CITY OF PLAINFIELD
UNION COUNTY, NEW JERSEY

PLAINFIELD CHARTER STUDY COMMISSION
AMENDED FINAL REPORT

DECEMBER 31, 2013

(This Amended Final Report supersedes the Final Report dated August 6, 2013 which has no further legal effect)

COMMISSION MEMBERS

RICK SMILEY, CHAIR
JOHN STEWART, VICE CHAIR
JEANETTE CRISCIONE, TREASURER
MARY BURGWINKLE, SECRETARY
MARIE DAVIS, ASSISTANT SECRETARY

PLAINFIELD CHARTER STUDY COMMISSION
Plainfield City Hall
515 Watchung Avenue
Plainfield, NJ 07060

December 31, 2013

Hon. Abubakar Jalloh
City Clerk
City of Plainfield
515 Watchung Avenue
Plainfield, NJ 07060

Dear Mr. Jalloh:

The Plainfield Charter Study Commission hereby submits this Amended Final Report, in compliance with N.J.S.A. 49:69A-10 and N.J.S.A. 49:69A-11.

We have worked diligently since our organization meeting on December 11, 2012. We continuously held Open Public Meeting Act meetings at Plainfield City Hall. We interviewed many former and present elected and appointed Plainfield city officials, studied the Plainfield Charter (1968) in depth and compared it to other special charters. We learned about the other forms of government available to Plainfield under state law. We educated ourselves on the history of charter study in Plainfield. We held multiple two commissioner subcommittee meetings, visited neighborhood association meetings and held a public forum to make citizens aware of Charter Study. We sought the advice of professionals at Rutgers Center for Government Services and read their publications for guidance. We interviewed representatives from other communities using other forms of government. We continuously published detailed meeting minutes and distributed them in hard copy at our meetings, and electronically via the Plainfield City Website and our blog. We made digital recordings of our interviews and Open Public Meeting Act meetings for the city archives. We filed our Final Report dated August 6, 2013 at your office. Thereafter, we appeared at City Council to make a presentation about the report on October 7, 2013. We held two additional Open Public Meeting Act meetings to discuss amendments suggested by the City Council at the October 7, 2013 meeting.

In the original Final Report, the Commission applied the knowledge that it gathered over nine months of work, and recommended amendments to the Plainfield Charter (1968) that we believe are in the best interests of the city. At this juncture, we are attaching to this letter the Amended Final Report dated December 31, 2013. The Amended Final Report includes additional recommended changes and supersedes the prior Final Report, which has no continuing legal effect. We are also delivering a copy of the Amended Final Report for each member of the governing body. It is our continuing report and recommendation that the governing body shall petition the legislature for the requested amendments to the Plainfield Charter (1968) described in the Amended Final Report, as provided in N.J.S.A. 40:69A-12 and 40:69A-16. Kindly transmit this recommendation to the members of the City Council.

Thanks to you and to the employees who manage City Hall for making our use of meeting facilities there seamless for us. Thank you as well to our interviewees and to the citizens of Plainfield for placing their faith and confidence in us to do the important work of charter study. It was our honor and privilege to serve.

Respectfully submitted,

Rick Smiley, Chair | John Stewart, Vice Chair | Jeanette Criscione, Treasurer

Mary Burgwinkle, Secretary | Marie Davis, Assistant Secretary

Executive Summary

Introduction

-On 11/6/12, the voters of Plainfield elected this Charter Study Commission to *"... ... study the form of government of the municipality, to compare it with other available forms under the laws of this State, to determine whether or not in its judgment the government of the municipality could be strengthened, made more clearly responsive or accountable to the people or whether its operation could be more economical or efficient, under a changed form of government."*

Charter Study Procedure

-The Charter Study Commission held its organization meeting on 12/11/12 and thereafter continuously held Open Public Meeting Act meetings and subcommittee meetings until 8/1/13. Appearances were made at three neighborhood association meetings to discuss charter study, and a public forum was held to review the work of the Commission with members of the public. See Schedule of Meetings at Exhibit 1.

-Twenty nine interviews were conducted, including interviews of current and former mayors, city council presidents, city council members, city administrators and others. See Schedule of Interviews at Exhibit 2

-The Commissioners studied Plainfield Charter (1968) in depth and compared it to the special charters of six other New Jersey municipalities. Reports of other Plainfield charter study committees were obtained and reviewed. All of the Faulkner Act forms of government available to Plainfield were studied.

-The Final Report dated August 6, 2013 was filed with the City Clerk. The Commission appeared at the October 7, 2013 meeting of City Council, and were asked to consider additional changes to Section 7.3. Two additional Open Public Meeting Act meetings were held on 12/19/13 and 12/30/13.

Conclusions and Recommendations

-The Commissioners unanimously recommend petitioning the legislature for amendments to the Plainfield Charter (1968).

-In reaching this conclusion, the Commissioners exercised their best judgment after careful study to arrive at the recommendation that will be the most efficient and cost effective in their opinion.

-The Commissioners are recommending "housekeeping" changes to certain charter sections to update definitions (1.3 and 1.4), to make the charter gender neutral (1.4), to omit references to laws that have been repealed (5.6), to omit outdated sections (4.9,7.2) and to add references to law that has superseded or enhanced the charter provisions (2.4, 3.3). They are suggesting more substantive changes to the sections dealing with Powers (1.5), Qualifications (2.3 and 3.2), Meetings (2.6), Investigations (2.8), Compensation (2.11), Clerk of the Council (2.13), Appointments and Removals (3.5), Departments (4.4), Corporation Counsel (4.7), Recall (6.15) and Dual Office Holding (7.3).

-A First Amendment to Plainfield Charter (1968) was drafted and is attached to this Final Report.

Amended Final Report

-The Amended Final Report was delivered to the City Clerk's Office on December 31, 2013, along with copies for the members of the governing body, with a request to petition the legislature for amendments to the charter.

-The Commissioners are making arrangements for distribution of the Amended Final Report. See Distribution of Amended Final Report at Exhibit 5.

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AMENDED FINAL REPORT

I. Introduction

On July 16, 2012, the Plainfield City Council passed an ordinance authorizing an election on the public question:

"Shall a charter commission be elected to study the charter of the City of Plainfield and to consider a new charter or improvements in the present charter and to make recommendations thereon?"

The public question, identified as Public Question #3 at the general election held on November 6, 2012, was approved by the voters and five residents of Plainfield were elected to serve as Charter Study Commissioners.

Charter Study in New Jersey is governed by the Optional Municipal Charter Law, N.J.S.A. 40:69A-1 et seq. (commonly known as the "Faulkner Act" and referenced as the Faulkner Act throughout this Report). Under the Faulkner Act, the duties of a charter commission are described as follows:

"It shall be the function and duty of the charter commission to study the form of government of the municipality, to compare it with other available forms under the laws of this State, to determine whether or not in its judgment the government of the municipality could be strengthened, made more clearly responsive or accountable to the people or whether its operation could be more economical or efficient, under a changed form of government."

After charging charter commissions as described above, the Faulkner Act provides that commissions shall hold their organizational meetings within 15 days of their election date. Unfortunately, "Superstorm Sandy" affected voting and the November 6, 2012 general election was not certified as final until November 26, 2012, more than 15 days after the general election. On November 19, 2012, the Commission reported to City Council that the organization meeting could not be held within 15 days of the election, and would be scheduled when the election was certified.

So, as elected and charged, the Plainfield Charter Study Commission prepared to do its work and issue its report of findings and recommendations within 9 calendar months of the date of the election, as provided by the Faulkner Act.

II. Charter Study Procedure

1. December 2012 and January 2013.

The Charter Study Commission ("CSC") held its Organization Meeting on 12/11/12. At that meeting, bylaws were adopted, the next meeting date, time and place were set and the Commissioners were unanimously elected to office as follows: Rick Smiley, Chair; John Stewart, Vice Chair; Jeanette Criscione, Treasurer; Mary Burgwinkle, Secretary; and Marie Davis, Assistant Secretary.

In advance of organizing, the Commission-elect arranged for consulting by Dr. Ernest Reock, Professor Emeritus and Retired Director of the Rutgers Center for Government Services. Center for Government Services provides consulting on certain topics to commissions on a no cost basis as a public service. Dr. Reock attended the Organization Meeting and gave each Commissioner a copy of the Faulkner Act, updated through 8/2012.

Dr. Reock pointed out that the Faulkner Act tells commissioners what to do, but not how to do it. There are very few specific ground rules in the law. He told us that most commissions organize their work into Phase I (study of our current special charter), Phase II (study Faulkner Act forms and compare to our current special charter) and Phase III (deliberate and issue Final Report). Dr. Reock also emphasized that we were not elected to reexamine or audit policies that have been adopted or any actions of our present or past elected and appointed officials. He told the Commissioners to keep their eyes on the target, which is looking at the form of city government and whether it helps the city to operate efficiently.

He told us about the four types of reports and recommendations that we could make under the statute: (a) That a referendum shall be held to determine whether to adopt one of the Faulkner Act forms, Mayor-Council, Council-Manager or Mayor-Council-Administrator; (b) That the governing body shall petition the legislature for enactment of a special charter or for one or more amendments to the charter of the municipality; (c) That the form of government of the municipality shall remain unchanged; or (d) Such advisory recommendations as the Commission may wish to make (but with no power to put them to referendum or send them to the legislature).

Meeting dates for the months of January through July were arranged on 12/14/12 with the City Clerk, who sent Open Public Meeting Act notices of all meetings, including the Organization Meeting, to the Star Ledger and the Courier News. The meeting dates were also posted on the City website, on the Clerk's Bulletin Board and on the Charter Study Commission blog, plainfieldcsc.blogspot.com, which launched on 12/14/12. The regularly scheduled meetings and the subcommittee meetings containing interviews were recorded. The meeting minutes contained summary transcripts of interviews and were posted on the City website, on the CSC blog and distributed in hard copy at meetings.

After the Organization Meeting, CSC prepared its budget request in subcommittee after a Commissioner was asked to address budget at a City Council meeting on 12/17/12. Also on 12/17/12, there was a meeting with the former Chair of the Hopewell Charter Study Commission of 2005, to discuss process and obtain a copy of that Commission's Final Report.

