex	47,303	OMCL:M-C (B)	DP	7/1/72
Phillipsburg Town	Warren	15,166	OMCL:M-C (2)	DP	1/1/92
Piscataway Township	Middlesex	50,482	OMCL:M-C (F)	CSC	1/1/69
Pohatcong Township	Warren	3,416	OMCL:SM (7)	CSC	7/1/91
Rahway City	Union	26,500	OMCL:M-C (F)	CSC	1/1/55
Randolph Township	Morris	24,847	OMCL:C-M (E)	CSC	1/1/69
Ridgewood Village	Bergen	24,936	OMCL:C-M (B)	DP	7/1/70
Ringwood Borough	Passaic	12,396	OMCL:C-M (E)	CSC	1/1/79
River Vale Township	Bergen	9,449	OMCL:M-C (E)	DP	1/1/79
Rockaway Borough	Morris	6,473	OMCL:M-C (F)	CSC	1/1/68
Roxbury Township	Morris	23,883	OMCL:C-M (F)	CSC	1/1/82
Saddle Brook Township	Bergen	13,155	OMCL:M-C (2)	DP	1/1/91
Scotch Plains Township	Union	22,732	OMCL:C-M (E)	CSC	1/1/73
South Amboy City	Middlesex	7,913	OMCL:M-C (F)	DP	1/1/71
South Brunswick Township	Middlesex	37,734	OMCL:C-M	N/A	N/A
Sparta Township	Sussex	18,080	OMCL:C-M (B)	CSC	7/1/60
Spotswood Borough	Middlesex	7,880	OMCL:M-C (B)	CSC	7/1/76
Springfield Township	Burlington	3,227	OMCL:SM (4)	DP	1/1/93
Stafford Township	Ocean	22,532	OMCL:SM (A)	DP	7/1/82
Teaneck Township	Bergen	39,260	OMCL:C-M (12)	DP	7/1/88

MUNICIPALITY	COUNTY	2000 CENSUS	FORM OF GOVERNMENT	HOW ADOPTED	DATE EFFECTIVE
Tinton Falls Borough	Monmouth	15,053	OMCL:M-C (6)	DP	7/1/85
Trenton City	Mercer	85,403	OMCL:M-C (C)	CSC	7/1/62
Vernon Township	Sussex	24,686	OMCL:C-M (4)	CSC	1/1/98
Verona Township	Essex	13,533	OMCL:C-M (12)	CSC	7/1/87
Vineland City	Cumberland	56,721	OMCL:M-C (A)	CSC	7/1/52
Washington Borough	Warren	6,712	OMCL:C-M (E)	DP	1/1/69
Washington Township	Bergen	8,938	OMCL:M-C (E)	CSC	1/1/70
Washington Township	Gloucester	47,114	OMCL:M-C (2)	DP	1/1/85
Wayne Township	Passaic	54,069	OMCL:M-C (F)	DP	1/1/62
Weehawken Township	Hudson	13,501	OMCL:C-M (C)	CSC	7/1/82
West Milford Township	Passaic	26,410	OMCL:C-M (D)	CSC	7/1/69
West Orange Township	Essex	44,943	OMCL:M-C (B)	DP	7/1/62
West Paterson Borough	Passaic	10,987	OMCL:SM (C)	DP	1/1/67
West Windsor Township	Mercer	21,907	OMCL:M-C (6)	CSC	7/1/93
Willingboro Township	Burlington	33,008	OMCL:C-M (E)	DP	1/1/62
Woodbridge Township	Middlesex	97,203	OMCL:M-C (F)	CSC	1/1/64

2000 U.S. Census Population of all 127 Municipalities currently

operating under a OMCL Plan: 4,088,757; 48.59% of New Jersey's total population.

