

BERGEN COUNTY BOARD OF CHOSEN FREEHOLDERS
ORDINANCE NO. 19-33

BERGEN COUNTY BOARD OF CHOSEN FREEHOLDERS
ORDINANCE

**AN ORDINANCE AMENDING THE BERGEN COUNTY ADMINISTRATIVE CODE
TO REVISE ARTICLES 2.9 (COUNSEL TO THE BOARD), 6.8 (PAYMENT OF
CLAIMS), 8.0 (DEPARTMENTS), 8.1 (DEPT. OF ADMINISTRATION AND FINANCE),
AND 8.4 (DEPT. OF LAW)**

WHEREAS, N.J.S.A. 40:41A-125 and Bergen County Administrative Code §2.1(a) authorize the Board of Chosen Freeholders to adopt and amend an Administrative Code; and

WHEREAS, the County of Bergen adopted Ordinance No. 87-06 establishing the Administrative Code effective May 6, 1987; and

WHEREAS, the Administrative Code was last revised by Ordinance No. 17-15 passed on July 12, 2017; and

WHEREAS, the County Executive and the Board of Chosen Freeholders, through counsel, have performed an in-depth review of the Administrative Code; and

WHEREAS, the County Executive and the Board of Chosen Freeholders seek to revise Articles 2.9 (Counsel to the Board), 6.8 (Payment of Claims), 8.0 (Departments), 8.1 (Dept. of Administration and Finance), and 8.4 (Dept. of Law).

NOW, THEREFORE, BE IT ORDAINED:

Section 1: The Administrative Code of the County of Bergen is hereby amended as follows in the attached document. New additions to the Administrative Code are underlined. Matters ~~struck through~~ are deleted from the Administrative Code. Any provisions, sections, or subsections that do not appear below have not been modified. In addition, pursuant to Section 2.9(b) of the attached Administrative Code, the Board Attorney, or his designee, shall be free to adjust the attached document solely for formatting and presentation purposes, and to add attending pages, such as a cover page, table of contents, and index.

Section II: 7:30 PM on December 4, 2019, at the Bergen County Freeholder Public Meeting Room, Fifth Floor, One Bergen County Plaza, Hackensack, NJ, is fixed as the time and place when and where any and all persons interested shall be given an opportunity to be heard concerning the ordinance.

Section III: Pursuant to N.J.S.A. 40:41A-101, this ordinance shall be published at least once in the manner provided in N.J.S.A. 40:41A-142, together with a notice of the introduction thereof and the time and place when and where it will be further considered for final passage. The publication shall be at least 1 week prior to the time fixed for further consideration for final passage.

Section IV: A copy of the proposed ordinance shall also be sent by regular mail to the clerk of each municipality in the county not less than 1 week prior to the date of hearing.

Section V: Prior to the said second reading, a copy of the ordinance shall be posted on the bulletin board or other place upon which public notices are customarily posted in One Bergen County Plaza, and copies of the ordinance shall be made available to members of the general public who shall request such copies.

Section VI: Upon the opening of the hearing, the ordinance shall be given a second reading, which reading may be by title, and thereafter, it may be passed by a majority of the whole number of the Board, with or without amendments, or rejected.

Section VII: Pursuant to N.J.S.A. 40:41A-101, this ordinance shall take effect 20 days after its final passage by the Board and approval by the County Executive.

Section VIII: Upon passage, the ordinance, or the title, together with a notice of the date of passage or approval, or both, shall be published at least once in the manner provided by N.J.S.A. 40:41A-142 of this act.

Section IX: One certified copy of the full text of every ordinance so adopted shall be filed with the clerk of each municipality within the County not later than 10 days after the date of final passage.

Section X: All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Section XI: If any section or provision of this ordinance shall be invalid in any court the same shall not affect the other sections or provisions of this ordinance except so far as the section or provision so declared invalid shall be inseparable from the remained or any portion thereof.

2.9 Clerk, Counsel to the Board.

a. The Clerk to the Board shall:

(1) have and exercise all the powers and duties now or hereafter conferred on him/her by the Charter or other applicable laws or acts of the New Jersey Legislature not inconsistent with the Charter and also such duties as may from time to time be assigned to him/her by the Board.

(2) prepare agendas for all Board meetings and forward copies of all pertinent materials, including but not limited to all resolutions and ordinances in advance of each agenda to each Freeholder, Freeholder-elect, County Executive, County Administrator, County Counsel and Counsel to the Board.

(3) in serving as recording secretary to the Board, attend all meetings of the Board, and record all ordinances and resolutions adopted by the Board together with the minutes of the Board and, at the close of each year, with the advice and assistance of the County Counsel and Counsel to the Board, compile or codify true copies of all the ordinances and resolutions adopted during that year, together with the minutes of the Board, and all rules, policies, guidelines, procedures and regulations issued by the Administration pursuant to Section 8.1.13 of this Code, as provided by the Executive to the Clerk of the Board, properly indexed. He/she shall cause such copies thereof to be printed as the County governing body may require. A copy of the codified ordinances and resolutions shall be transmitted to each municipality within the County, upon request and without charge, and to any member of the general public upon request and at cost.

(4) attest to all ordinances as being duly adopted.

(5) have custody of all records of the Board.

(6) retain copies of all formal contracts in which the County is a party.

(7) retain all official surety bonds furnished for any County officer or employee.

(8) have custody of the County Seal and affix the seal to such documents in his/her custody as may require it.

(9) serve as administrative liaison between the Board and the County Executive.

(10) supervise the clerical and support staff of the Clerk to the Board.

(11) receive on behalf of the Board copies of all personnel actions taken by the Executive and acknowledge receipt of the list.

(12) provide for the mailing of all notices and copies of documents to municipalities as required by law.

(13) publish any legal notices required in connection with actions taken by the Board.

(14) retain copies of all Executive Orders

b. Counsel to the Board. There shall be a Counsel to the Board who shall be appointed by the Board to serve at its pleasure. Counsel shall advise the Board on legal matters and shall act as Parliamentarian at Board meetings if so designated by the Chairman. Counsel shall prepare resolutions and ordinances as required by the Board, review negotiated contracts

prior to Board approval and may represent and counsel the Board in any litigation, including any litigation involving a dispute with the Executive branch and shall represent the Board in any appeals from the Planning Board. Counsel shall regularly update a document containing all Administrative Code provisions to reflect every amendment therein, and in doing so, Counsel shall have discretion ~~over the~~ to make formatting, and appearance or other non-material changes to of the Administrative Code, subject to the disapproval of the Board.