On 1/08/13, the Commissioners officially voted on the budget and planned for Phase I. The Commissioners compiled lists of current and former elected and appointed officials to invite to interviews and compiled and selected from lists of questions for elected and appointed officials. At the 1/24/13 meeting, the Commission conducted its first test interview of Phase I. Dr. Harold Yood, a long-time resident, retired physician and local blogger had written about charter study and agreed to share his thoughts with us.

2. February, March and April 2013.

During February, March and April 2013, CSC embarked on its Phase I study of the Plainfield Charter (1968). The Commissioners began their examination by reading the charter on their own, and by interviewing past elected and appointed officials using the uniform lists of questions that were developed.

CSC generally followed a protocol of inviting past officials first, followed by current officials.

During February, March and April, 18 interviews were conducted. These included:
- The two surviving past Mayors
- Two former City Council Presidents
- Two former City Councilors
- Two former Corporation Counsels
- Five former City Administrators
- The former long time City Clerk
- One former Director of the Department of Administration and Finance
- The current Director of the Department of Public Affairs and Safety
- Two current City Councilors

A second protocol was to defer the interviews of current elected officials who were candidates in the primary election on 6/4/13 until after the primary, even though it meant doing some Phase I and Phase II study on a parallel track. The primary election is very significant to the outcome of local elections in Plainfield. Six Plainfield residents that CSC had invited to interviews were candidates for various offices in the 6/14/13 primary election. The Commissioners believed that the candidates who chose to be interviewed would be better able to focus solely on charter issues during their interviews if the interviews were held after the primary.

For homework during this phase, Commissioners obtained copies of six other New Jersey special charters to be compared to Plainfield's. In addition, the Commissioners obtained copies of the reports of a number of Plainfield charter study committees that were formed over the past 44 years, from the Plainfield Public Library and from the City Clerk. Committees were at work in Plainfield in 1967, 1972, 1983 and 1990; CSC is the first Charter Study

Commission. Two Commissioners in subcommittee visited Rutgers Center for Government Services to get reports of Charter Study Commissions from other New Jersey places over the past 8 years. See Exhibit 3 for a description of those materials. Finally, a Commissioner volunteer visited the April meeting of Friends of Sleepy Hollow at the Plainfield Public Library and the April meeting of the Block Associations Liaison Meeting at the Senior Center.

3. May and June 2013.

During May 2013, CSC worked on both Phase I and Phase II of its study. Meeting dates were added and Amended Open Public Meeting Act Notices were sent by the City Clerk. The 5/2/13 meeting was devoted to a detailed line-by-line reading of the Plainfield Charter (1968). CSC looked for provisions that may be outdated and for provisions that raised issues for them. The 5/9/13 meeting was devoted to interviews of two current City Council members, and planning for the Phase II meetings later that month.

The remainder of May was devoted to Phase II. The 5/16/13 meeting was devoted to comparing the Faulkner Act Mayor-Council form charter provisions to the provisions of Plainfield Charter (1968), which is a custom drafted mayor-council form of government. On 5/23/13, Dr. Reock joined us with a talk on the development of municipal government law in New Jersey and the Faulkner Act, with an extensive question and answer period for the Commissioners and citizens in attendance. On 5/30/13, we welcomed Mr. James White, the Township Administrator of East Brunswick (a Faulkner Act Mayor-Council place) and Mr. Christopher Raths, the Town Manager of Roxbury (a Faulkner Act Council-Manager place). They answered questions about their forms of government in their municipalities. Also in May, a Commissioner visited the monthly meeting of Netherwood Heights Neighbors to make a presentation about charter study.

On 6/13/13, the Commissioners interviewed a current City Councilor and worked on planning the deliberation process. The Commissioner who volunteered to write the Final Report began drafting. A former City Councilor was interviewed in subcommittee on 6/18/13. On 6/20/13, the Commissioners conducted interviews of the current Mayor, City Administrator and Director of the Department of Finance, Administration, Health and Human Services.

During May and June, interviews were conducted of:
-Current Mayor
-Current City Administrator
-Current Director of Administration, Finance, Health and Human Services
-Three Current City Councilors
-Former City Councilor
-Dr. Reock
-Township Administrator of East Brunswick
-Town Manager of Roxbury

These interviews brought the total to 29 interviews, and the Commissioners made the decision to end interviews at the 6/20/13 meeting.

The first level of deliberation took place at the end of the 6/20/13 meeting. Of the four general types of reports that the Commission could choose to issue, the Commission unanimously voted to request that City Council petition the legislature for amendments to the special charter.

At the 6/27/13 meeting, the Commissioners revisited the provisions of Plainfield Charter (1968) that were targeted for more discussion during the 5/2/13 and 5/16/13 meetings. A Commissioner volunteer agreed to gather statutes containing general law to consider at the next meeting. Another Commissioner volunteer reported on his initial conversations with the City regarding the printing of the Final Report.

4. July and August 2013

On 7/11/13, the Commission devoted the first hour of its meeting to a Public Forum. A PowerPoint presentation was prepared and presented by Ms. Criscione, outlining the work that had been done by the Commission to date. The Commission fielded questions on next steps and other charter-related topics from the citizens who attended.

Thereafter, the Commissioners turned to Phase III deliberations, discussing and voting on their recommended changes to the Plainfield Charter (1968) and advisory recommendations. This process, as well as editing, was continued at the 7/18/13 and 8/1/13 meetings and at 7/30/13 and 8/1/13 subcommittee meetings. The Final Report was filed in the City Clerk's Office on August 5, 2013.

5. October through December 2013

The Commission was invited to make a presentation at the City Council meeting on October 7, 2013. At the presentation, the Commission was asked to consider additional changes to Section 7.3, Dual Office Holding due to undefined terms and ambiguities. The Commission agreed to consider this. On 10/31/13, two Commissioners met with Assemblyman Gerald B. Green to discuss sponsoring the charter changes in the legislature. Thereafter, the Commission held Open Public Meetings Act meetings on 12/19/13 and 12/30/13. Additional changes to Section 7.3 were approved by the Commission and the Commissioners also voted to issue an Amended Final Report, pursuant to N.J.S.A. 40:69A-11(b).

III. Demographics and Background on Plainfield and its Special Charter.

1. Data and Demographics.

The area that is now Plainfield city, Union County, New Jersey occupies approximately 6.0 square miles in the western corner of Union County, bordered by both Middlesex and Somerset Counties on its Southwest and Northwest borders. Plainfield is landlocked, in that no major highways or commercial corridors are within its borders, however, the New Jersey Transit Raritan Valley Line has two station stops in Plainfield, taking passengers to Penn Station in Newark. Generally, people live in owner occupied and rental single or multifamily housing in Plainfield and leave Plainfield to work. The building and architecture left behind by those who developed Plainfield is valued by the city, and it boasts numerous historic districts and registered historic landmarks.

Plainfield is diverse and densely populated. According to the U.S. Census Bureau American Fact Finder, as of the 2010 U.S. Census, Plainfield's total population was 49,808. The 2010 census reported that the city was 52.1% Black or African American, 26.5% White, 1.4% Asian, 1.9% American Indian or Native Alaskan, .2% Native Hawaiian and other Pacific Islander, and 22.6% Some other Race. (The six percentages total more than 100% because individuals may choose more than one race.) Individuals reporting as Hispanic or Latino totaled 40.4%. Plainfield's population density per square mile is 8,301, and it ranks fourth in population density in Union County. Population density has increased, but not dramatically, in the past 43 years. In 1970, shortly after the Plainfield Charter (1968) became effective, the total population was 46,682, resulting in density of 7,780 people per square mile. The Commissioners surmise that a diverse population living in close quarters has contributed to the healthy interest in politics that exists in Plainfield.

2. History of Form of Government in Plainfield.

Plainfield Township was incorporated as a city by the New Jersey Legislature in 1869. Between 1872 and 1969, the Plainfield charter was contained in the Act of 1872 (P.L. 1872, p. 1134), as amended from time to time. In 1967, after nearly 100 years under the Act of 1872, the then Plainfield Common Council authorized a Charter Study Committee that convened in April 1967.

In the words of the 1967 Charter Study Committee at page 8, the Charter of 1872 established what is known as a weak mayor-council form of government. It called for the election by the people of a mayor, eleven members of the Common Council, one city judge, one assessor, one collector, one treasurer, two chosen freeholders, two constables, two justices of the peace, one clerk for each election district, three judges of election for each election district, and three commissioners of appeals. Subsequent state legislation eliminated the election of judicial officers, provided for county-wide freeholders, provided for appointment of the assessor, and superseded the provisions of the Charter for the election of local election officers. Prior to 1881, all eleven common council members were elected at large. In 1881, the city was divided into four wards, with two common council members from each ward and three elected at-large.

The Mayor was elected by the voters for a 2 year term, with sparse executive powers. While the Mayor had a nominal veto power, the Common Council could override with a majority vote, the same vote required to pass the ordinance in the first place. The effective control of the city administration was vested in the Common Council.

The Common Council had 11 part time members with 10 standing committees that exercised administrative powers of appointment and removal of all officers and employees, provision for which was not otherwise made by law, on a hands-on basis. The Common Council also directed and supervised administrative and executive functions.

The 1967 Charter Study Committee found, at page 19, that: 1.Plainfield had an oversized and overloaded local legislative body; 2. Plainfield had a divided and fractionated municipal administration; 3.Plainfield lacked any organization for administrative planning, to anticipate problems and achieve economies; 4. Plainfield lacked what every large enterprise had found essential to successful administration—a single responsible chief executive.

The 1967 Charter Study Committee went on to recommend a Special Charter, with a strong Mayor-Council and a city administrator. The concept of professional city management was presented to Plainfield by the Committee. It recommended that the 11 member Common Council be replaced with a 5 member City Council, with one member from each ward and one at large, among other things. Our Charter Study Commission noted with interest that there was no mention or consideration of adoption of one of the available Faulkner Act forms.