2000 U.S. Census Population of the remaining

439 Non-OMCL Municipalities: 4,326,093; 51.41% of New Jersey's total population.

Total 2000 U.S. Census Population of all 566 Municipalities in the State of New Jersey: 8,414,850

**Appendix B**  
**The 65 Municipalities Operating Under the Mayor-Council Plan of the Optional**  
**Municipal Charter Law**

(As of January 1, 2003)

MUNICIPALITY	COUNTY	2000 CENSUS	FORM OF GOVERNMENT	HOW ADOPTED	DATE EFFECTIVE
Atlantic City	Atlantic	40,517	OMCL:M-C (D)	DP	7/1/82
Avalon Borough	Cape May	2,143	OMCL:M-C (B)	DP	7/1/79
Bayonne City	Hudson	61,842	OMCL:M-C (C)	CSC	7/1/62
Berkeley Township	Ocean	39,991	OMCL:M-C (D)	DP	7/1/83
Brick Township	Ocean	76,119	OMCL:M-C (2)	DP	1/1/90
Bridgeton City	Cumberland	22,771	OMCL:M-C (A)	CSC	7/1/70
Bridgewater Township	Somerset	42,940	OMCL:M-C (2)	CIA	1/1/84
Burlington City	Burlington	9,736	OMCL:M-C (4)	CSC	1/1/92
Burlington Township	Burlington	20,294	OMCL:M-C (E)	CSC	1/1/75
Camden City	Camden	79,904	OMCL:M-C (4)	CIA	7/1/61
Cherry Hill Township	Camden	69,965	OMCL:M-C (2)	DP	1/1/88
Clark Township	Union	14,597	OMCL:M-C (F)	DP	1/1/61
Delran Township	Burlington	15,536	OMCL:M-C (D)	CSC	7/1/72
Denville Township	Morris	15,824	OMCL:M-C (F)	CSC	1/1/72
East Brunswick Township	Middlesex	46,756	OMCL:M-C (E)	CSC	1/1/65
Edison Township	Middlesex	97,687	OMCL:M-C (E)	CSC	1/1/58
Elizabeth City	Union	120,568	OMCL:M-C (F)	CSC	1/1/61
Ewing Township	Mercer	35,707	OMCL:M-C (2)	CSC	1/1/95
Florence Township	Burlington	10,746	OMCL:M-C (F)	CSC	1/1/72
Gloucester Township	Camden	64,350	OMCL:M-C (B)	DP	7/1/82

MUNICIPALITY	COUNTY	2000 CENSUS	FORM OF GOVERNMENT	HOW ADOPTED	DATE EFFECTIVE
Hamilton Township	Mercer	87,109	OMCL:M-C (E)	CSC	1/1/76
Hawthorne Borough	Passaic	18,218	OMCL:M-C (4)	DP	1/1/90
Hillside Township	Union	21,747	OMCL:M-C (4)	N/A	7/1/97
Hoboken City	Hudson	38,577	OMCL:M-C (D)	CSC	7/1/53
Irvington Township	Essex	60,695	OMCL:M-C (D)	DP	7/1/62
Jefferson Township	Morris	19,717	OMCL:M-C (E)	CSC	1/1/71
Jersey City	Hudson	240,055	OMCL:M-C (C)	CSC	7/1/61
Lincoln Park Borough	Morris	10,930	OMCL:M-C (F)	CSC	1/1/71
Long Branch City	Monmouth	31,340	OMCL:M-C (A)	DP	7/1/66
Mahwah Township	Bergen	24,062	OMCL:M-C (B)	DP	7/1/84
Manchester Township	Ocean	38,928	OMCL:M-C (6)	DP	7/1/90
Marlboro Township	Monmouth	36,398	OMCL:M-C (E)	DP	1/1/64
Mine Hill Township	Morris	3,679	OMCL:M-C (E)	CSC	1/1/80
Monroe Township	Gloucester	28,967	OMCL:M-C (F)	DP	1/1/71
Monroe Township	Middlesex	27,999	OMCL:M-C (F)	DP	1/1/72
Morristown Town	Morris	18,544	OMCL:M-C (F)	CSC	1/1/74
Mount Olive Township	Morris	24,193	OMCL:M-C (E)	CSC	1/1/72
New Brunswick City	Middlesex	48,573	OMCL:M-C (E)	CSC	1/1/71
Newark City	Essex	273,546	OMCL:M-C (C)	CSC	7/1/54
North Plainfield Borough	Somerset	21,103	OMCL:M-C (E)	CSC	1/1/77
Ocean City	Cape May	15,378	OMCL:M-C (D)	DP	7/1/78
Old Bridge Township	Middlesex	60,456	OMCL:M-C (4)	DP	1/1/84