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3.5 Powers of the Executive. The Executive:

- a. Shall supervise, direct and control all County administrative departments.
- b. With the advice and consent of the Board, and subject to transparency requirements set forth in Section 8.0(f) requiring the public announcement of vacant positions prior to appointment, shall appoint the County Counsel, the Administrator, the heads of all departments and divisions created within such departments, and the members of all County boards, including advisory boards, commissions and authorities.
- c. May, at his/her discretion, remove or suspend any official in the unclassified service of the County over whose office the Executive has power of appointment in accordance with the provisions of N.J.S.A. 40:41A-87b.
- d. May, at his/her discretion, delegate to department heads powers of appointment and removal of their departmental employees. Such delegation shall be done by filing same in writing with New Jersey Civil Service Commission. If the Executive does not so delegate his/her power, he/she may appoint and remove, subject to Civil Service requirements, all employees whose positions have been created in accordance with the Code and the manner of whose appointment or removal is not specified herein. All appointments under this provision, whether by a delegated department head or the County Executive, are subject to transparency requirements set forth in Section 8.0(f) requiring the public announcement of vacant positions prior to appointment.
- e. May require reports and examine the accounts, records and operation of any agency of County government, at any time.
- f. May, at his/her discretion, order any agency under his/her jurisdiction as specified in the Administrative Code to undertake any task for any other agency on a temporary basis if he/she deems it necessary for the proper and efficient administration of the County government.
- g. Shall approve each ordinance of the Board by signing it, or may veto the entirety of any ordinance by returning it to the Clerk to the Board within ten (10) days of receipt with a written statement of his/her objections to the ordinance. No partial or conditional vetoes are permitted. If two-thirds of the full membership of the Board, upon reconsideration of the

measure, shall vote for it, the Executive's veto shall be overridden and the ordinance shall become law without the Executive's signature in accordance with the provisions of law and Section 2.12 of the Bergen County Administrative Code.

h. Shall review and approve or veto, within 10 days of delivery to him, except as otherwise provided herein, all or part of the minutes of every meeting of a county authority organized pursuant to the provisions of P.L.1946, c.138 (C.40:14A-1 et seq.)(County Sewerage Authorities), P.L.1957, c.183 (C.40:14B-1 et seq.)(County Utilities Authorities), or P.L. 1960, c.183 (C.40:37A-44 et seq.) (County Improvement Authorities). If within the 10-day period, the County Executive returns to the authority and to the Board of Freeholders the copy of the minutes of any action taken by the authority or any member thereof at a meeting, together with a written explanation of the reasons for his veto of the action, that action shall be of no effect unless the Board of Freeholders overrides the veto of the action by a majority vote of its full membership within 10 days of the receipt of the veto action. The County Executive may approve all or any part of an action taken at a meeting prior to the expiration of the 10-day period. If the County Executive takes no action with respect to the minutes within the 10-day period, the minutes shall be deemed approved. The veto powers accorded under this subsection shall not affect in any way the covenants contained in the bond indentures of the authority, or any collective bargaining agreement or binding arbitration decisions affecting employees of the authority.

No resolution or other action of the authority providing for the issuance or refunding of bonds or other financial obligations shall be adopted or otherwise made effective by the authority without the prior approval in writing of the County Executive. This power shall be exercised with due regard for the rights of the holders of bonds of the authority at any time outstanding, and nothing in, or done pursuant to, this subsection shall in any way limit, restrict or alter the obligation or powers of the authority or any representative or officer of the authority to carry out and perform in every detail each and every covenant, agreement or contract at any time made or entered into by or on behalf of the authority with respect to its bonds or for the benefit, protection or security of the holders thereof.

If two-thirds or more of the members of an authority make a determination that an action taken at a meeting is in response to an emergency situation, a copy of the minutes of that meeting shall be delivered to the County Executive as soon as practicable following the meeting and the County Executive shall have up to 24 hours after the copy of the minutes has been delivered to approve or veto the minutes of that meeting. If the County Executive takes no action with respect to the minutes within the 24-hour period, the minutes shall be deemed approved. If, within the 24-hour period, the County Executive returns to the authority and to the Board of Freeholders the copy of the minutes with a veto of any action taken by the authority or any member thereof at the meetings, together with a written explanation of the reasons for his veto of the action, that action shall be of no effect unless the Board of Freeholders overrides the veto of the action by a majority vote of its full membership within 48 hours of the receipt of the veto action.

i. May order cessation of expenditures by any agency under his/her jurisdiction when necessitated by a revenue shortfall or when he/she has cause to believe that the agency is not using the funds for the purposes for which they were appropriated.

j. May appoint annually, subject to the advice and consent of the Board of Chosen Freeholders, a registered municipal accountant of New Jersey to perform an independent audit of the County's books, accounts and financial transactions and to perform such other services as the Executive directs, specifically with regard to the review, modification, approval and operation of the budget; and to perform an independent financial, compliance, performance or operational audit of any agency of the County.

k. The Executive may promulgate and enforce such rules, regulations, policies, guidelines and/or procedures as relate to the organization or internal management of the County government, or a part thereof, without any required publication. The Executive may delegate to the Department Heads the authority to issue rules, regulations, policies, guidelines and/or procedures as relate to their respective departments. All other Executive Orders shall be published in accordance with N.J.S.A. 40:41A-103. All Executive Orders shall be delivered to the Clerk to the Board, who shall maintain a permanent catalogue thereof.

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6.8 Payment of Claims. No bill, demand or claim shall be paid unless it contains a detailed statement of the items or demand, specifying particularly how the bill or demand is made up, and a certification of the party claiming payment that it is correct; nor shall any bill, claim or demand be paid unless the purchase order, or other approved payment voucher on which it is presented carries a certification of the head of the department, office or agency, or of his/her duly designated representative having personal knowledge of the facts, that the goods have been received by, or the services rendered to, the County. The procedure shall be as follows:

a. All bills, claims and demands against the County shall be entered into the finance system. Each department shall create a requisition for each such bill, claim, or demand. All requisitions shall be approved by the department head, or designee and certified and approved by the Division of Treasury. Checks in payment shall be disbursed by the Treasurer in accordance with the authority given to the County Executive by N.J.S.A. 40:41A-36e. The Treasurer shall prepare a complete account of all expenditures on a bi-weekly basis and shall submit copies of such listing to the Executive and County Administrator. Copies shall be provided to the Board of Freeholders upon request.

b. Disbursement shall be made by check or electronic payment based on approval of the requisition by the Department Head and Treasury, as set forth in Article 6.8(a), and certified to the Executive. The checks for other expense payments shall be signed by the Treasurer or Chief Financial Officer.

c. The County need not require a vendor/claimant certification for goods or services for which individual purchase orders are below a threshold of \$5,000.00, provided that a person

with knowledge that the goods or services provided so acknowledges either electronically or in writing. Furthermore, a vendor/claimant certification may be waived for all direct utility payments and payments to third party natural gas and electricity providers.

d. Provided that the appropriate internal financial controls and procurement processes have been complied with, the County may waive a vendor/claimant certification in the case of construction projects when the contractor, engineer, or architect overseeing the project and the employee of the County authorizing payment certify a fully completed American Institute of Architects (AIA) pay application or the equivalent.