Apparently, negotiation over provisions continued after the submission of the 1967 Committee report in January of 1968. The recommended 5 member council turned into the 7 member council that we have today. The recommendation that a candidate for city council be a resident of his or her ward for three years was ultimately enacted as a 1 year residency requirement. The Report recommended three named "master departments", to provide the Mayor with a small group of top management people to operate at a policy level, and to consolidate multiple administrative units into three departments. The recommended departments were Administration and Finance, Public Safety and Public Works. Public Safety was ultimately enacted as Public Affairs and Safety. The Mayor's power of appointment and removal provision (Section 3.5 as enacted) did not appear in the recommended charter, and Section 4.9, providing for a Human Relations Commission, appears to have been added after the submission of the report. We learned during our interviews that the Charter was the subject of much compromise.

The Plainfield Charter (1968) in its current form, was enacted by the legislature on July 12, 1968. It was approved by the voters of Plainfield at the next general election. Elections for the new Mayor and the new City Council took place in 1969, and an administrative code was adopted in 1970.

3. Studying the Plainfield Charter (1968)

a. 1972 Charter Study Evaluation Committee

The new charter was barely two years old when a 9 member Charter Study Evaluation Committee (4 Republicans, 4 Democrats, one neutrally selected) was appointed by City Council in 1971. The Committee held twenty-nine meetings, interviewed thirty-five people and issued its report on January 19, 1972. The Committee recognized that the Charter had not been in effect long enough to stand the test of time, but pointed out areas that warranted attention. They opined that three departments were not enough, requesting consideration for adding one department and giving Council the power to change the names, and to allocate and assign duties among the Mayor's office, the departments and the city Administrator from time to time. They recommended an increase in the number of City council members to 9 from 7, adding two at large. They pointed out perceived deficiencies in the Budget provisions of the Charter, in the Councilmanic Wards provision, and in the fact that the charter requires all city council meetings to be held in city hall, among other things.

The report of the Committee was presented to the City Council and sent to the legislature, which did not act. The current Commissioners learned of the 1972 Committee when we were presented with a binder from the archives of the City Clerk by our current City Clerk. The binder contains, among other documents, the Report of the Charter Evaluation Study Committee submitted January 19, 1972, as well as detailed minutes of City Council meetings where it

was discussed. The documents were interesting to us because we identified similar Charter deficiencies, but also for purely historical reasons.

b. The 1983 Charter Study Feasibility Committee.

On November 3, 1983, former Mayor Everett Lattimore issued a press release announcing the consensus of the Charter Study Feasibility Committee. The group, chaired by Jerome J. Heyman, was appointed in May 1983 to gather information to determine if a revision of the City Charter should be undertaken to more closely reflect the existing and developing city environment. The press release pointed out perceived issues with the proliferation of functions under the Departments of Public Affairs and Safety and the Department of Public Works and Urban Development. It noted that the Plainfield Charter (1968) could only be changed by an act of the legislature, while Faulkner Act municipalities had flexibility to make changes by referendum. CSC learned of this Committee from the documents provided by our present City Clerk from City Clerk files. We do not believe that the City Council took any action on the report of this committee.

c. The 1990 Charter Study Evaluation Committee.

The next organized charter study appears to have been the Charter Study Evaluation Committee that worked from January to June in 1990, reporting on June 28, 1990. Again from the City Clerk's files, we learned that there were discussions about charter study in 1987 during the Taylor administration. An article by Gabriel H. Gluck that appeared in the Star Ledger on May 5, 1987, reported that Council was prepared to proceed with charter study, according to then Council President Frank Meeks. The article noted that Mayor Taylor would not oppose this move by the GOP controlled council, but he did not want the study to become a way of forwarding a political agenda. Mr. Meeks indicated that he believed that the Committee should have three Democrats, three Republicans and an independent chair, and that the study should take about 6 months. The article reported that a major priority would be the idea of splitting the Department of Public Affairs and Safety.

The Committee was eventually appointed in 1989, toward the end of the Taylor administration. It was made up of both Republicans and Democrats. The Chair was future Mayor Mark Fury. Members were Charles Booker, Kirk Ivy, Henry Kita, William Morgan, Joan Van Pelt, Donna Vose and Beulah Womack. In the Foreword to the Report at page 1, the Committee noted "... as each of the witnesses that came before our committee stressed, any changes will be meaningless without committed politicians and government professionals working together in a spirit of mutual respect and compromise, supported by informed and involved citizenry prepared to hold them accountable."

The 1990 Committee studied a number of charter and non-charter related issues. It ultimately opined that the Mayor-Council form as established for Plainfield appeared to be the best alternative. It recommended, among other things, full time Corporate Counsel, so that counsel would be available when needed as well as a full time Mayor to give the city a better advocate, neither requiring a charter amendment. It recommended that the charter be changed to provide for non-partisan local elections to broaden the base of participation, and bi-annual elections for stability. It further recommended that the Department of Public Affairs and Safety be abolished and replaced by a Department of Human Services, with a recommendation that the Police Chief and the Fire Chief should report directly to the City Administrator.

The Foreword to the Committee Report at page 1 also contained the following observation that rings true to this Commission: "There is nothing in the charter that, in and of itself, can bring another major employer to town, or stop the exodus of retail businesses to area malls, or make Plainfield's parents and students return to our schools. But the failure to improve the image and effectiveness of Plainfield's self governance will assure that these long hoped for events do not occur."

From the City Clerk's files, this Commission learned that charter reform and amendment were placed on the City Council Agenda during the summer of 1991, but a petition was not sent to the legislature.

IV. Faulkner Act Forms of Government

The Commissioners learned during their study that in 2011, New Jersey had 566 municipalities and that Plainfield was one of 11 that had a special charter granted by the legislature (3.5% of the population in New Jersey lives in places governed by local special charters). At this juncture in New Jersey, in addition to special charters, there are 11 different forms of local government allowed by law. Of the 11 forms, 5 forms are "grandfathered" in the places that have them, but cannot be chosen by other municipalities (City Form, Town Form, Borough Form, Township Form and Village Form). Two more forms (Commission Form (31 places) and Municipal Manager Form (1923)(7 places)) can be chosen by other municipalities, but are not widely used.

The remaining 4 forms of local government available in New Jersey are the forms described in the Faulkner Act. Three of the forms are available to Plainfield. Plainfield is not eligible for the Small Municipality form, available to places with population less than 12,000, and used by 18 places (1.5% of the population.) Following are outlines of each form that is available to Plainfield.

Mayor-Council-Administrator.

This form was added to the Faulkner Act in 1982 and is a derivative of the Borough form that is still in use in 218 municipalities in New Jersey (17.4% of the population). We learned that the County and Municipal Government Study Commission, also known as the Musto Commission, was at work in the 1970s in New Jersey. Under the auspices of the Musto Commission, a study was done by the Bureau of Government Research about satisfaction with forms of government in New Jersey. The study did an extensive survey of municipal clerks, administrators and elected and appointed officials in New Jersey. It found that the most positive feedback was from places using the Borough Form, with an ordinance adding a city administrator. As a result, a decision was made to add a borough-like form to the Faulkner Act, and Mayor-Council Administrator was the result. Since 1982, North Brunswick, West Milford and Berkeley Heights have adopted the form (0.9% of the population).

Under Mayor-Council-Administrator, there is an elected mayor and a six member council. The mayor is elected for a four year term and presides over council meetings, but can only vote to break a tie. The drafters of the form were trying to avoid the conflict that appears between mayor and council in strong mayor forms, by bringing the mayor and council together for meetings, with a vote to break a tie for the mayor. The mayor has the right to veto ordinances, but the governing body can override with a vote of four of the six members, which is the same margin needed to pass the ordinance in the first place, so this is power that mainly acts as a delaying mechanism. The council must be elected at large, for terms of three years, staggered, in partisan elections. No ward representation is allowed under this form. Municipal departments cannot be more than 6 in number, established by ordinance. There is a municipal administrator who acts as chief operating officer. Department directors (and other appointees) are appointed by the mayor with advice and consent of council. The mayor can remove department directors upon written notice and the council can remove them on notice with a hearing.

Only the three municipalities noted above, all smaller in population and more suburban than Plainfield, have adopted this form. Most of the municipalities using the borough form it was modeled after are smaller and less diverse as compared to Plainfield.

Council-Manager.

Council-Manager form is in use in 42 places (11% of the population). This is a weak mayor form, with at least five city council members elected to four year terms, either at-large or from wards. Only one city council member can be elected from each ward, with the remainder elected at-large. Places selecting this form can choose to have a mayor elected from the ranks of city council by the members, or elected by the people (and there will be one less at-large council member.) The mayor presides at council meetings and has a vote, but otherwise has very limited and ceremonial-type duties described by statute.

The powers of the municipality are vested in the council, with limited exceptions, and the council must act as a body at all times. The council hires the chief executive officer of the municipality (an appointed municipal manager), and provides for appointment of an attorney, the planning and zoning board, and may create commissions. The council

may only deal with the municipal administration through the municipal manager, and not as individuals. The municipal manager attends all council meetings (with no vote), does all subordinate hiring, prepares the budget, and generally performs all executive functions in the municipality.

We were told in interviews that Council-Manager is the model form of government in modern municipal finance, however, there is the impression that this form works best with a homogeneous population that values administrative efficiency over political leadership. In New Jersey, Council-Manager is used mostly in medium sized suburban communities. The strength of the municipal manager selected appears to us to be important to the success of the form.

Mayor-Council.

Mayor-Council form is in use in 71 New Jersey municipalities (37.6% of the state population). Many of the larger places in the state use Mayor-Council, including Newark, Jersey City, Paterson, Elizabeth, Edison, Woodbridge, New Brunswick and others. The average 2010 population of places using the form is 46,518. It is the most widely used form in New Jersey by population served.

This is a strong mayor form. The mayor is elected for a four year term and is the head of the executive branch and exercises all of the executive power of the municipality. The mayor appoints department heads, the business administrator, and makes most other appointments, unless general law provides otherwise, with advice and consent of council. The mayor has the power to veto ordinances, however, council can override by 2/3 vote. The Mayor may (or may not) attend council meetings and may take part in discussions, but has no vote except to break a tie over a council vacancy vote.

The council can be elected by wards or at large, however, only one council member can be elected for each ward and the remainder must serve at large. Council members may serve either staggered or concurrent four year terms. Non-partisan or partisan elections are an option under the form. Legislative powers are exercised by the council. Council must deal with administrative employees through the mayor or the mayor's designee. Council appoints the municipal clerk, who serves as clerk of the Council, among other duties.