MUNICIPALITY	COUNTY	2000 CENSUS	FORM OF GOVERNMENT	HOW ADOPTED	DATE EFFECTIVE
Orange City	Essex	32,868	OMCL:M-C (D)	DP	7/1/76
Parsippany-Troy Hills Towns	Morris	50,649	OMCL:M-C (E)	DP	1/1/66
Passaic City	Passaic	67,861	OMCL:M-C (B)	DP	7/1/73
Paterson City	Passaic	149,222	OMCL:M-C (D)	CSC	7/1/74
Pemberton Borough	Burlington	1,210	OMCL:M-C (1)	CSC	1/1/91
Perth Amboy City	Middlesex	47,303	OMCL:M-C (B)	DP	7/1/72
Phillipsburg Town	Warren	15,166	OMCL:M-C (2)	DP	1/1/92
Piscataway Township	Middlesex	50,482	OMCL:M-C (F)	CSC	1/1/69
Rahway City	Union	26,500	OMCL:M-C (F)	CSC	1/1/55
River Vale Township	Bergen	9,449	OMCL:M-C (E)	DP	1/1/79
Rockaway Borough	Morris	6,473	OMCL:M-C (F)	CSC	1/1/68
Saddle Brook Township	Bergen	13,155	OMCL:M-C (2)	DP	1/1/91
South Amboy City	Middlesex	7,913	OMCL:M-C (F)	DP	1/1/71
Spotswood Borough	Middlesex	7,880	OMCL:M-C (B)	CSC	7/1/76
Tinton Falls Borough	Monmouth	15,053	OMCL:M-C (6)	DP	7/1/85
Trenton City	Mercer	85,403	OMCL:M-C (C)	CSC	7/1/62
Vineland City	Cumberland	56,721	OMCL:M-C (A)	CSC	7/1/52
Washington Township	Gloucester	47,114	OMCL:M-C (2)	DP	1/1/85
Washington Township	Bergen	8,938	OMCL:M-C (E)	CSC	1/1/70
Wayne Township	Passaic	54,069	OMCL:M-C (F)	DP	1/1/62
West Orange Township	Essex	44,943	OMCL:M-C (B)	DP	7/1/62
West Windsor Township	Mercer	21,907	OMCL:M-C (6)	CSC	7/1/93

MUNICIPALITY	COUNTY	2000 CENSUS	FORM OF GOVERNMENT	HOW ADOPTED	DATE EFFECTIVE
Woodbridge Township	Middlesex	97,203	OMCL:M-C (F)	CSC	1/1/64

Total 2000 U.S. Census Population of all 65 Municipalities operating under the Mayor-Council Plan: 2,955,689; 35.12% of New Jersey's total population.

### Appendix C

#### The 1 Municipality Operating Under the Mayor-Council-Administrator Plan of the Optional Municipal Charter Law

(As of January 1, 2003)

MUNICIPALITY	COUNTY	2000 CENSUS	FORM OF GOVERNMENT	HOW ADOPTED	DATE EFFECTIVE
New Brunswick Township	Middlesex	36,287	OMCL:M-C-A	CSC	1/1/84

Total 2000 U.S. Census Population of Municipalities operating under the Mayor-Council-Administrator Plan: 36,287; .43% of New Jersey's total population.