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Article 8 Departments

8.0

8.0.1 General. There shall be 8 departments organized under the jurisdiction of the Executive. They shall be:

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|-----|----------------------------|
| (1) | Administration and Finance |
| (2) | Health |
| (3) | Human Services |
| (4) | Law |
| (5) | Public Safety |
| (6) | Public Works |
| (7) | Parks |
| (8) | Planning and Engineering |

8.0.2b. Reorganization. The Board is authorized to amend the Administrative Code to reorganize the administration of County government, setting forth the duties and responsibilities and powers of all county officials and agencies and the manner of performance needed. The Board recognizes that the day-to-day administration of County affairs is within the jurisdiction of the Executive; therefore, the Executive may recommend to the Board a proposed re-organizational plans within departments, but such recommendation is not required for board action.

8.0.3e. Qualifications of Department Head and Division ~~Directors~~ Heads. Each department head shall have academic training and significant practical experience in at least one (1) discipline within the department's area of concern and shall have proven administrative ability. The head of each Division shall have some formal training in the major function of that division and some practical experience therein.

8.0.4d. The Executive shall have the right to appoint one person to head more than one division.

8.0.5e. Advisory Boards. In all instances where advisory boards are created under this Code, they shall consist of at least five (5) members plus such Freeholder liaison(s) as may be appointed by the Board ~~one (1) Freeholder member, and one (1) alternate Freeholder member.~~ Freeholder members shall be voting members. The Board shall by ~~resolution~~ ordinance establish the number of members of the board. The members shall be nominated by the Executive subject to the advice and consent of the Board. In those instances where Freeholders are permitted to be members of an advisory board, they shall be appointed by the ~~Chairman/woman~~ person of the Board.

Each advisory board shall have broad authority ~~to organize itself and~~ to study the functions and services in its area of concern and to propose such programs and innovations as it feels would be beneficial to the County and its citizens. The approval of the Executive shall be required before any such proposed program or innovation is conducted and, if rejected by the Executive, the advisory board shall not act upon that proposal. Any subcommittees formed by an advisory board shall require the prior approval of the Executive and shall consist solely of existing advisory board members, or new members who have been appointed by the Executive with the advice and consent of the Board. Advisory board bylaws shall require the approval of the County Executive. Copies of bylaws shall be delivered to the County Counsel, the Administrator, and to the head of the Department or Division under which each advisory board is organized, according to this Code.

Every effort shall be made to ensure that t~~The~~ composition of each advisory board shall be such that it reflects the population of the County and ~~the public served by the agency.~~ Such boards shall be broadly representative of the County's diverse demographics political and ethnic makeup and shall have representation of both sexes.

Advisory boards shall be provided with such meeting facilities and secretarial and logistical assistance as is necessary for them to fulfill their function of advising the Executive, the Board and the department to which they are attached. Each department shall be responsible for the provision of such assistance as is required.

Advisory boards shall keep minutes of all meetings and shall forward within ten (10) days of the meeting date copies of said minutes to the County Executive County Administrator, Deputy County Administrator and such other parties designated by the County Executive.

Unless otherwise provided for, the T~~Terms~~ for advisory boards members shall be staggered three (3) year terms. At the time of initial appointment of advisory boards members, the terms shall be divided into 1, 2 and 3 year terms evenly spread among the membership. Each member shall hold office for the term of appointment and until his/her successor shall have been appointed and qualified. Any vacancy in the membership of an advisory board during an unexpired term shall be filled by appointment of a person as a member for the unexpired term. Holdover

appointments shall not interfere with the staggered appointment process. In the case of advisory boards established under statute or federal requirements, the terms and the number of members shall be as set forth therein.

8.0.6. Volunteers. The County may accept the donation of time and services from such volunteers as it may permit for a temporary or ongoing basis, in the discretion of the Executive. Volunteers shall not be considered employees for purposes of the New Jersey Workers' Compensation Act, but shall be granted any immunity of an employee pursuant to the New Jersey Tort Claims Act. Volunteers may be subject to the same screening and interview requirements as apply to any other employee, including background checks and medical examinations, in the discretion of the Executive.

8.0.7f. Transparency in Appointments. All County Executive appointments subject to advice and consent must comply with the following:

aA. Notification. To encourage citizen participation in a meaningful way, all vacancies on boards, commissions, authorities, departments, divisions, and agencies subject to advice and consent shall be announced publicly and, to the extent practicable, advertised 30 days prior to appointment or 30 days prior to anticipated date of vacancy or expiration of term, whichever is later.

(1) On the County of Bergen's official website; and

(2) On the bulletin boards in the Bergen County Justice Center and Administrative Buildings; One Bergen County Plaza, and Two Bergen County Plaza, Hackensack, New Jersey; and either

ia. In one or more of the official newspapers of the County of Bergen; or

iiB. In one or more other periodicals and/or websites selected by the Board of Chosen Freeholders, including the Freeholder Website, "Community News" and other periodicals not necessarily permitted to publish legal notices, but which the Board of Chosen Freeholders finds are reasonably calculated to provide information about such appointments to the community at large; or

iiie. On some or all of the pages on <http://www.patch.com/> for the municipalities in the County of Bergen, or on any similar site on the Internet.

bB. Content. The public announcement shall succinctly state the available position, contain a brief description of the role and general responsibilities, state the qualifications necessary to be eligible, and include information on how to apply. Nothing in this section shall require the County Executive to

establish qualifications for any position where none exist ~~or~~ interfere with the County Executive's statutory discretion to appoint.

cC. Timing. All public announcements and advertisements required under Section 8.0(f)(A) must be made at least 30 days before the County Executive appoints an individual to fill a position subject to advice and consent.

dD. Advertisement Consolidation to Reduce Costs. To minimize advertising and publication costs, County officials shall, to the best of their ability, include as many notices of available positions as possible in each public advertisement.

eE. Privacy. All résumés, documents, and any other job-application correspondence submitted by candidates in application to vacant positions advertised under this section shall be safeguarded to protect the privacy of applicants and will not be subject to public disclosure unless otherwise authorized by law.

fF. Power to Waive. The Board of Chosen Freeholders shall have the power to waive this provision by resolution.

gG. Exemptions. The following appointments are exempt from the notice requirements of this section:

(1) Statutory appointments that do not require the advice and consent of the Board of Chosen Freeholders; and

(2) Acting or interim appointments;

hH. Executive Suspension of Notice Requirements. Notwithstanding any other provision of law, the Executive may suspend the provisions of such notice required under this section:

(1) In the event of the declaration of a national emergency by the President; or

(2) In the event of the declaration of a state of emergency by the Governor; or

(3) Upon a written finding by the Executive, published and also communicated to the Freeholder Board, of an exigent circumstance that warrants such suspension solely for such appointment.

iI. Appointment Prior to Vacancy. Nothing in this section shall prohibit the County Executive from making appointments prior to the expiration of the vacant position's term and up to 60 days prior thereto, provided that said

appointment is not effective until the term in question expires and upon advice and consent of the Board of Chosen Freeholders.

jf. Statutory Powers and Duties Unaffected. This ordinance shall not operate to modify, amend, diminish, or improperly limit the County Executive's statutory powers, authority, and discretion to make appointments and as may be set forth in the Administrative Code, nor shall this ordinance operate to modify, amend diminish or improperly limit the Board of Chosen Freeholder's statutory powers and authority as may be set forth in the Administrative Code.