The form requires that there be a department of administration, headed by a business administrator who assists the mayor in preparation of the budget, supervises a centralized purchasing system, is responsible for a sound personnel system, performs other duties as prescribed by the council, and may be authorized by ordinance to supervise other departments under the direction of the mayor.

Regarding departments, in addition to the department of administration headed by the business administrator, the municipality must have at least two and may have up to nine other departments to be established by ordinance. The offices of the municipal clerk and the municipal tax assessor are not to be allocated to departments. Each department is headed by a director, who is appointed by the mayor with advice and consent of council, for the term of office of the mayor.

This form of government mirrors the State Constitution, with an executive branch and legislative branch with checks and balances. We learned that the form can create conflict between the branches because there is so much separation between them. The mayor, for instance, can choose never to attend council meetings, or appear in public. The separation and checks and balances can create rivalries and power struggles between the mayor and council. We believe that this form appears to work best in communities where political leadership is important to constituents, with a mayor and council well versed in negotiating and sharing common goals for the community.

V. Conclusions and Recommendations

1. Recommendation and Rationale.

a. Recommendation.

Since the Organization Meeting on 12/11/12, the Commissioners have kept an open mind while studying Plainfield Charter (1968) and examining the options presented by the Faulkner Act forms. We heard from 29 interviewees from inside and outside Plainfield who told us about form and functioning of government here and elsewhere, and we factored in the opinions of citizens who weighed in from time to time.

We were especially cognizant of our statutory duty to determine whether, in our judgment, the government could be strengthened or made more clearly responsive or accountable or whether its operation could be more economical or efficient under a changed form of government.

At our 6/20/12 meeting, the Commissioners voted unanimously to issue a report recommending and instructing the City Council to petition the legislature for amendments to the Plainfield Charter (1968) that are discussed below. It was our collective judgment, after applying the knowledge that we had gathered, that updating and refining the Plainfield Charter (1968) was more economical and efficient than changing our form of government. At our next several meetings in July and August, we unanimously voted on the recommended changes that are set out later in this section. In December, we again unanimously voted to recommend changes to Section 7.3 based on comments from City Council. While all of the Commissioners did not initially agree on the details for every change that we are recommending, it was important to us to continue to negotiate, discuss and deliberate until all five commissioners agreed with each change and we are proud to be presenting a unanimous recommendation.

b. Rationale.

While it was instructive for us to learn about the three Faulkner Act forms of government described in Section IV of this Report, we do not believe that changing to one of those forms is the best option for Plainfield.

The Council-Manager form of government had some visceral appeal due to its focus on administrative efficiency. It is however, largely used in New Jersey by medium sized suburban communities with relatively homogeneous populations, not in larger, diverse places. In our judgment, the weak-mayor format, with most authority in the hands of an appointed city manager/CEO rather than elected officials, would be unfamiliar to Plainfield citizens and would rely too heavily on the strength of the city manager.

The Mayor-Council-Administrator form also had some appeal, due to the efforts of the drafters to bridge the gulf between Mayor and Council, while adding the requirement for an administrator to the Borough form. It is however, another weak mayor-form, with a mandated six city council members, all of whom must be elected at large. Again, the communities that have chosen this form are smaller and less diverse than Plainfield, and we did not believe that the form would be embraced by Plainfield citizens.

The Mayor-Council form seemed familiar because the strong Mayor-Council form in Plainfield Charter (1968) was clearly derived from this form. Many of the provisions in Plainfield Charter (1968) are edited Faulkner Act provisions that appear to have been changed during the negotiations over the charter in 1967 and 1968. The form is widely used by the largest and most diverse municipalities in New Jersey. The advantages to adopting this form include the fact that when the legislature passes an amendment that changes one of the Faulkner Act provisions, the places using this form automatically get the advantage of the amendment. Also, a body of case law has developed over the years where the courts have interpreted provisions of the Faulkner Act. In contrast, Plainfield Charter (1968), as a special charter, cannot be amended without an act of the legislature. Provisions that are out of date remain, and the courts do not have the benefit of a large body of precedent over our special charter when a decision needs to be made.

The Mayor-Council form presented disadvantages as well. In a four ward Mayor-Council place, the council must consist of one member from each ward, and three completely at-large. Plainfield's hybrid 1-4, 2-3 at-large council seats would not be allowed. Also, the department structure is very different from Plainfield's. Under Mayor-Council,

there must be a department of administration (the business administrator) and not less than two or more than nine other departments, that city council creates by ordinance. This is very different from Plainfield's current structure of three named departments. Plainfield's current approach lacks flexibility, but all of the Commissioners believed that nine departments were too many, for budgetary and other reasons.

The other major disadvantages that would have applied to adoption of any of the Faulkner Act forms were the need to re-elect all elected officials and the need to redraft the municipal code. A recommendation to adopt a new form would have been placed on the ballot at the next general election. A "yes" vote for the change would mean that a new charter would be adopted and a new government would need to be installed. All of the elected officials (all city council members and the mayor) would need to run again in the next primary and general elections. In order to achieve staggered terms, if that option was chosen, some of the city council positions would be assigned shortened terms. Also, shortly after the adoption of the new charter, an administrative code must be drafted and adopted by the city council. This task is generally completed by an outside vendor working with Corporation Counsel.

The Commissioners did not hear or read any empirical or other evidence that our government would be more efficient, cost effective, or accountable if we adopted a Faulkner Act form. It was important for us to learn that our present form of government under Plainfield Charter (1968) is remarkably similar to Faulkner Act Mayor-Council. Also, after interviews and study, it was our overwhelming impression that the actual form of the government is far less important than elected and appointed officials embracing their jobs and working together, with an informed electorate holding them accountable. Interviewee after interviewee expressed the opinion that there were no words that could be amended or inserted into a charter to make a mayor and city council get along and work together.

In our opinion, the reality of a referendum on a new form, and the fact of all officials running for office together if the referendum passed, would be a large distraction in the community and would likely lead to more conflict and less governance in the short term. There would be expense in the form of the drafting of a new administrative code. Chapter 2 of Plainfield's Municipal Code is the administrative code that was enacted pursuant to Section 8.5 of the charter, and has been amended over the years. It is questionable whether drafting a new one would be worth the cost, and there could be a lapse in efficiency while the people who use the current charter and administrative code learned the new provisions.

Having determined that the disadvantages of adopting a Faulkner Act form outweighed the advantages, we turned to a critical assessment of the provisions of the Plainfield Charter (1968).

2. Suggested Changes to Plainfield Charter (1968)

During our study, we learned that there can be advantages of having a special charter passed by the legislature for your city only. We heard the sentiment that a special charter adds stability to government because it is so hard to amend. We learned that there are some state mandates that can be avoided, as some courts have held that state laws that are in conflict with special charters will not control unless they specifically supersede special charter provisions. It is an advantage, for instance, to have custom drafted provisions relating to at-large council seats and departments as pointed out earlier.

On the other hand, it is a disadvantage to have provisions in a charter that have been superseded, but can only be removed by a 2/3 vote of both houses of the legislature and the signature of the governor. It is a disadvantage to have outdated provisions that represent compromises made by the political parties when the charter was drafted under circumstances that no longer exist. We learned that an ideal charter should be a "skeletal" document that lists the powers of the municipality, the elected and appointed officials and their powers, duties and terms. Detail that rounds out the charter should be drafted into the administrative code, where it can be amended as times and circumstances change. In our opinion, Plainfield Charter (1968), while fundamentally sound in setting out a strong Mayor-Council form of government, has unnecessary and outdated detail.

We are recommending updates to 22 provisions of the Plainfield Charter (1968), and we are recommending adding a provision for charter review by a committee appointed by City Council every 12 years, with a report on functioning of the charter. Because we have a special charter, and because laws will change, it is impossible to guarantee that every

section will always be enforceable. We believe, however, that the citizens will be well served by a revision now, and a review for obsolete provisions every 12 years.

We are recommending "housekeeping" changes to certain charter sections to update definitions (1.3 and 1.4), to make the charter gender neutral (1.4), to omit references to laws that have been repealed (5.6), to omit outdated sections (4.9,7.2) and to add references to law that has superseded or enhanced the charter provisions (2.4, 3.3). We are suggesting more substantive changes to the sections dealing with Powers (1.5), Qualifications (2.3 and 3.2), Meetings (2.6), Investigations (2.8), Compensation (2.11), Clerk of the Council (2.13), Appointments and Removals (3.5), Departments (4.4), Corporation Counsel (4.7), Recall (6.15) and Dual Office Holding (7.3).

Each of the changes that we are suggesting is listed below, identified by the Article and Charter Section. Each section appears as it exists now. Suggested deletions are marked with strikethroughs (~~strikethroughs~~). Added language is marked with underlines (<u>underlines.</u>) Our explanation for the change appears below the section in italics.

Finally, we are not making recommendations to change the number of council members, the number of wards, the election cycle or partisan elections. Some very knowledgeable citizens appeared before us and spoke passionately about the need to change some or all of those things, in order to promote more participation in the process or better representation of all citizens. We appreciated their participation, however, we declined to recommend changes at this time for reasons similar to our reasons for not recommending a Faulkner Act form. We believe that making such fundamental changes could cause attention to focus on those changes and possibly interfere with governance and other priorities, with no evidence or guarantee that the intended results will come about at this time. Perhaps such change will come about organically in the years to come in Plainfield.

Suggested Changes to Plainfield Charter (1968)

Article I.

Section 1.3 Definitions.