**Appendix D**  
**The 41 Municipalities Operating Under the Council-Manager Plan of the**  
**Optional Municipal Charter Law**

(As of January 1, 2003)

MUNICIPALITY	COUNTY	2000 CENSUS	FORM OF GOVERNMENT	HOW ADOPTED	DATE EFFECTIVE
Aberdeen Township	Monmouth	17,454	OMCL:C-M (3)	DP	1/1/90
Belleville Township	Essex	35,928	OMCL:C-M (16)	DP	7/1/89
Brigantine City	Atlantic	12,594	OMCL:C-M (5)	DP	1/1/91
Byram Township	Sussex	8,254	OMCL:C-M (11)	DP	7/1/85
Cedar Grove Township	Essex	12,300	OMCL:C-M (B)	CSC	7/1/55
Deptford Township	Gloucester	26,763	OMCL:C-M (E)	CSC	1/1/72
East Windsor Township	Mercer	24,919	OMCL:C-M (E)	DP	1/1/70
Eastampton Township	Burlington	6,202	OMCL:C-M (E)	CSC	1/1/83
Evesham Township	Burlington	42,275	OMCL:C-M (11)	CSC	7/1/83
Fair Lawn Borough	Bergen	31,637	OMCL:C-M (E)	DP	1/1/86
Franklin Township	Somerset	50,903	OMCL:C-M (8)	DP	1/1/95
Galloway Township	Atlantic	31,209	OMCL:C-M (E)	CSC	1/1/76
Howell Township	Monmouth	48,903	OMCL:C-M (3)	DP	1/1/93
Keansburg Borough	Monmouth	10,732	OMCL:C-M (B)	DP	7/1/74
Lawrence Township	Mercer	29,159	OMCL:C-M (E)	CSC	1/1/70
Livingston Township	Essex	27,391	OMCL:C-M (E)	CSC	1/1/57
Lower Township	Cape May	22,945	OMCL:C-M (7)	CIA	1/1/89
Maple Shade Township	Burlington	19,079	OMCL:C-M (E)	DP	1/1/75
Medford Township	Burlington	22,253	OMCL:C-M (E)	CSC	1/1/80
Montclair Township	Essex	38,977	OMCL:C-M (13)	CIA	7/1/88

MUNICIPALITY	COUNTY	2000 CENSUS	FORM OF GOVERNMENT	HOW ADOPTED	DATE EFFECTIVE
Moorestown Township	Burlington	19,017	OMCL:C-M (E)	CSC	1/1/67
Mount Holly Township	Burlington	10,728	OMCL:C-M (12)	CIA	7/1/90
Mount Laurel Township	Burlington	40,221	OMCL:C-M (E)	CSC	1/1/72
Mountain Lakes Borough	Morris	4,256	OMCL:C-M (E)	CSC	1/1/75
Newton Town	Sussex	8,244	OMCL:C-M (B)	CSC	7/1/68
Ocean Township	Monmouth	26,959	OMCL:C-M (A)	CSC	7/1/63
Pequannock Township	Morris	13,888	OMCL:C-M (E)	CSC	1/1/57
Randolph Township	Morris	24,847	OMCL:C-M (E)	CSC	1/1/69
Ridgewood Village	Bergen	24,936	OMCL:C-M (B)	DP	7/1/70
Ringwood Borough	Passaic	12,396	OMCL:C-M (E)	CSC	1/1/79
Roxbury Township	Morris	23,883	OMCL:C-M (F)	CSC	1/1/82
Scotch Plains Township	Union	22,732	OMCL:C-M (E)	CSC	1/1/73
South Brunswick Township	Middlesex	37,734	OMCL:C-M	N/A	N/A
Sparta Township	Sussex	18,080	OMCL:C-M (B)	CSC	7/1/60
Teaneck Township	Bergen	39,260	OMCL:C-M (12)	DP	7/1/88
Vernon Township	Sussex	24,686	OMCL:C-M (4)	CSC	1/1/98
Verona Township	Essex	13,533	OMCL:C-M (12)	CSC	7/1/87
Washington Borough	Warren	6,712	OMCL:C-M (E)	DP	1/1/69
Weehawken Township	Hudson	13,501	OMCL:C-M (C)	CSC	7/1/82
West Milford Township	Passaic	26,410	OMCL:C-M (D)	CSC	7/1/69
Willingboro Township	Burlington	33,008	OMCL:C-M (E)	DP	1/1/62