8.1 Department of Administration and Finance

8.1.1 Department Generally. ~~The Director~~ Head of the Department shall be the County Administrator, the Deputy County Administrator, or such other officer as shall be appointed by the Executive with the advice and consent of the Board. All Division Heads shall report directly to the Department Head.

8.1.2 Divisions. The Department shall be divided into the following divisions:

- a. ~~Fiscal Operations~~ Budget and Capital Planning
- b. ~~Treasurer~~ Treasury
- c. Purchasing
- d. Information Technology
- e. Personnel
- f. Public Information
- g. Risk Management
- h. Community Development
- i. ~~Open Space~~
- j. ~~Economic Development~~

8.1.3. Division of ~~Fiscal Operations~~ Budget and Capital Planning.

a. ~~The Executive shall appoint the~~ Head of the Division of Fiscal Operations Budget and Capital Planning shall be the Chief Financial Officer (as defined in N.J.S.A. 40A:9-28.1) or such other officer as shall be appointed by the Executive with the advice and consent of the Board for a term of three (3) years, in accordance with N.J.S.A. 40A:9-28.4. The Division Head shall report directly to the Department Director.

b. ~~The function of the Office~~ Division of the Fiscal Operations Budget and Capital Planning shall be as follows responsible for the following:

- (1) Budget Preparation

A. Assist the Executive in the evaluation and review of all operating and capital budget requests, estimates, annual goals and objectives from any department, division, office, agency, bureau or other governmental unit;

B. Assist each department, division, office, agency, bureau or other governmental unit with the yearly budget hearings and reviews before the Freeholder Board;

C. Develop and maintain management information systems to monitor internal budgetary trends and maintain fiscal responsibility in County government. Review and monitor federal and state budgetary trends and their potential impact on County fiscal operations; Report on such trends to the Executive, the Administrator, and Deputy County Administrator;

(2) Fiscal Management

A. Review and certify the availability of funds for all County obligations;

B. Pre-audit and review all expenditures to determine compliance with the Local Budget Law and any other applicable laws; verify that proposed expenditures are in conformity with this Code;

C. Prepare monthly funds balance, revenue, payroll, and self-insurance reserve projections;

D. Report to the Executive, the Administrator, and Deputy County Administrator for submission to the Board any and all discrepancies or variations which might create budget over-expenditures such as unfunded mandates, emergencies, or other unforeseen circumstances requiring special appropriations or other emergent action such that the Executive and the Board shall be notified at the earliest possible date;

(3) Internal Procedures

A. Provide and propose best practices in all County fiscal procedures including, but not limited to, internal controls, budgeting, and expenditures;

B. Review, evaluate and recommend financial data processing systems and their applications in the management of County functions;

C. Prescribe and enforce a uniform system of revenue and expenditure account codes for all departments and other budgeted agencies subject to County budget review;

D. Coordinate with the Division of Personnel on the operation and maintenance of a central payroll system covering all personnel.

(4) Grants

A. Be responsible for assisting in the development of all grant applications; be responsible for implementation and enforcement of grants management procedures and financial control and compliance; develop, implement, and monitor a grant management payroll allocation system for all grants;

B. Assess the financial viability and impact of all grant applications; provide fiscal management of and ensure compliance with grant reporting and reimbursement procedures;

(5) Bonds

A. Provide all information necessary in connection with the preparation of Capital Ordinances by Bond Counsel, and review all such ordinances for accuracy; assist Bond Counsel with bond transactions;

B. Manage the County's capital funding program, including issuance of bonds and notes and monitoring of capital projects; audit and approve capital expenditures to determine compliance with the New Jersey Bond Law;

C. Administer the County debt to include payment of principal and interest.

(6) State Reporting Requirements

A. Prepare and submit the annual operating and capital budgets to the Director of the N.J. Division of Local Government Services pursuant to N.J.S.A. 40A:4-10;

B. Prepare the Annual and Supplemental Debt Statements for submission to the State, in accordance with N.J.S.A. 40A:2-40 and 42, with copies to the Administration and the Board; prepare Debt Service Projections for the Administration;

C. Review Annual Financial Statements for compliance and file with New Jersey Division of Local Government Services, in accordance with N.J.S.A. 40A:5-12.

~~(1) Assist the Executive in preparing and evaluating budget estimates and in preparing comprehensive operating and capital budgets.~~

~~(2) Study present and future program needs, consider alternative means of satisfying these needs, recommend to the Executive new and revised programs and continually review existing operations to determine how they may be improved.~~

~~(3) Maintain continuing and specialized study of County organization and management in the interest of economy and efficiency.~~

~~(4) Assist the departments and other budgeted agencies in the evaluation and selection of federal and state aid programs of interest to the County, expedite the required applications and be responsible for financial control of contracts and reporting procedures and compliance for all federal and state reimbursements to the county.~~

~~(5) Develop and maintain management information systems to keep the Executive and the Board informed of trends and progress in County government and problems which may be anticipated.~~

~~(6) Review, evaluate and recommend data processing systems and their applications in the management of County functions.~~

~~(7) Be responsible for assisting in the development of all grant applications; be responsible for implementation, management and enforcement of grants management procedures and financial control and compliance; develop, implement and monitor a grant management payroll allocation system for all grants.~~

~~(8) Develop, implement and monitor a contract administrative system.~~

~~(9) Be responsible for updating and monitoring the indirect cost allocation rate and developing new applications of the rate and coordinate with federal and state agencies on the utilization of such rates.~~

~~(10) Report to the Executive and the Administrator for submission to the Board any and all discrepancies or variations which might create budget over-expenditures and any and all information of an unusual nature with regard to the operation and administration of all grants so that the Executive and the Board shall be notified at the earliest possible date of any difficulty.~~

~~(11) Prescribe and enforce a uniform system of accounts for all departments and other budgeted agencies under the County government.~~

~~(12) Pre-audit and approve for payment all bills, claims and demands against the County, including payroll.~~

~~(13) Require reports of receipts and disbursements of each department and other budgeted agency to be made daily or at such intervals as the Department Head may determine will best protect the County's interest.~~

~~(14) Operate and maintain a central payroll system covering all personnel paid out of funds appropriated by the Board.~~

~~(15) Control all expenditures to assure that budget appropriations are not exceeded, in compliance with the Local Budget Law; pass on each proposed expenditure for conformity with the Charter and Code and approve payment of bills, claims and demands and payrolls upon the proper certification of the appropriate department head and in accordance with the results of the pre-audit.~~

8.1.4 Division of ~~the Treasurer~~ Treasury.

a. The Head of the Division of Treasury ~~the Treasurer~~ shall be the County Treasurer who may also be the Chief Financial Officer, or such other officer as who shall be appointed by the Executive with the advice and consent of the Board for a term of three (3) years, in accordance with N.J.S.A. 40A:9-27. The Division shall:

(1) Receive and deposit all funds of the County in depositories designated by the Board; Report to the Governing Body ~~Board~~ the amounts deposited, the institutions of deposit, and the rates of interest received.

