

Welcome to Local Government

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Layers of Municipal Government

The State prescribes how Municipalities govern themselves. Generally speaking, the State mandates procedures for all major activities but leaves local choices to be made by the Municipality. For example:

Zoning:

The Municipal Land Use Law (MLUL) lays out all of the requirements and procedures for Zoning Codes, Planning Boards, Zoning Boards and related activities. The Municipality, based on its local knowledge, makes local land use choices within the State mandated framework.

Tax Assessment:

The State mandates how property taxes are to be calculated and assessed. It mandates the employment of a Tax Assessor by a Municipality. It forbids the Municipality from interfering with the Assessor's discharge of his/her duties, the Assessor reports to the County Board of Taxation.

Construction Code:

The Municipality must hire and pay for Code Officials. The manner in which they discharge their duties is regulated by the State.

Police:

State statutes generally regulate the establishment of a police department, however, staffing levels, shifts, command structure, rate of pay and the like are a local choice.

Autonomous Sub-Agencies:

The State mandates that Local Government functions be parceled out among various "Autonomous Sub-Agencies", such as the Planning Board, Zoning Board and Board of Health. Thus, most matters of local health, for example, beyond the power of the Municipality. Each Board has a unique set of powers and limitations, all controlled by State statute.

It's a Complicated Mess

In order to govern effectively, you must determine who has *jurisdiction over the subject matter*.

As a Governing Body you may have:

- **No powers;**
- **Limited powers; or**
- **Complete discretion over a particular matter.**

For example, you have no power whatsoever in foreign affairs, you have limited powers in the area of zoning and unlimited powers in the area of recreation.

Questions to Ask:

1. Does the Municipality have jurisdiction?
2. Is the procedure for action regulated?
3. Within the Municipality, who has jurisdiction?

What Are We “In Charge” Of?

The Governing Body and its sub-agencies can have a profound effect upon the quality of life in their community, even with their limited (and some might say overly regulated) powers. For example, the Local Government can:

- Control spending
- Control staffing and performance
- Establish and maintain parks and recreation programs
- Regulate the appearance of the community and the buildings located therein through property maintenance, construction and land use regulation
- Manage and maintain the local roads and public properties
- Manage the police department
- Enact local ordinances for the protection and convenience of residents
- Establish spending and program priorities

Mayor and Council Functions

1. The Governing Body acts as a unit, it acts by voting. No vote. No action. “Action” is either in the form of ordinances or resolutions. Generally speaking, ordinances are on matters of sufficient importance or permanence that the public is entitled to know before the Governing Body acts. Thus, ordinances must be adopted in two or more steps, at two or more meetings, after formal notice to the public.

Other matters can be acted upon by resolution. Resolutions can range in complexity from simple, verbal “motions” to lengthy and complex written documents.

2. No meeting. No Governing Body. Except when assembled at a lawful meeting, the Governing Body basically doesn’t exist. Individual elected officials generally have no power to act individually.

Who's In Charge?

Delegated Powers

The Governing Body, based upon State statutes or local ordinances, can ***delegate*** powers otherwise possessed by it to individuals or committees for action.

In general, all powers for day-to-day functioning of a Municipality are delegated to someone.

- By statute, the Police Chief has control of all day-to-day functions of the Police Department.
- By local ordinance, the Department of Public Works Superintendent makes day-to-day decisions concerning the Department of Public Works.
- The Recreation Director makes decisions within his/her area.
- The Administrator exercises the powers of the Mayor and Council.

The Role of the Governing Body and the Administrator

Over time and through a never-ending series of ordinances and resolutions adopted and amended from time-to-time as circumstances warrant, the Governing Body establishes priorities, policies, procedures and standards for its employees to follow in the day-to-day operations of the Borough. The Governing Body, may, and frequently does, also assign specific projects and tasks to various people to perform. Ideally, all assignments would go through the Administrator.

So who supervises the employees?

The Role of the Administrator

In between meetings, the Administrator *is* the Governing Body. The Administrator (not the elected officials) supervises the various employees through the chain of command and monitors their performance.

The Administrator implements and facilitates the goals and objectives selected by the Governing Body.

The Governing Body determines what it wants to accomplish. The Administrator makes it happen.

The Administrator, working with the department heads and/or other professionals, eliminates the obstacles and problems affecting the Governing Body's programs and goals.

Municipalities must follow strict rules and procedures for their actions. The rules are different and more complicated than those affecting private industry.

The Five “P’s”

You’ve identified something within your jurisdiction, use the Administrator for the five “P’s”:

Policy:

Do we want to do it?

Price:

Can we afford to do it? Is it in the budget?

Priority:

Will this program or project eliminate or delay something else more important?

Procedure:

What steps must be taken? In what order? To get this done?

Performance:

Getting the correct people to complete the necessary tasks in a timely manner.

Steps Toward Better Governments

Anticipation and Planning

Anticipate necessary actions far enough in advance so that they can be adequately planned for.

Planning will allow sufficient time to investigate and discuss intended actions.

Acting without time pressures will minimize errors and reduce personal friction.

Keep politics about philosophies, not personalities. It's easier to solve philosophical differences than personal differences. Insist on better preparation and presentation of matters to be debated by the Governing Body.

Keep records, by subject matter, of on-going discussions. This will make it easier to track progress and avoid re-discussing matters previously resolved.

Ration your meeting time. Meeting time is a precious commodity which should be spent discussing policy level decisions. Leave the details to the Administrator and staff.

Don't reinvent the wheel. Most towns have similar problems. For most programs and problems there are generally accepted solutions. Challenge your professionals to find those solutions and implement them unless you ***genuinely*** think you have invented a new solution.

Try to develop a consensus on a "vision" or a set of standards for your community; communicate it to your Administrator and direct him, over time, to direct your work force to meet those standards.

Develop monthly reports.

Organizational Responsibilities

The Residents



Mayor and Council



Administrator



Departments



Employees

Final Comments

Participation in local government can be exciting and rewarding.

It is essential to our democracy that capable, well-meaning people are willing to serve.

Thus a governing philosophy that eliminates friction, stress and rancor is essential.

Adherence to proper procedures and customs of civility will smooth the process, even when differences of opinion exist.

Public officials can then enjoy the satisfaction that constructive civic service offers.

Westwood Borough Attorney Russell Huntington
assisted with the development of this presentation