For the purposes of this act, and for the interpretation of any law, ordinance or resolution applicable to the city, unless the context otherwise requires:
(a) "Charter" shall mean this act and all statutory provisions of the State of New Jersey which are now or may hereafter be applicable specifically to the city of Plainfield or to all cities alike, and which are not inconsistent with this act.
(b) "Council" shall mean the governing body of the city, constituted and elected pursuant to this charter.
(c) "Mayor" shall mean the mayor of the city duly elected pursuant to the charter.
(d) "Administrative code" shall mean an ordinance providing, subject to the charter, for the organization or administration of the city government, for the exercise or discharge of its functions, powers and duties, or for the management or control of its property, affairs or government.
(e) "Administrator" shall mean the ~~city~~ <u>business</u> administrator duly appointed pursuant to the charter.
(f) "Department" shall mean an administrative organization unit of the city government established or designated by or pursuant to the charter as a department.
(g) "Director" shall mean the administrative head of a department.
(h) "Division" shall mean an administrative organization unit of the city government established, allocated or assigned within a department.
(i) "Ordinance" shall mean any act of local legislation heretofore or hereafter adopted pursuant to law.
(J) "Month" shall mean a calendar month unless otherwise specifically provided.
(k) "Person" shall mean any corporation, firm, partnership, association, organization or other entity, as well as an individual.
(l) "City" shall mean the city of Plainfield within the boundaries now existing or which may be hereafter established pursuant to law.
(m) "Year" shall mean a calendar year unless otherwise specifically provided.
<u>(n) "General Law" shall be deemed to be any statutory law or provision of law, not inconsistent with this act, heretofore or hereafter enacted which is by its terms applicable or available to all municipalities, and the following additional laws whether or not such additional laws are so applicable or available to all municipalities: legislation</u>

relating to taxation, local courts, education, health, public authorities serving more than one municipality, and municipalities in unsound financial condition.
In interviews, a council member suggested the change from city administrator to business administrator, the term that is used in most cities our size and in the Faulkner Act Mayor-Council form. None of the other provisions relating to the city administrator are recommended for change. Throughout the charter, "city adminstrator" will be changed to "business administrator". Also, a definition of General Law, adopted from the Faulkner Act (N.J.S.A. 40:69A-28), was added because of its use throughout the charter without a definition.

1.4 Construction.

For the purposes of the charter, other laws, administrative codes and any ordinances heretofore or hereafter adopted, except as the context may otherwise require:
(a) The present tense includes the past and future tenses and the future, the present.
(b) ~~The masculine gender includes the feminine and neuter.~~Both genders will be explicitly referenced throughout the charter.
(c) The singular number includes the plural; and the plural, the singular.
(d) The time within which an act is to be done shall be computed by excluding the first and including the last day, and if the last day be a Sunday or a legal holiday, that day shall be excluded.
(e) "Writing" and "written" shall include printing, typewriting and any other mode of communication using paper, digitally processed data, image processed document, or similar material which is in general use, as well as legible handwriting.

The gender language was outdated and a current council member requested the change. The term "he" will be replaced with "he or she." "councilman" will be replaced with "council member". The term "councilmanic" shall be deleted. The definition of "writing" and "written" needed updating.

1.5 Powers.

In addition to such powers as may otherwise be conferred by the charter, the city may:
(a) Organize and regulate its internal affairs, and establish, alter and abolish offices, positions and employments and define the functions, powers and duties thereof and fix their term, tenure and compensation;
(b) ~~Adopt and enforce ordinances and impose penalties for violation thereof, by fine or imprisonment or both as authorized by general law;~~Adopt and enforce local police ordinances of all kinds and impose one or more of the following penalties: fines not exceeding $2,000 or imprisonment for any term not exceeding 90 days, or a period of community service not exceeding 90 days for the violation thereof; prescribe that for the violation of particular ordinances at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding $100; prescribe that for the violation of an ordinance pertaining to unlawful solid waste disposal at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding $2,500 or a maximum penalty by a fine not exceeding $10,000.
(c) Construct, acquire, operate, or maintain any and all public improvements, projects or enterprises for any public purpose, subject to referendum requirements otherwise imposed by law;
(d) Sue and be sued, have a corporate seal, contract and be contracted with, buy, sell, lease, hold and dispose of real and personal property, appropriate and expend moneys, and adopt, amend and repeal such ordinances and resolutions as may be required for the management of the city and the good government thereof;
(e) Exercise powers of condemnation, borrowing and taxation in the manner provided by general law;
(f) Exercise all powers of local government in such manner as its governing body may determine.

This Section 1.5 is very similar to the Faulkner Act provision on Powers of Municipality (N.J.S.A. 40:69A-29), except that the ordinance and penalty section of Plainfield's Charter (Section 1.5(b)) is less extensive. The Powers provision of the Faulkner Act has been amended many times since its enactment in 1950, however, Plainfield's provision has stayed the same since the Charter was adopted in 1968. We recommend updating it as we heard from several City Council members who were interested in assessing fines in some circumstances.

1.7 Charter Review.

The city council, or a committee designated by the city council shall review the charter at least once every twelve years and shall prepare a report on the functioning of the charter including any suggested amendments to the charter.

This provision is not currently in the Charter and the Commission recommends adding it. It is in the South Orange special charter, which is similar in form to Plainfield Charter (1968) despite that the form of government is different. Since Plainfield has a special charter, it can be amended only by an act of the legislature. This is a vehicle for reviewing the Charter periodically to identify obsolete provisions, and report on them for the benefit of the citizens. In the event of a critical mass of necessary changes, City Council could opt to petition the legislature for changes, which it can do without a formal Charter Study Commission.

Article II

2.3 Qualification; term.

(a) Each council~~man~~ member shall be a legal voter of the city and a resident of the ward or wards from which he or she is elected, in the case of a ward council~~man~~ member, or of any ward in the city in the case of an at-large council~~man~~ member, for at least 1 year immediately prior to the date upon which the election for the office is held, or prior to the date that an appointment to office is made, as the case may be. ~~prior to his election~~.
(b) Each council~~man~~ member shall serve for a term of 4 years beginning on January 1 next following his or her election, except that of those first elected the first ward council~~man~~ member shall be elected for a term of 1 year; second ward, 2 years; third ward, 3 years; fourth ward, 4 years; and council~~man~~ member-at-large, 3 years; council~~man~~ member-at-large from first and fourth wards, 2 years; and council~~man~~ member-at-large from second and third wards, 1 year.

These changes clarify that the 1 year residency requirement for council members is 1 year immediately preceding the election or appointment to office, and not just a collection of months over time totaling a year. The ambiguity was a concern of the commission. An advantage of adopting this language is that it mirrors the requirement in the 1981 general laws that set a uniform residency requirement for local elective office, N.J.S.A. 40:9-1.11, 1.12 and 1.13. Section 1.14 of that statute provides that it does not affect special charters, so we are not recommending adopting the entire 1981 statute.

2.4 Vacancies.

~~A vacancy in the office of councilman occurring during a term shall be filled by election at the next general election to be held not less than 60 days after the occurrence of the vacancy. The council shall forthwith fill the vacancy temporarily by appointment of a qualified person to serve until the qualification of the person so elected. A person appointed to fill a vacancy shall have the qualifications required of the previous incumbent and shall be a member of the same political party as such prior incumbent. In the event the council fails to fill the vacancy within 60 days following its occurrence the mayor shall forthwith appoint a qualified person to serve as above.~~ A vacancy in the office of council member occurring during a term shall be filled in accordance with the Municipal Vacancy Law (N.J.S.A. 40A:16-1, et seq.)

The Municipal Vacancy Law cited above was enacted in 1979. There is a provision in the law that indicates that "The provisions of any special charters which are inconsistent with the provisions of this chapter are hereby superseded". N.J.S.A. 40A:16-22.

2.6 Meetings.

Council shall convene in regular meetings at least once each month at ~~the city hall at a time to be~~ such times and places fixed by ~~ordinance~~ resolution and noticed to the public, except in the event of a public catastrophe or emergency which renders such meeting impractical or unduly hazardous. Special meetings upon at least 2 days public

notice may be called by the mayor whenever he or she deems necessary, and shall be called by the city clerk upon written request signed by a majority of the council~~men~~ members. The call for a special meeting shall specify the purpose of the meeting~~s~~, and no other business may be conducted at such meeting.

This change was made to clarify that council can set the time and place of its meetings, noticed to the public, by resolution. The council does not meet at city hall at present, and has not held all of its meetings at city hall in many years. A citizen who attended charter study meetings brought to our attention that setting council meetings can be the subject of a resolution, not an ordinance, as it is under the Faulkner Act, Legislative Powers, N.J.S.A. 40:69A-36(g).

2.8 Investigations; removals.

(a) The council may make investigations into the affairs of the city and the conduct of any city department, office, commission or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. ~~In addition to any other remedy, any person who willfully fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be adjudged a disorderly person, punishable by a fine of not more than $200.00, or by imprisonment for not more than 30 days or both.~~
(b) Council may remove any officer or employee, other than the mayor or a council member~~man~~, for cause, upon notice and an opportunity to be heard.

The Faulkner Act version of Section 2.8 Investigations; removals (N.J.S.A. 40-69A-37) does not include fines and jailing in section (a). The Commission believes that this concept is antiquated, and at least one court has refused to enforce it. It appeared to cause confusion on the part of some of the City Council members who wanted to assess a fine. We recommend removing it and modernizing Section 1.5 Powers as it applies to adopting and enforcing police ordinances and assessing fines.

2.11 Compensation.

The council may provide by ordinance for an annual salary of council~~men~~ members, provided that no ordinance increasing or decreasing such salary shall take effect prior to the next budget year following a general election which occurs not less than 60 days after its adoption. In addition to such salary, council~~men~~ members may be paid their reasonable, actual, and necessary expenses incurred in the performance of the duties of their office.

This change was prompted by the interview of a council member who suggested that the entire council should vote on expense reimbursements submitted by each council member. We think that that process would be time consuming, and we note that the Administrative Code contains a provision regarding approval which would appear to give the council a voice in this process. Chapter 2, Article 2, section 2:2-4 (c) provides that the City Council President shall approve vouchers chargeable to appropriations (limited to personal expenditures by Council members), provided that each such voucher has been listed on a Council agenda and the Council has taken no contrary action at its next regular meeting. We suggest that the council adopt guidelines for reimbursement of expenses in the same manner as city employees have such guidelines. We have also added the word "reasonable" as noted above. We appreciate all of the work done by council members and recognize that they will continue to incur expenses in accordance with their work, and we hope that they will be as efficient and cost effective as possible when requesting reimbursement by the city.

2.13 City Clerk; Clerk of the council.

The council shall appoint the city clerk, who shall have the qualifications, and duties set forth in Genera Law (N.J.S.A. 40A:9-133, et seq.) The city clerk ~~or some other qualified person to~~ shall serve as clerk of the council. The clerk shall keep a journal of the council proceedings and record the minutes of every meeting. The minutes of each meeting shall be signed by the officer presiding at the meeting and by the clerk of the council.