(2) Maintain and reconcile records of deposits and withdrawals from all County depositories.

(3) Manage the investment of all idle County funds ~~pending their use in current operations~~ and have custody of all investments and invested funds of the County, or in the possession of the County in a fiduciary capacity, except as may be otherwise provided by law.

(4) ~~Administer the County debt and have the safekeeping of all bonds and notes of the County and the receipt and delivery of County bonds and notes for transfer, registration or exchange. Be responsible for updating and monitoring the indirect cost allocation rate and for developing new applications of the rate and for coordinating with federal and state agencies on the utilization of such rates.~~

(5) ~~Make disbursements of County funds by individual check for each bill, claim and demand authorized to be paid, except that a single check may be used for an entire payroll or part of a payroll. Provide budgetary and financial controls~~

by pre-auditing and certifying the availability of funds for all purchase orders and vouchers, and prepare bi-monthly claims, bills, and payroll expenditures.

(6) Install and maintain the County's central accounting system, general ledger system, fixed asset ledger and records.

~~(7) Unless the County Treasurer shall certify that there is an unencumbered balance of appropriations and funds available within the approved allotment, no appropriation shall be encumbered and no expenditures shall be made by any department. The Division shall install and maintain books and records of account for the exercise of the financial and budgetary controls herein required. Manage receipts and disbursements of the Self-Insurance Liability, Health Benefits and Worker's Compensation Fund.~~

(8) Prepare bi-weekly payroll tax deposits with Federal and State Taxing Authorities and prepare quarterly and annual Federal and State Payroll tax filings.

(9) Provide outside agencies with accounting services as determined by the County Executive.

(10) Assist the Administration with accounting services, evaluation and cost analysis as requested by the County Executive.

(11) Collect, on a monthly basis, reports of receipts and disbursements of each department, division, office, agency, bureau or other governmental unit. At the direction of the Executive, the Treasurer may act as custodian of funds for the various autonomous school boards, and other boards, agencies and commissions.

(12) Pre-audit and approve for payment all bills, claims and demands against the County, including payroll.

(13) Prepare Annual Financial Statements for approval by the CFO.

(14) Provide such services to other departments as shall be directed by the Executive or the Administrator.

b. Each check shall be authorized, ~~and signed and countersigned~~ and signed as provided in Article 6 of ~~the~~ this Code. The Executive may prescribe such additional procedures for the control of disbursements as may be desirable to protect the public interest.

~~c. Access to safe deposit boxes used or rented by the County shall be restricted to the County Treasurer or Acting County Treasurer in conjunction with the Executive or his/her designee. Electronic funds transfers (ETFs), as authorized under section 6.8b of this code, must comply with all applicable laws and regulations. The CFO, or an~~

individual under supervision of CFO, must review activity reports weekly and must reconcile EFT transactions on a monthly basis. Transaction data must be backed up and stored offline.

~~d. At the direction of the Executive, the Treasurer may act as custodian of funds for the various autonomous school boards.~~

8.1.5 Division of Purchasing. The Head of the Division of Purchasing shall be the Purchasing Agent who shall be appointed by the Executive with the advice and consent of the Board. The Division shall:

a. Establish, maintain and operate, in accordance with regulations prescribed by the Executive and by the Local Public Contracts Law, a centralized purchasing system for the procurement, ~~storage and distribution of supplies, of such services,~~ materials and equipment as required by all County departments and budgeted agencies, and administer the bid process in accordance with the Local Public Contracts Law.

b. As directed by the Executive, be ~~Be~~ responsible for the collection, cataloging, sale, and disposal of surplus personal property in accordance with the Local Public Contracts Law and other applicable law.

c. Develop and install a comprehensive inventory and control system for all equipment, including vehicles and fixed assets, with such law enforcement exceptions as may be required by law.

d. Award contracts as authorized by the Administration up to the bid threshold as set by resolution of the governing body in accordance with N.J.S.A. 40A:11-3.

e. Cooperate with the various departments and divisions based on their purchasing needs to ensure that county-wide efficient purchasing practices are being followed.

f. Maintain participation in joint purchasing arrangements and co-ops; regularly keep potential users apprised of available State contracts or other purchasing options.

g. Provide such services to other departments as shall be directed by the Executive or the Administrator.

8.1.6 Division of Information Technology. The Head of the Division shall be the Director of Information Technology who shall be appointed by the Executive with the advice and consent of the Board. The Division shall:

a. Operate and maintain central facilities for data processing.

b. ~~Process the payroll.~~

c. ~~Prepare reports, analyses and print outs at the request of the Executive or the Administrator.~~

d-b. Acquire, develop, install, and maintain technological resources, including all central databases, servers and other IT processing systems and equipment for appropriate functions of County government.

c. Serve as the central IT policy and planning resource for the County

d. Make recommendations on departmental information technology and equipment requirements, based on analysis of cost and volume.

e. Develop and coordinate a central electronic record storage system for all County records that complies with applicable laws and regulations.

f. Coordinate the provision of telephone, computer equipment and support services to all County facilities.

g. Ensure that County web servers, hardware and software are operating efficiently, maintain and design County web pages, monitor and manage website traffic.

h. Be responsible for the cybersecurity of County IT systems to prevent theft or damage to hardware, software, and electronic data. Maintain firewalls and monitor access to safeguard information and protect the network. Identify, develop, and implement as directed recommend cybersecurity and data privacy policies to reduce vulnerability to existing and emerging threats. Ensure County computer system data security and privacy comply with applicable State and Federal laws.

i. Assist the Department of Law and County OPRA Custodian with the retrieval of electronic records for the fulfilment of OPRA requests.

j Provide such services to other departments as shall be directed by the Executive or the Administrator.

8.1.7 Division of Personnel. The Head of the Division shall be the Personnel Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall:

a. Develop and administer the County's personnel program, including job classification and ~~pay plans~~ State Civil Service titles, active recruitment of needed personnel and in-service training programs.

b. Maintain personnel records for each County officer and employee, including the education, training and experience of the employee, any professional or trade licenses held, all personnel actions taken with respect to the employee, including compensation, civil service and pension status and such other pertinent information as the Executive may require.

c. Administer an orderly procedure for the consideration, review and adjustment of employee personnel ~~problems~~ matters.

d. Coordinate the appointment and removal of County employees ~~within various departments~~; review and report to the Executive on proposed appointments, promotions, transfers and discharges ~~to the Executive~~.

e. ~~Study present and project future labor market trends and wage levels, and conduct comparisons of salaries paid to like titles in other counties and municipalities.~~

Coordinate, monitor and maintain the administration of employee benefit programs, including health, dental and disability plans, and perform analysis thereof, as necessary. In coordination with the Division of Risk Management, monitor the implementation of workers' compensation benefits.

