

Mayor Nolan offered the following Ordinance and moved adoption and authorized its publication as required by law:

O-12-4

**AN ORDINANCE ADDING 2-3.6 (NEW SECTION) TO THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
ESTABLISHING ATTENDANCE POLICY OF ELECTED AND
APPOINTED OFFICIALS**

2-3.6 (New Section)

ATTENDANCE POLICY OF ELECTED AND APPOINTED OFFICIALS.

a. *Introduction.* The following is the Attendance Policy for elected and appointed officials for the Borough of Highlands.

b. *Vacancy Due to Change to Nonresident Status or Upon Resignation; Filling; Municipal Offices Open to Nonresidents.* As per N.J.S.A. 40A:9-11, whenever a County or municipal officer, who is required to be a resident shall cease to be a bona fide resident of the County or municipality, as the case may be, or whenever the resignation of any such officer shall have been accepted by the proper authority, his office shall immediately be deemed to be vacant. The County or municipality, by the proper authority, shall thereupon proceed to fill the vacancy in the manner prescribed by law. A nonresident of any municipality may hold office as counsel, attorney, engineer, health officer, auditor or comptroller of such municipality and no such office shall be deemed vacated by a change of residence of any such person.

c. *Vacancy from Any Cause Other Than Expiration of Term or Filing of Petition for Recall.* As per N.J.S.A. 40A:9-12, in any County or municipality, whenever a vacancy in office occurs from any cause other than expiration of the term of office or the filing of petition for recall, such vacancy shall be filled in the manner prescribed by law.

d. *Vacancy Deemed on Resignation, Incapacity, Death, Residence, Absence, or Removal; Filling Unexpired Term.* As per N.J.S.A. 40A:9-12.1: The office of any person appointed to a specified term, with or without compensation, by the Governing Body or chief executive of any local unit, including persons appointed to any board, committee, commission, authority or other agency of one or more local units, shall be deemed vacant:

1. Upon its being so declared by judicial determination;
2. Upon the filing by such officer of his written resignation;
3. Upon the refusal of a person designated for appointment to such office to qualify or serve;

4. Upon the determination of the appointing authority that such officer shall have become physically or mentally incapable of serving;

5. Upon the death of such officer;

6. Upon the determination of the appointing authority that, in violation of a lawful residency requirement, such officer no longer resides within the corporate limits of the local unit or other designated territorial area;

7. In the case of a member of a board, committee, commission, authority or other agency, whenever the member, without being excused by a majority of the authorized members of such body, fails to attend and participate at meetings of such body for a period of eight (8) consecutive weeks, or for four (4) consecutive regular meetings, whichever shall be of longer duration, at the conclusion of such period, provided that such body shall notify the appointing authority in writing of such determination; provided, further, that such board, committee, commission, authority or other agency may refuse to excuse only with respect to those failures to attend and participate which are not due to legitimate illness; provided, however, that nothing in this subsection shall preclude a municipal appointing authority from adopting by ordinance a policy establishing a lower absentee threshold, provided that the ordinance shall not permit the removal of the member if the member has been absent for less than six (6) consecutive weeks, or three (3) consecutive meetings, whichever shall be of longer duration, without being excused, within the term of office for the position held by the individual;

8. Upon the removal of such officer for cause in accordance with law, or for any other reason prescribed by law.

Whenever any of the above shall occur the appointing authority shall forthwith fill the office for the unexpired term in the manner prescribed by law; provided, however, that in the case of a person failing to qualify or refusing to serve pursuant to subsection c., such office shall not be deemed vacant, if the incumbent officeholder is authorized by law to continue in such office until a successor is appointed and qualifies therefor.

e. *Absences.* Elected and appointed officials shall make every effort to attend meetings. The following is a list that constitutes excused absence:

1. Personal illness
2. Family emergencies
3. Military absences
4. Family weddings
5. Family graduation exercises
6. Bona fide business and vacation trips constitute good cause
7. Jury duty
8. Death

9. Child birth
10. Pandemic
11. Religious festivities or events
12. Classes for certification or Borough related business
13. Items covered under Family Leave Act (as amended)
14. Any other item taken on a case-by-case basis that the body can vote upon if requested by an absent official at the next official meeting after the absence.

Seconded by Mr. Redmond and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Redmond, Mr. O’Neil, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

DATE: March 21, 2012

Carolyn Cummins, Borough Clerk

Introduction: February 1, 2012

Publication: February 17, 2012 – Two River Times

P.H./Adoption: March 21, 2012

Publication: March 30, 2012

I hereby certify this to be a true copy of Ordinance O-12-4 adopted by the Governing Body of the Borough of Highlands on March 21, 2012.

Borough Clerk/Deputy Clerk