After the enactment of the charter, the state municipal clerk statute was amended to provide that the governing body shall appoint a city clerk for a three year term with specific qualifications listed (N.J.S.A. 40A:9-133). In the Faulkner Act Mayor- Council form (N.J.S.A. 40:69A-38) the council appoints the clerk, and the state statute appears to require that all municipalities will comply with its provisions. At this juncture in New Jersey, the municipal clerk is a statutorily

mandated position, and our municipal clerk serves pursuant to the above statute. The Commission believes that it is time for the city to acknowledge the statute and change the charter to comply with it.

Article III.

3.2 Mayor; qualifications and compensation.

A mayor shall have been a registered ~~legal~~ voter and a resident of the ~~in the~~ city for at least 4 years immediately prior to the date on which ~~his~~ the election for the office is to be held, or prior to the date of an appointment to the office, as the case may be. ~~His~~ The mayor's compensation shall be fixed by ordinance and may not be increased or decreased during the term for which he or she was elected.

These changes clarify that the 4 year residency requirement for mayor is 4 years immediately preceding the election or appointment to office, and not just a collection of years over time totaling 4 years. An advantage of adopting this language is that it mirrors the language in the 1981 General Law that sets a uniform residency requirement for local elective office, N.J.S.A. 40:9-1.11, 1.12 and 1.13. Section 1.14 of that statute provides that it does not affect special charters, so we are not recommending adopting the entire 1981 statute, which provides for a 1 year residency requirement for mayor, not 4 years.

We note for readers that the 4 year requirement in the charter has been challenged in court twice in the past 25 years that we know of. In one instance, the mayoral candidate was a longtime resident, but not a 4 year voter. In another instance, the candidate had not lived in the city for the immediately prior 4 years, but had lived in the city for a total of 4 non-consecutive years over a period of years. Both candidates prevailed in the courts, so we believe that mirroring the state statute language may help clear up an ambiguity that is impeding enforcement of the section.

3.3 Vacancies.

Whenever the mayor shall be unable to attend to the duties of his or her office, due to his or her absence, disability or other cause, for a period of less than 48 hours, the ~~city~~ business administrator or, in the event of his or her inability to serve, a department head designated by the mayor in writing filed with the city clerk, shall serve as acting mayor. Whenever the mayor shall be unable to attend to the duties of his or her office:
(a) For a period of less than 48 hours and at a time when neither the ~~city~~ business administrator, nor a duly designated department head can serve; or
(b) For a period of more than 48 consecutive hours; or
(c) At any time during an emergency declared by the council; a council~~man~~ member designated under this section shall serve as acting mayor. The mayor may at any time designate in writing filed with the city clerk a council~~man~~ member to serve as acting mayor under the provisions of this section. Whenever the provisions of this section require a council~~man~~ member to serve as acting mayor and the mayor has failed to make such a designation or the council~~man~~ member so designated by the mayor is unable to serve, the council shall by a majority vote of its whole number appoint an acting mayor from among its membership. Any person appointed pursuant to this section shall succeed to all of the rights, powers and duties of the mayor, until the mayor returns, the disability or other cause ceases. ~~In the event of the death, resignation or disqualification of the mayor, there shall be a vacancy in the office which shall be filled by election for the remainder of the unexpired term at the next general election occurring not less than 60 days after the occurrence of the vacancy. The office shall be filled by the acting mayor until the qualification of the person so elected.~~
(d) A vacancy in the office of mayor for any of the reasons set forth in N.J.S.A. 40A:16-3 shall be filled in accordance with the Municipal Vacancy Law (N.J.S.A. 40A:16-1 et seq.)

As previously indicated, the Municipal Vacancy Law that was enacted in 1979 expressly supersedes the provisions of special charters for the types of permanent vacancies set forth in that law.

3.5 Appointments and removals.

(a) The mayor shall appoint and remove officers and employees as authorized by the charter or administrative code; and shall, with the advice and consent of the council, make all appointments or which no other provision is made by or pursuant to the charter.
(b) The mayor may remove a department head, ~~or~~ the ~~city~~ business administrator, or corporation counsel whenever, in his or her discretion, the public interest so requires; and any such removal shall take effect 10 days after the mayor files notice of removal with the city clerk unless prior thereto the council shall at a regular or special meeting disapprove of such removal by resolution adopted by the affirmative vote of 2/3 of the entire membership. In the event of such resolution of disapproval, the affected office shall be restored to his or her office without loss of pay.

The Commission is recommending adding Corporation Counsel to the list of officers that the mayor can remove who can be reinstated by council. Many interviewees commented about Corporation Counsel and the perceived conflict in representing the mayor and the city council. One of the comments that we received was that Corporation Counsel may have an inherent bias in favor of the mayor who appoints and can terminate him or her. It was suggested that, if the council could reinstate Corporation Counsel, that the Corporation Counsel may feel as though they can better represent both sides without fear of being discharged. We would like to point out that the Administrative Code was amended in 1998 to give this ability to city council (see Chapter 2, Article 4, Corporation Counsel, Section 2:4-1(b).) We are recommending adding Corporation Counsel to the charter as well, because we heard so much concern about this issue.

Article IV.

4.4 Departments.

(a) There shall be the following administrative departments of the city government:
(1) Administration and ~~finance~~Finance;
(2) Public ~~works~~Works;
(3) Public ~~affairs~~ Affairs and ~~safety~~Safety.
Notwithstanding the foregoing, the city may also have from time to time between 1 and 3 additional departments; council may establish, abolish, amend and/or rename any of the additional departments by ordinance adopted by a 2/3 vote of council members.

(b) Council shall by ordinance allocate and assign all of the administrative functions, powers and duties of the city among and within such departments. Council may, by ordinance, create, abolish and modify boards and commissions, whether or not heretofore or hereafter established by or pursuant to ordinance; provided that whenever a board, commission, public corporation or other body is abolished or substantially altered by ordinance and has outstanding bonded indebtedness or other obligations, the city shall assume and become liable for such indebtedness and obligations to the same extent and with the same security and enforceability as though such indebtedness and obligations had been issued or incurred originally in the same form by the city itself.

The Commission recommends building flexibility into the charter regarding departments. We note that Plainfield has an unusual arrangement, having three named "master departments" in the charter. This is in contrast to the Faulkner Act Mayor-Council form, at 40:69A-43, which provides that municipalities shall have a department of administration (the business administrator) and between 2 and 9 others, not named, that council establishes (or amends, eliminates, renames) by ordinance. So, in 71 municipalities in New Jersey using Mayor-Council, with 37.6 percent of the population, there is flexibility in establishing departments. In addition, we have read 6 special charters other than Plainfield's (Bloomfield, Englewood, Hackettstown, Montville, South Orange and Westfield). None of them name departments. The 1967 Charter Study Committee attributed the 3 "master department" recommendation to giving the mayor a small group of top management officials with whom to create and effectuate policy, and to consolidating the former municipal departments. During our interviews, we heard a theory that the three departments were created by compromise during charter negotiations, so that the city council could have advice and consent over the appointments, but only a limited number, as compared to the Faulkner Act (advice and consent on between 2 and 9 departments .) This Commission certainly does not question the motives of our past city leaders, who were certainly acting in good faith in the best interests of the city, and we commend the manner in which the city has organized itself around the three departments

since 1969. The city organization chart attached as Exhibit 4 shows the good faith (if strained) effort that the City Administration is making in organizing around the three departments. Nonetheless, every Charter Study Committee already mentioned in Section III of this Report, beginning in 1972, and many of our interviewees mentioned at least one issue with the three departments.

The Commissioners believe that the city would have more flexibility with the possibility of between one and three additional departments, and the ability to rename them. We fully recognize that change from the current system would require careful study, as it would impact the budget, human resources and physical space considerations, among other things. As a result, we are recommending language that would leave the existing three departments in place as named, with no additional departments unless approved by a council vote of 2/3 of the members, after careful planning and budgeting. The Commissioners want to emphasize that we do not believe that 9 departments, per the Faulkner Act, are necessary or advisable in Plainfield. That was one of the major drawbacks of the Faulkner Act Mayor-Council form in the opinion of the Commission.

4.7 Corporation counsel.

There shall be a corporation counsel who shall be nominated and appointed by the mayor with the advice and consent of the council. The corporation counsel shall serve during the term of the mayor appointing him or her and until the appointment and qualification of his or her successor, subject to removal as provided by the charter. ~~He shall be~~ Corporation counsel shall be the chief legal officer of the city corporation, ~~advisor to the mayor and to the counsel,~~ and shall have such specific functions, powers and duties and may appoint such assistants, as may be provided by the administrative code.

The Commission is recommending these changes to try to clarify the role of Corporation Counsel. We received many comments about this office during interviews, and we heard sentiment that it is near impossible to represent both the mayor and city council in Plainfield. Some believe that there should be separate counsel for each of the mayor and council. On the other hand, a number of interviewees told us not to let that happen because the Mayor and Council would resort to litigation rather than resolving issues by negotiation. We agree, and we think that it is important to remind everyone involved that the Corporation Counsel is the chief legal officer for the city corporation, not the lawyer for the mayor or the city council.

The Corporation Counsel provision in the charter is a custom provision that can be viewed as politicizing the office because of appointment by the mayor for the mayor's 4 year term, similar to a department head. In contrast, the Faulkner Act Mayor-Council plan is completely silent on selection of municipal counsel, apparently ceding to General Law. Of the six special charters that we read, four (Westfield, Montville, Hackettstown, Bloomfield) are silent on counsel. Two (South Orange and Englewood) have an attorney appointed by the governing body with other details fixed by ordinance.

New Jersey General Law on the topic appears to have been enacted in 1971, two years after the charter was enacted. It takes a matter of fact approach to counsel as follows: "In every municipality the governing body, by ordinance, shall provide for the appointment of a municipal attorney who shall be designated as the corporation counsel or the municipal attorney and unless otherwise provided by law the term of office of the municipal attorney shall be one year." N.J.S.A 40A:9-139. The General Law provision allows flexibility in appointment, title and term, in that Council could appoint, or provide by ordinance for another manner of appointment, choose the attorney's title (municipal attorney may be clearer than corporation counsel), and choose the term. This statute does not specifically overrule municipal special charters, so Plainfield is probably not bound to use it in place of the charter provision.