~~g f. Assist the Executive and the Board to~~ In conjunction with the Equal Employment Opportunity Officer, insure ~~ensure~~ that the County abides by the affirmative action requirements to appoint, evaluate and promote employees without regard to race, sex, color, marital status, religion, age, physical disability, political affiliation, national origin or liability for service in the armed forces of the United States. race, creed, religious belief or affiliation or unaffiliation, color, national origin, nationality, ancestry, age, sex (including pregnancy), familial status, marital status, domestic partnership or civil union status, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for military service, and mental or physical disability, perceived disability, and AIDS and HIV status. It is the policy of the County to provide equal employment opportunities in all phases of employment. The Equal Employment Opportunity Officer shall be directly responsible to the Executive in all matters relating to equal employment opportunity requirements but shall keep the Personnel Director advised on all such matters.

h. Administer the county payroll system. Ensure salaries and salary adjustments comply with collective bargaining agreements or other directives from the Administration.

~~i. To ensure that affirmative action is an ongoing activity, there shall be included in the Personnel Department the position of Affirmative Action Officer. The Affirmative Action Officer shall be directly responsible to the Executive in all matters relating to affirmative action, but shall keep the Personnel Director advised on all such matters.~~

~~h.~~ Provide assistance in collective bargaining for the County as requested by the Executive.

j. Review and implement policies and procedures in accordance with Federal and State Law relative to personnel matters.

k. Provide such services to other departments as shall be directed by the Executive or the Administrator.

8.1.8 Division of Public Information. The Head of the Division shall be the Public Information Officer who shall be appointed by the Executive with the advice and consent of the Board. The Division shall ~~develop a public information program to provide the public with information on County programs and activities.~~ :

a. Serve as primary point of contact for all media and external communication with County departments.

b. Coordinate departmental outreach and communications staff to best publicize County programs and activities and fulfill public information requirements as stipulated by any grant requirements or other guidelines.

c. Track and archive County-related media coverage, and external communications including but not limited to press releases, public statements, speeches.

d. Work with each County department to plan and promote special events, coordinate the dissemination of daily news, and encourage public engagement through media outreach.

e. Provide such services to other departments as shall be directed by the Executive or the Administrator.

8.1.9 Division of Risk Management. The Division shall be headed by a Director who shall be appointed by the Executive with the advice and consent of the Board. The Division shall ~~be~~ responsible for:

~~a. Developing and administering~~ such self-insurance programs as shall be recommended by the Executive and approved by the Board.

~~b. Providing coverage by outside insurance firms in those areas where the decision is made not to have a self-insurance program.~~ In coordination with insurance professionals, determine and ensure adequate levels of coverage in all County insurance programs.

~~c. Provide reports~~ Report to the Director and the Executive and the Administrator as to costs, experience and recommendations for improvements in the program all County insurance plans.

d. Maintaining records on the value of County properties and equipment.

e. Recommend and coordinate with the appropriate department or division any loss control measures, safety training programs or any other risk reduction measures or corrective actions.

f. Monitor and review certificates of insurance, hold harmless agreements, waivers, indemnification language, and requirements for additional insured status.

g. Provide such services to other departments as shall be directed by the Executive or the Administrator.

8.1.10 Division of Community Development. The Head of the Division shall be the Director of Community Development who shall be appointed by the Executive with the advice and consent of the Board. The Division shall:

a. Act as the coordinating agency ~~in preparing recommendations on the expenditure of Community Development funds for action by the Executive and the Board.~~ annual sub-grant allocation of Community Development funds, including Community Development Block Grant (CDBG), Home Investment Partnership Grant (HOME), and Emergency Solutions Grant (ESG) funds, annually received from the U.S. Department of Housing and Urban Development (HUD) for action by the Executive and Board.

b. ~~Meet with~~ Coordinate with Regional Committees in the development of regional expenditure programs. CDBG Regional and Countywide Committees annually as specified in the Three Year Cooperative Agreement between the County and all participating municipalities as required by HUD.

c. Submit to the Executive and the Board ~~a recommended plan for the expenditure of regional, County and housing funds, including the contracts with municipalities arising from Regional committee allocation, in conformance with the regulations of the federal agency governing distribution of the funds. Final decision on all allocation shall rest with the Board.~~ an Annual Action Plan that sets forth the recommended sub-grant allocations for Community Development funding in conformance with HUD regulations and Division policy and procedures.

d. Monitor ~~the expenditure of Community Development funds and the activity of municipal and non-profit agencies in proceeding with the work scheduled.~~ project execution and sub-grant funds allocated to all municipalities, nonprofit organizations, and government agencies in conformance with HUD regulations.

e. ~~Submit to the appropriate federal agency~~ HUD and any other appropriate Federal agency such reports as are required.

f. ~~Submit to the Executive and the Board~~ quarterly reports indicating the status of fund allocations for the present year and any ~~unexpected~~ unexpended funds from prior years and recommend any appropriate changes in allocation ~~based on the failure or work to proceed.~~; and report on any new guidelines or developments as promulgated by HUD that substantively impact the program and operations of the Division of Community Development.

8.1.10.1 Advisory Boards. There shall be the following advisory boards in the Division of ~~Community~~ Development:

a. ~~Community Development~~ County-Wide ~~Countywide~~ and ~~Regional~~ Committees:

b. Regional Committees (Central Region, Northwest Region, Southwest Region, Southeast Region, Pascack Valley Region, and Northern Valley Region).

The advisory boards shall be appointed in accordance with the provisions of Article 8.0.e ~~and the Three Year Cooperative Agreement between the County and the participating municipalities as required by HUD.~~ In those instances where advisory boards are established by statute of federal regulation, the number of members and terms set forth in the statute or regulation shall apply.

8.1.11 ~~Division of Open Space.~~ The Head of the Division shall be the Director of Open Space who shall be appointed by the Executive with the advice and consent of the Board. ~~The Division shall:~~

a. ~~Prepare long-range plans and undertake actions to protect preserve and promote natural, recreational, historic, agricultural and scenic values in the County.~~

b. ~~Administer the County Open Space, Recreation, Floodplain Protection, Farmland & Historic Preservation Trust Fund Program; comply with N.J.S.A. 40:12-15.1 et. seq.; and Designate an Executive Director to manage the affairs of the Program.~~

i. ~~Monitor the Expenditure of Trust Fund grant awards and the activity of grant recipients in proceeding with the work scheduled.~~

ii. ~~Submit to the Executive and the Board reports indicating the status of fund allocations for the present year and any unexpended funds from prior years.~~

c. ~~Administer the Farmland Preservation and NJ Right to Farm Protection Programs.~~

d. ~~Work with the department of Parks to identify lands necessary for the County Park System.~~

~~e. Oversee conservation deeds and administer parkland protection rules to ensure the permanent security of these lands.~~

~~f. Work in collaboration with the Department of Parks to create park management plans to help define the future of the Bergen County park system.~~

~~8.1.11.1 Advisory Boards. There shall be the following advisory boards in the Division of Open Space:~~