**Total 2000 U.S. Census Population of all 41 Municipalities operating  
under the Council-Manager Plan: 964,908; 11.47% of New Jersey's total population.**

## Appendix E

### The 20 Municipalities Operating Under the Small Municipality Plan of the Optional Municipal Charter Law

(As of January 1, 2003)

MUNICIPALITY	COUNTY	2000 CENSUS	FORM OF GOVERNMENT	HOW ADOPTED	DATE EFFECTIVE
Allamuchy Township	Warren	3,877	OMCL:SM (C)	DP	1/1/80
Belmar Borough	Monmouth	6,045	OMCL:SM (3)	CSC	1/1/91
Berlin Township	Camden	5,290	OMCL:SM (3)	DP	1/1/88
Bradley Beach Borough	Monmouth	4,793	OMCL:SM (5)	CSC	7/1/92
Cape May City	Cape May	4,034	OMCL:SM (8)	DP	7/1/95
Chester Township	Morris	7,282	OMCL:SM (C)	CSC	1/1/60
Clinton Township	Hunterdon	12,957	OMCL:SM (C)	CSC	1/1/73
East Hanover Township	Morris	11,393	OMCL:SM (3)	CSC	1/1/92
Estell Manor City	Atlantic	1,585	OMCL:SM (D)	DP	1/1/77
Fairfield Township	Essex	7,063	OMCL:SM (C)	DP	1/1/62
Greenwich Township	Gloucester	4,879	OMCL:SM (C)	DP	1/1/82
Highlands Borough	Monmouth	5,097	OMCL:SM (C)	DP	1/1/78
Island Heights Borough	Ocean	1,751	OMCL:SM (A)	DP	7/1/74
Lambertville City	Hunterdon	3,868	OMCL:SM (C)	DP	1/1/83
Logan Township	Gloucester	6,032	OMCL:SM (3)	DP	1/1/84
Lopatcong Township	Warren	5,765	OMCL:SM (C)	CSC	1/1/76
Pohatcong Township	Warren	3,416	OMCL:SM (7)	CSC	7/1/91
Springfield Township	Burlington	3,227	OMCL:SM (4)	DP	1/1/93
Stafford Township	Ocean	22,532	OMCL:SM (A)	DP	7/1/82
West Paterson Borough	Passaic	10,987	OMCL:SM (C)	DP	1/1/67

**Total 2000 U.S. Census Population of all 20 Municipalities operating  
under the Small Municipality Plan: 131,873; 1.57% of New Jersey's total population.**

## Appendix F

Population breakdown for those municipalities operating under each of the OMCL Plans, as well as the general population for the Non-OMCL Municipalities in the State of New Jersey

(As of January 1, 2003)

### Municipalities currently operating under an OMCL Plan:

FORM OF GOVERNMENT	NUMBER OF PARTICIPATING MUNICIPALITIES	2000 CENSUS	% OF NEW JERSEY POPULATION
Mayor-Council Plan:	65	2,955,689	35.12%
Mayor-Council-Administrator Plan:	1	36,287	.43%
Council-Manager Plan:	41	964,908	11.47%
Small Municipality Plan:	20	131,873	1.57%
<b>Totals:</b>	<b>127</b>	<b>4,088,757</b>	<b>48.59%</b>

### All Municipalities operating under a Non-OMCL Plan:

	NUMBER OF MUNICIPALITIES	2000 CENSUS	% OF NEW JERSEY POPULATION
All Non-OMCL Municipalities:	439	4,326,093	51.41%

### Total New Jersey Municipalities:

	NUMBER OF MUNICIPALITIES	2000 CENSUS	% OF NEW JERSEY POPULATION
Total New Jersey Municipalities:	566	8,414,850	100%