We discussed recommending the General Law approach, but for better or worse, the Plainfield standard operating procedure appears to be as set out in the charter. So, instead of a dramatic change, we thought that removing the "chief legal advisor to mayor and council" language from the section, and replacing it with the fact that corporation counsel is counsel to the city corporation might help to refocus readers of the charter. The language would also need to be removed from the Administrative Code (Section 2:4.2). Also, as previously indicated at Section 3.5 (b), the Commission is recommending adding Corporation Counsel to the list of persons that the mayor can remove but the city council can reinstate, in the hope that counsel may not feel as much inherent bias to the person who appointed him or her. That would elevate that protection, which already exists at the administrative code level, to charter level to emphasize it.

All of that having been said, our current Corporation Counsel has been friendly, gracious, professional and helpful to us. He attended a meeting and approached us, offering help if we needed it. He has promptly provided feedback when we have asked him for help. We thank him for his cooperation.

4.8 Other appointments.

Whenever any statute applicable to the city authorizes the appointment of the members of any board, commission, authority or other body for municipal purposes within the city, ~~except the board of education,~~ the power of appointment, notwithstanding any provision to the contrary in such statute, shall be exercised by the mayor with the advice and consent of council.

The Commission recommends removing the reference in this section to the board of education, as the board of education has been elected for many years.

4.9 ~~Human Relations.~~ Reserved.

~~In addition to such departments as are authorized by this article, a human relations board or commission may be established or continued by ordinance, and it may be authorized to appoint an executive director with such qualifications and to serve for such term of years as may be provided by the administrative code. Any such appointment shall not be within the classified service of the civil service.~~

As mentioned in Section III of this Report, the 1967 Charter Study Committee Report did not include a recommendation for a Human Relations Commission. Apparently, in the negotiation that must have ensued after their Report was issued and before the charter was enacted, this provision for a Human Relations Commission was added to the charter. While there may have been a charter level human relations commission at a time in the past, this commission does not appear to have been active in the recent past. Council has the power to create commissions under Section 4.4 of the charter, and there does not appear to be a current rationale for continuing this charter level commission. We recommend eliminating it and Reserving the section.

Article V.

5.6 Action by the council.

(a) The council shall consider the executive budget, make available for public distribution copies of the budget document and cause a budget ordinance to be introduced, published and hearing thereon held pursuant to the local budget law.
(b) The council may increase, decrease, or eliminate any item in the executive budget for current operating expenses, except that it may not increase any item unless, upon separate motions as to increase, 2/3 of the members of the council shall vote in favor thereof.
(c) The council may include, exclude, increase, or decrease a capital outlay or capital project contained in the executive budget, and may add capital outlays and capital projects thereto. Any capital outlay or project not included in the executive budget shall be referred to the planning board for a report and recommendation prior to the council's action thereon. The planning board shall report within 30 days and may recommend either that the project or outlay be approved or that it be disapproved or deferred. In the event that the planning board should recommend that the project or outlay be disapproved or deferred, such project or outlay shall not be included in the budget adopted by the council except upon a favorable vote of 2/3 of the members of the council, upon separate motion as to each project or outlay. If the planning board should fail to report within 30 days, it shall be deemed to recommend approval. The requirements of this section shall be in addition to any imposed by the ~~Municipal Planning Act (1953)~~ Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq. and the ~~l~~Local B~~b~~udget L~~l~~aw (N.J.S.A. 40A:4-1, et seq.)

This change was made in order to remove the reference to the repealed Municipal Planning Act and to more specifically identify the Local Budget Law.Regarding the budget provisions of the charter in general, the commission compared them to the Faulkner Act Mayor-Council provisions, which are as spare in detail as our charter's provisions. At this juncture in New Jersey, municipal budgets are controlled by the provisions of General Law, including the Local Budget Law (N.J.S.A. 40A:4-1, et seq.) and the Local Fiscal Affairs Law (N.J.S.A. 40A:5-1), among others. Due dates and deadlines are set for

municipal budgets by the Local Finance Board of the NJ Department of Community Affairs. Municipal budgets cannot be formally adopted until certified by the Local Finance Board. As a result, the current practice of adopting a budget well after the start of the fiscal year will likely continue.

Article VI.

B. RECALL

6.15 Number of signatures.

A recall petition shall demand the removal of a designated incumbent, shall be signed by qualified voters equal in number to at least ~~33 1/3%~~ 25% of the registered voters of the city or ward~~councilmanic district~~, as the case may be, and shall be filed with the city clerk. It shall set forth a statement of the case upon which the removal is sought.

The Commission recommends reducing the number of registered voters necessary to file a Recall petition to at least 25%. The percentage will then be consistent with Article 1, section 2b of the New Jersey State Constitution, which was amended in 1993 to include Recall elections as a right of all people in New Jersey. In 1995, the New Jersey Legislature enacted the enabling legislation for the constitutional amendment (N.J.S.A. 19:27A-1, et seq.) The enabling legislation contains a repealer clause which specifically repealed the section of the Faulkner Act governing Recall, as well as other provisions in other New Jersey Municipal Laws. The repealer clause, did not, however, mention special municipal charters, and so it appears that Plainfield has a choice regarding Recall provisions. Under the court decision Miller vs. Mitchell, 245 N.J. Super. 290 (App. Div. 1991) (a decision interpreting the Plainfield Charter (1968) in a context other than Recall), the special charter language should prevail unless it is specifically superseded.

In the Commission's view, 33 1/3 % is a very high percentage. The Faulkner Act provision was 25% prior to repeal. Of the other special charters that we looked at, four had charters that did not include Recall, and Westfield and South Orange both used 25%. We are unaware of another charter that uses 33 1/3%.

There are some differences in the recall procedure under the charter as compared to the General Law described above. The most important difference is that upon Recall, the vacancy is handled as any other vacancy under the charter. Under the General Law, an officer or officers can be recalled and replacement candidates can be listed on the same ballot. We believe that the Recall and replacement should be handled separately, and that the process should be rare and require a lot of forethought and work, so we prefer the charter provision.

The other change in the provision above is the elimination of the term councilmanic districts. The 1967 Charter Study Committee recommended renaming the wards as "councilmanic districts", and that term is used in the Recall provision. As finally enacted, the Charter used the term" councilmanic wards". We have replaced "councilmanic district" with "ward" in the above section, and we eliminated the term "councilmanic" throughout the charter to be gender neutral.

Article VII.

7.2 ~~Councilmanic wards; reapportionment.~~ Reserved.

~~(a) Until the first election for city offices to be held not less than 6 months after the promulgation of a Federal census, the boundaries of the four councilmanic wards shall be the same as those set forth for the wards by chapter 18 of the revised ordinances of the city of Plainfield, New Jersey, 1957. (b) Immediately following the promulgation of each Federal census, a city reapportionment commission shall be constituted, consisting of the city chairman of each political party which polled at least 20% of the vote cast at the last general election for members of the General Assembly, and not more than 2 additional members who hold no other public office to be appointed by those herein designated. If they fail to make said appointment, by filing notice thereof with the city clerk within 30 days after the promulgation of the census, the appointment of appointments shall be made by the mayor with the advice and consent of the council. The city reapportionment commission shall review and if necessary revise the ward boundaries, so that the wards shall not differ in population according to the then most recent Federal census, by more than 10% respectively, of the population of the least populous ward. The commissioners shall make and file their report within 60 days after the official promulgation of the Federal census by filing a copy thereof, signed by at least 2~~

~~of the commissioners in the office of the city clerk, and in such other offices as shall be required by law. Thereafter, the boundaries of the wards so described in the report shall be used for the election of councilmen until the taking and promulgation of the next Federal census and the making and filing of another reapportionment commission report.~~

The Commission recommends deleting the section and reserving it. The Municipal Ward Law became effective on 1/1/1982. It is codified at N.J.S.A. 40:44-9, et seq. At N.J.S.A. 40:44-10, the statute indicates that it applies to all municipalities. The redistricting done after the U.S. Census of 2010 was done as provided in the Municipal Ward Law, not as provided in the charter section. The Faulkner Act is silent on this topic, apparently relying on the General Law.

7.3 Dual office holding.

~~No officer under the city government shall hold or retain any office under the county government, nor shall any officer under the county government be eligible to hold or retain office under the city government, except in each case when any such office is held ex officio by virtue of an act by the Legislature. Any person holding city office, whether by election or appointment who shall, during his term of office, accept, hold or retain any other civil office of honor, trust or emolument under the government of the United States, except commission for the taking of bail, or under the government of the State, except the office of notary public or commissioner of deeds or officer of the National Guard, or who shall hold or accept any other office connected with the government of the city, or who shall accept a seat in the Legislature, shall be deemed thereby to have vacated any office previously held by him under the city government; except that the mayor may accept, or may in writing authorize any other person holding office to accept, a specified civil office, in respect to which no salary or other compensation is provided.~~

a. No person shall simultaneously hold more than one elective public office as provided in the General Law (See N.J.S.A. 19:3-5.2, Holding simultaneously more than one elective office prohibited; exceptions).

b. A person who holds a city of Plainfield elected office either by election of the general electorate or by appointment to fill a vacancy shall not simultaneously hold any other paid or unpaid position with the city of Plainfield or any of its agencies or instrumentalities, except for positions on agencies, boards, commissions and committees specifically set aside for elected officials in the Municipal Code, provided, however, that the Mayor or a City Council member may accept an acting position under circumstances described in the Charter or Administrative Code for which no salary or other compensation is paid.

c. A person who holds any position with the city of Plainfield as the result of appointment by the Mayor with the advice and consent of the City Council or by the City Council for which a salary or other compensation is paid shall not simultaneously hold any other position with the city of Plainfield or any of its agencies or instrumentalities; provided, however, that the Mayor may, from time to time and in writing, authorize any person holding such a position to accept another specified position (for which no salary or other compensation is paid) under circumstances described in the Charter or Administrative Code.