~~a. Open Space Trust Fund Public Advisory Committee.~~

~~b. Agriculture Development Board (CADB)~~

~~8.1.12 Division of Economic Development. The Division shall be headed by a Director who~~
~~The Head of the Division shall be the Director of Economic Development who shall be~~
appointed by the Executive with the advice and consent of the Board of Freeholders. The Division of Economic Development shall, pursuant to N.J.S.A. 40:23-5.1:

~~a. Research and Study study the County economics of every nature the County; develop, assemble and distribute information to assist ~~present~~ current and prospective businesses and industry and industries; maximize business retention, attraction and expansion efforts; and ; develop, assemble and distribute pertinent information to County and municipal planning boards to encourage and assist comprehensive economic development; hold public meetings, release information, and encourage public interest in county economic development; promote, in any authorized manner, County economic development.~~

~~b. Engage in public outreach and serve as a liaison between industry and government to further enhance economic development, employment opportunities, and vocational education in the County; and~~

~~Co-operate and coordinate with the Bergen County Economic Development Corporation, a nonprofit corporation, as a bridge between industry and government for the purposes of: (a) encouraging, promoting and stimulating the maximum use of the commercial, industrial and residential resources of the County; (b) providing promotional programs to inform industry of the benefits of locating within Bergen county; and assisting existing industry to solve current problems and to plan for future development.~~

~~c. With the approval of the Executive, cooperate and coordinate with governmental entities, public-private partnerships, businesses and corporations, chambers of commerce, colleges and universities, and any entity or nonprofit, such as the Economic Development Corporation or Workforce Development Board, which enhances economic development of the County; and~~

~~d. Provide such services to other departments as shall be directed by the Executive or the Administrator.~~

~~8.1.13 Administrative Rules and Regulations. The Executive, through the Department of Administration and Finance, shall:~~

~~a. Make, promulgate and enforce rules and regulations governing care, use and custody of County property, the rendering of services by any department and the conduct and discipline of employees in any department. All rules and regulations relating to the internal management of the County or any part thereof shall become effective fifteen (15) days after being filed with the Clerk to the Board. The rules and regulations shall be posted in all departments and agencies.~~

~~b. A declaration by the County Executive that an emergency situation affecting public health, safety and welfare exists, shall permit immediate implementation of such rule or regulation.~~

8.1.142 Advisory Boards. There shall be the following advisory boards in the Department of Administration and Finance:

- ~~a. Equal Employment Opportunity Advisory Council.~~ African American Advisory Committee
- b. Asian American Advisory Committee
- c. Latino Advisory Committee
- d. LGBTQ Advisory Committee

The advisory boards shall be established in accordance with Article 8.0.e5. In those instances where the advisory boards are established by statute or federal regulation, the number of members and terms set forth in the statute or regulation shall apply.

8.1.13 Boards. There shall be the following boards in the Department of Administration and Finance

- a. Insurance Fund Commission
 - i. Health Insurance Committee
 - ii. Liability Committee

...

8.4.0 Department of Law.

8.4.1 Department Generally. The Department shall be headed by a County Counsel who shall be appointed by the Executive with the advice and consent of the Board. The Counsel shall serve at the pleasure of the Executive. for such term as provided for by law.

8.4.2 Within the Department there shall be the following:

- a. Office of the County Counsel
- b. Adjuster's Office
- c. Office of the Inspector General
- d. Equal Employment Opportunity Office
- e. Construction Board of Appeals
- f. Ethics Board
- g. Mental Health Law Project

8.4.3 Office of the County Counsel.

8.4.3.1 The County Counsel shall have the right to designate a Deputy County Counsel who shall, during the absence or disability of the County Counsel, possess all the powers and perform all the duties of the Counsel.

8.4.3.2 There shall be in the Counsel's Office Assistant County Counsels who shall be recommended by the Counsel and approved by the Executive. All of the Counsels shall have been duly admitted to practice law in New Jersey.

8.4.3.3 Duties. ~~The Counsel shall be the chief legal advisor to the Executive and to the Constitutional Officers. He/she~~ The County Counsel shall be the attorney of record in all civil proceedings where the County, the Executive or a Constitutional officer, or any department or agency under the jurisdiction of the Executive is a party. The Department shall:

a. Advise the Executive and all departments and agencies under the jurisdiction of the Executive on all legal matters. Advise the Constitutional Officers when appropriate requested to do so.

b. Approve the legal form and sufficiency of all contracts, deeds, executive orders and other official documents and prepare all ordinances and resolutions ~~requested~~ authorized by the Executive.

c. Represent the Executive and agencies under ~~his/her~~ their jurisdiction in all litigation, appeals, or proceedings before administrative agencies and recommend settlement in any matter where ~~he/she feels it~~ deemed appropriate.

d. Maintain records of all actions, suits and proceedings relating to the County's interest and submit reports to the Executive on such matters on request.

e. Represent the Constitutional Officers ~~in all legal matters~~ when appropriate or required under the circumstances.

f. Render advisory opinions requested by the Executive. Advisory opinions shall be catalogued by year and permanently maintained in accordance with State records retention requirements.

g. Recommend to the Executive the retaining of special counsel to aid in such cases as he deems ~~deemed~~ necessary ~~or in the event the Counsel is disqualified from representing a Constitutional Officer in any matter, the Constitutional Officer shall request representation by the Attorney General of the State. In the event the Attorney General refuses to represent the Constitutional Officer, the Constitutional Officer may, within available appropriations, designate outside counsel.~~ All ~~outside~~ special counsel shall be retained under a professional services contract.

~~h.8.4.4~~ County Adjuster. Within the Department, the Executive shall appoint a County Adjuster, with the advice and consent of the Board. The County Adjuster shall serve at the pleasure of the Executive unless they have served a continuous term of at least five (5) years as County Adjuster in which case the terms of N.J.S.A 30:4-34.1 shall apply. The County Adjuster shall:

1)a. Analyze, review and recommend approval to the ~~Division of Fiscal Operations~~ Chief Financial Officer, or their designee, of bills from State Institutions for the care of County residents in such institutions.

2)b. Make or coordinate such court appearances as may be required in connection with cases arising from the institutionalization of County residents.

3)c. Make recommendations to the Executive for the adjustment of claims against residents and their estates for services provided by County institutions.

4)d. Perform such other duties as are required by statute including, but not limited to, the placement of liens against property owned by residents who have outstanding bills from County institutions.