**Appendix G**  
**Alternative Provisions of the "Old" Faulkner Act**  
(Prior to the 1981 Revisions)

**Mayor-Council**

Election

Council

PLAN (R.S.40:69A)	PARTISAN OR NON- PARTISAN	ELECTIONS	MAYOR, METHOD & TERM	SIZE OF COUNCIL	STAGGERED OR CONCURRENT TERMS	ELECTED ALL AT LARGE OR BY WARDS & AT LARGE	TERMS INITIAL	NUMBER OF YEARS SUCCEEDING
Plan A	Non-Partisan	May	At Large, 4 Years	5	Concurrent	All At Large	4	4
Plan B	Non-Partisan	May		5,7,9	Staggered *	All At Large	2 & 4	4
Plan C	Non-Partisan	May		5,7,9	Concurrent	Wards & At Large	4	4
Plan D	Non-Partisan	May		5,7,9	Staggered *	Wards & At Large	2 & 4	4
Plan E	Paritsan	November		5,7,9	Staggered *	All At Large	2 & 4	4
Plan F	Paritsan	November		5,7,9	Staggered *	Wards & At Large	2 & 4	4

**Council-Manager**

Election

Council

PLAN (R.S.40:69A)	PARTISAN OR NON- PARTISAN	ELECTIONS	MAYOR, METHOD & TERM	SIZE OF COUNCIL	STAGGERED OR CONCURRENT TERMS	ELECTED ALL AT LARGE OR BY WARDS & AT LARGE	TERMS INITIAL	NUMBER OF YEARS SUCCEEDING
Plan A	Non-Partisan	May	By Council	5	Concurrent	All At Large	4	4
Plan B	Non-Partisan	May		5,7,9	Staggered *	All At Large	2 & 4	4
Plan C	Non-Partisan	May		5,7,9	Concurrent	Wards & At Large	4	4
Plan D	Non-Partisan	May		5,7,9	Staggered *	Wards & At Large	2 & 4	4
Plan E	Paritsan	November		5,7,9	Staggered *	All At Large	2 & 4	4
Plan F	Paritsan	November		5,7,9	Staggered *	Wards & At Large	2 & 4	4

## Small Municipality

Election					Council			
PLAN (R.S.40:69A)	PARTISAN OR NON- PARTISAN	ELECTIONS	MAYOR, METHOD & TERM	SIZE OF COUNCIL	STAGGERED OR CONCURRENT TERMS	ELECTED ALL AT LARGE OR BY WARDS & AT LARGE	TERMS INITIAL	NUMBER OF YEARS SUCCEEDING
Plan A	Non-Partisan	May	At Large, 4 years	3,5,7	Concurrent	All At Large	3	3
Plan B	Non-Partisan	May	By Council, 1 or 3 years	3,5,7	Concurrent	All At Large	3	3
Plan C**	Paritsan	November	At Large, 4 years	3,5,7	Staggered	All At Large	1 & 2	3
Plan D	Paritsan	November	By Council, 1 year	3,5,7	Staggered	All At Large	1, 2 & 3	3

- In the Mayor-Council and Council-Manager Plans, when staggered and at large plans are chosen, the initial term of individual councilmen is determined by lot with the majority serving for two years and the rest for four years. All elections thereafter are held every two years for four terms. When staggered and wards and at large plans are chosen, the initial term of the ward councilmen would be for two years and the at large councilmen for four years. Thereafter, council elections would be held every two years for four terms.

\*\* In Small Municipality Plan C: The directly elected mayor's term is for four years and the initial one year and two year terms of the individual councilmen is determined by lot. All council elections thereafter are for three year terms.

Source: Adapted from Table 1 in "New Jersey's Optional Municipal Charter Law." Prepared by the New Jersey Taxpayers Association. Published by the National Municipal League, (New York, August 1964). Includes addition of Council-Manager Plan F.