~~I. There shall be appointed in the Counsel's office Assistant County Counsel who shall be recommended by the Counsel and appointed by the Executive. The Counsel shall have the right to designate a Deputy County Counsel who shall, during the absence or disability of the Counsel, possess all the powers and perform all the duties of the Counsel. All of the Counsels shall have been duly admitted to practice law in New Jersey.~~

~~j. The County Counsel and Deputy County Counsel shall be permitted to conduct private law practices.~~

~~k.8.4.5~~ Inspector General. Within the Department, the Executive shall appoint an Inspector General, with the advice and consent of the Board. The Inspector General shall promote efficiency, accountability, and integrity of the County government including but not limited to the departments, divisions, authorities, agencies, boards and nonprofits~~Executive Branch, Authorities, Agencies, Boards and Nonprofits~~ set forth in the Code and investigate complaints of fraud and abuse of County government. The Inspector General shall perform the following duties and responsibilities:

a. ~~Initiate, supervise, and/or conduct internal ordinance~~ investigative activities as deemed necessary, including but not limited to relating to fraud, waste, or misconduct, or abuse in County government of Authorities.

b. ~~Recommend policies for and to conduct, supervise and coordinate activities to the Executive, County Administrator, and Deputy County Administrator designed to detect, deter, detect, prevent, and eliminate eradicate~~ fraud, waste, and misconduct, and abuse in County government or Authorities.

c. Report ~~expeditiously~~ to and cooperate fully with the County Counsel. Whenever the Inspector General has reasonable grounds to believe there has been a violation of criminal law or that a civil action should be initiated by the County of Bergen, the Inspector General shall immediately refer such matter to the County Counsel. The County Counsel shall be responsible for referring matters to the appropriate agency or agencies for criminal prosecution or civil litigation.

d. ~~Refer matters to the County Executive whenever the Inspector General determines that disciplinary or other administrative action is appropriate. In consultation with the County Counsel, refer matters to the County administration, or such other department or division as is warranted, for further action as may be appropriate.~~

8.4.6 Equal Employment Opportunity Officer. Within the Department, the Executive shall appoint an Equal Employment Opportunity Officer, with the advice and consent of the Board. The Equal Employment Opportunity Officer shall:

a. Assist the Executive and the Board to ensure that the County appoints, evaluates, and promotes employees without regard to race, creed, religious belief or affiliation or unaffiliation, color, national origin, nationality, ancestry, age, sex (including pregnancy), familial status, marital status, domestic partnership or civil union status, affectional or sexual orientation, gender identity or expression, atypical hereditary cellular or blood trait, genetic information, liability for military service, and mental or physical disability, perceived disability, and AIDS and HIV status. It is the policy of the County to provide equal employment opportunities in all phases of employment;

b. Prepare and conduct internal audits or other analysis as required by law, and make recommendations to the administration and establish goals for the County's employment practices;

c. Conduct or coordinate such seminars as authorized by the administration to educate employees and management about current anti-discrimination requirements;

d. Coordinate with the Division of Personnel to appropriately respond to all employee complaints of discrimination;

e. Ensure that the County complies with all applicable equal employment requirements within State and Federal laws and regulations;

f. Consult with the Equal Employment Opportunity Advisory Council on an as needed basis;

g. Maintain the County's Affirmative Action Plan and incorporate such updates as required by resolution of the Board;

h. Provide such services to other departments as shall be directed by the Executive or the Administrator.

8.4.6.1 Equal Employment Opportunity Advisory Council.

a. The Executive shall appoint ten (10) members to the Equal Employment Opportunity Advisory Council from among County Employees to serve two (2) year terms. Members shall hold office for the term of appointment and until their successor shall have been appointed and qualified. Any vacancy in the membership of the board during an unexpired term shall be filled by appointment for the unexpired term only. The Council shall meet on an as needed basis to review and assist the Equal Employment Opportunity Officer in resolving employee complaints of discrimination.

8.4.73. Boards

~~a. Construction Boards of Appeals. The Construction Board of Appeals hears appeals brought by a person who is aggrieved by any ruling, action, order or notice, order or decision of a local enforcing agency that enforces the State's Uniform Construction Code or Fire Code, including, without limitation, any refusal to grant an application or any failure or refusal to act upon an application. The Board's task and jurisdiction is to link uniformity in procedure with a high level of performance to administer the functions of the State Uniform Construction Code Act, Uniform Fire Safety Act and P.L. 1995.c.54, in 63 of Bergen County's 70 municipalities. According to N.J.S.A. 52:27D-1274, 52:27D-198, and 40:55D-53.2a, Subchapter 1, 5:23A-1.3, "every construction board of appeals shall include five regular members..." and "shall also include at least five alternate members..." One regular member must be qualified as a plumbing subcode official, one as an electrical subcode official, one a registered architect or a licensed professional engineer with building construction experience, or a building subcode official. One member shall be qualified as a fire protection subcode official and one certified as a fire official, and each county construction board shall also include two special members, one of whom shall be a licensed professional engineer with municipal site improvement construction experience and one of whom shall be a builder. The special members shall be appointed and serve in cases involving appeals of municipal or municipal utilities authority or sewerage authority fees pursuant to P.L. 1995, c.54 or P.L. 1999, c.11.~~

Construction Board of Appeals. The Construction Board of Appeals shall hear appeals brought by any person who is aggrieved by any ruling, action, order, notice, or decision of a local enforcing agency that enforces the State's Uniform Construction Code or Fire Code, including, without limitation, any refusal to grant an application or any failure or refusal to act upon an application. The board shall render decisions in accordance with N.J.S.A. 52:27D-127.

The board shall consist of five (5) members who are qualified and/or certified in the subcodes and disciplines as defined by N.J.A.C. 5:23A-1.3, as well as two (2) special members and five (5) alternate members as dictated therein. Members shall be appointed by the Executive with the advice and consent of the Board for four (4) year staggered terms. Vacancies shall be filled for the unexpired term only.

8.4.8. Ethics Board.

a. There shall be an Ethics Board comprised of six (6) members appointed by the Executive, with the advice and consent of the Board. At least two of these members shall be members of the public. Members shall be residents of the County, and no more than two shall be from the same municipality. No more than three of the members shall be from the same political party. Each appointment shall be for a term of five (5) years and until a successor shall be appointed and qualified. Vacancies shall be filled for the unexpired term only.

b. The Ethics Board shall write, amend and enforce the Bergen County Ethics Code, which shall be incorporated into this Code after approval by the Board.

c. The Ethics Board shall have such other powers and take such other actions as permitted or required by the Local government Ethics Law and the Bergen County Ethics Code.

d. The County Counsel shall assign counsel to the Ethics Board, who shall give legal guidance to the Ethics Board, and provide such other assistance as appropriate.

8.4.9. Mental Health Law Project. Within the Department, there shall be an Office known as the Mental Health Law Project for the purpose of addressing the legal needs of the chronically mentally ill who are also within the poverty guidelines. The Office shall:

a. Provide free legal services to eligible indigent clients who are involved in civil matters. The Office shall assist in such matters as matrimonial or family disputes, landlord/tenant matters, housing, small claims court, consumer and creditor's issues, and at Social Security hearings;

b. Inform patients of their civil rights when hospitalized and protect them in treatment-related issues including medication, confidentiality of records, right to legal counsel and treatment in the least restrictive setting;

c. Help clients obtain the most advantageous available public financial benefits, and connect clients to appropriate publicly provided resources, including educational, vocational and/ or housing assistance.

ORDINANCE 19-33 is hereby APPROVED
JAMES J. TEDESCO, III, County Executive