Dual office holding provisions are not common in municipal charters (none of the Faulkner Act model charters contain such provisions), however, Plainfield Charter (1968) has prohibited dual office holding since it was enacted. In 2007, certain state statutes noted above were passed by the legislature, also prohibiting dual office holding. The Commission recommends retaining the dual office holding provision to acknowledge the General Law on the topic as set forth in subsection a. above. In addition, we received comments that the existing provision is ambiguous with many undefined terms, and we agree that the provision should be redrafted for that reason. We are aware that the common law of New Jersey contains the doctrine of incompatible offices in a long line of case law, based on the public policy that an office holder's performance should not be influenced by divided loyalties. We believe that holding a city of Plainfield elective office is incompatible with holding any other paid or unpaid position with the city of Plainfield or any of its agencies and instrumentalities, except for seats on agencies, boards, commissions and committees set aside for elected officials in Municipal Code and under other limited circumstances provided in the Charter and in the Administrative Code, see subsection b. above. We also believe that no person appointed by the Mayor to a position for which a salary or other compensation is paid should hold multiple city positions, except under limited circumstances described in the Charter or Administrative Code where they are not compensated for both. See subsection c. above.

VI. Advisory Recommendations

1. Legislative Aide for City Council. We believe that the City Council needs staff in the form of a legislative aide. Several City Council members brought this up at interviews, and the 1990 Charter Study Evaluation Committee discussed the pros and cons of the issue of staff for City Council. The Commission does not see this as a charter issue, and City Council members appear to view it as a budget issue. The Commission recommends that City Council obtain information about the position from other municipalities who have aides, and otherwise consider the budget and other implications of adding the position. We believe this would enhance governance.

2. Corporation Counsel. We respectfully suggest that the Mayor, City Council and Corporation Counsel should always be cognizant of the fact that Corporation Counsel is truly the municipal attorney for the city corporation of Plainfield, not the personal attorney for either the Mayor or Council. If there is a conflict between the Mayor and Council, they should seek to resolve it via negotiation as expediently as possible, to avoid the loss of time and the very large expense involved in resolving issues via litigation. As soon as it is clear that the matter cannot be resolved by mediation, the Corporation Counsel should consider assigning separate special counsel for each side, and not be otherwise involved in the matter. In providing legal services, Corporation Counsel should be equally responsive to all city officers and departments in order to avoid any impression that he or she favors one branch of government over another.

3. Budget. The Commission encourages the Mayor, the City Administrator and the Director of Finance to set due dates for budget request packages early in the fourth quarter of the year that is prior to the fiscal budget being constructed, for planning purposes. In the unlikely event that any of the division heads do not comply with the due date, the Department Heads should consider giving letters of reprimand and restricting the division's budget request to the amount of its request for the prior fiscal year. The budget should be substantially completed in the first month of the fiscal year, despite that adjustments will need to be made as information comes from the state, again, for city planning purposes. The Mayor, City Administrator and Director of Finance should continuously maintain revenue and expense projections, with notes containing sensitizing data depending on certain outcomes. During the budget process, all divisions should be sensitive to the need to be as cost effective as possible, and should constantly look for ways to increase revenues. That having been said, we appreciate the work that all of our city officials do during the budget process in these very challenging economic times.

4. Continuing Education for Elected Officials. The Commission encourages all elected officials to seek training on their role in the government, on Roberts Rules, on negotiation techniques, and on public policy and planning for municipalities.

VII. Acknowledgments

The Commission's work would not have been possible without the help of many people. First and foremost, we would like to extend our sincere thanks to the Plainfield City Council that initiated the idea of a charter study commission in 2012. Our thanks to the people of Plainfield, who voted yes on the Public Question and elected us to do this work. We would like to thank Dr. Ernest Reock, professor emeritus at Rutgers University and retired director of the Rutgers Center for Government Services. His writings were our roadmap and his guidance was always only a telephone call or an email away. He is an acknowledged expert on New Jersey government, and it was a privilege to have him as a consultant at no cost. Our thanks to City Clerk Abubakar Jalloh and his staff, who helped us with Open Public Meetings Act Notices and scheduling, among other things. Our thanks to Corporation Counsel David Minchello who answered our questions from time to time. Our thanks to Administration and Finance Director Al Restaino for his help with our budget. Sincere thanks to all of the current and former elected and appointed city officials and the interviewees from out of town listed on Exhibit 2 who devoted their time to giving us thoughtful interviews. Thanks to Dr. Harold Yood for agreeing to be our first interviewee, and for his thought provoking blogging on Charter Study topics. Thanks to Dan Damon and Bernice Paglia for attending meetings and writing about them on their blogs, a tremendous boon in this digital journalism age. Thanks to all of the citizens who came to our meetings, especially Mr. Robert Edwards. Our Commission had elected representatives from the first, second and third wards. Mr. Edwards, who lives in the fourth ward, attended every meeting and became the ex officio fourth ward member. Finally, thanks to our families for their understanding as we worked hard over the past year.

VIII. First Amendment to Plainfield Charter (1968)

FIRST AMENDMENT TO PLAINFIELD CHARTER (1968)

ARTICLE I. CITY CORPORATION

1.1 Short title.

This act shall be known and may be cited as the Plainfield Charter (1968).

1.2 Incorporation.

The inhabitants of the city of Plainfield, in the county of Union, within the boundaries heretofore established by law or as may be hereafter amended, shall be and remain a municipal body corporate and politic with perpetual succession.

1.3 Definitions.

For the purposes of this act, and for the interpretation of any law, ordinance or resolution applicable to the city, unless the context otherwise requires:
(a) "Charter" shall mean this act and all statutory provisions of the State of New Jersey which are now or may hereafter be applicable specifically to the city of Plainfield or to all cities alike, and which are not inconsistent with this act.
(b) "Council" shall mean the governing body of the city, constituted and elected pursuant to this charter.
(c) "Mayor" shall mean the mayor of the city duly elected pursuant to the charter.
(d) Administrative code" shall mean an ordinance providing, subject to the charter, for the organization or administration of the city government, for the exercise or discharge of its functions, powers and duties, or for the management or control of its property, affairs or government.
(e) "Administrator" shall mean the business administrator duly appointed pursuant to the charter.
(f) "Department" shall mean an administrative organization unit of the city government established or designated by or pursuant to the charter as a department.
(g) "Director" shall mean the administrative head of a department.
(h) "Division" shall mean an administrative organization unit of the city government established, allocated or assigned within a department.
(i) "Ordinance" shall mean any act of local legislation heretofore or hereafter adopted pursuant to law.
(J) "Month" shall mean a calendar month unless otherwise specifically provided.
(k) "Person" shall mean any corporation, firm, partnership, association, organization or other entity, as well as an individual.
(l) "City" shall mean the city of Plainfield within the boundaries now existing or which may be hereafter established pursuant to law.
(m) "Year" shall mean a calendar year unless otherwise specifically provided.
(n) "General Law" shall be deemed to be any statutory law or provision of law, not inconsistent with this act, heretofore or hereafter enacted which is by its terms applicable or available to all municipalities, and the following additional laws whether or not such additional laws are so applicable or available to all municipalities: legislation relating to taxation, local courts, education, health, public authorities serving more than one municipality, and municipalities in unsound financial condition.

1.4 Construction.

For the purposes of the charter, other laws, administrative codes and any ordinances heretofore or hereafter adopted, except as the context may otherwise require:
(a) The present tense includes the past and future tenses and the future, the present.
(b) Both genders will be explicitly referenced throughout the Charter.
(c) The singular number includes the plural; and the plural, the singular.
(d) The time within which an act is to be done shall be computed by excluding the first and including the last day, and if the last day be a Sunday or a legal holiday, that day shall be excluded.

(e) "Writing" and "written" shall include printing, typewriting and any other mode of communication using paper, digitally processed data, image processed document, or similar material which is in general use, as well as legible handwriting.

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1.5 Powers.

In addition to such powers as may otherwise be conferred by the charter, the city may:
(a) Organize and regulate its internal affairs, and establish, alter and abolish offices, positions and employments and define the functions, powers and duties thereof and fix their term, tenure and compensation;
(b)Adopt and enforce local police ordinances of all kinds and impose one or more of the following penalties: fines not exceeding $2,000 or imprisonment for any term not exceeding 90 days, or a period of community service not exceeding 90 days for the violation thereof; prescribe that for the violation of particular ordinances at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding $100; prescribe that for the violation of an ordinance pertaining to unlawful solid waste disposal at least a minimum penalty shall be imposed which shall consist of a fine which may be fixed at an amount not exceeding $2,500 or a maximum penalty by a fine not exceeding $10,000.
(c) Construct, acquire, operate, or maintain any and all public improvements, projects or enterprises for any public purpose, subject to referendum requirements otherwise imposed by law;
(d) Sue and be sued, have a corporate seal, contract and be contracted with, buy, sell, lease, hold and dispose of real and personal property, appropriate and expend moneys, and adopt, amend and repeal such ordinances and resolutions as may be required for the management of the city and the good government thereof;
(e) Exercise powers of condemnation, borrowing and taxation in the manner provided by general law;
(f) Exercise all powers of local government in such manner as its governing body may determine.

1.6 Self-government generally.

The general grants of municipal power contained in this article are intended to confer the greatest power of local self-government consistent with the Constitution of this State. Any specific enumeration of municipal powers contained in the charter shall not be construed in any way to limit the general description of power contained in this article, and any such specifically enumerated municipal powers shall be construed as in addition and supplementary to the powers conferred in general terms by this article. All grants of power to the city, whether in the form of specific enumeration or general terms, shall be liberally construed, as required by the Constitution of this State, in favor of the city.

1.7 Charter Review.

The city council, or a committee designated by the city council shall review the charter at least once every twelve years and shall prepare a report on the functioning of the charter including any suggested amendments to the charter.

Article II. THE CITY COUNCIL

2.1 Legislative power.

The legislative power of the city, except as otherwise specifically provided by this chapter, shall be exercised by the city council. The council shall have and exercise such other and additional powers and duties as are provided by the charter.

2.2 City Council.

The city council shall consist of 7 members to be nominated and elected in accordance with the provisions of Title 19 of the Revised Statutes. One member shall be elected from the city at large, one member shall be elected from each of 4 wards to be established and maintained pursuant to the charter, one member shall be elected from the first and fourth wards at large, and one member shall be elected from the second and third wards at large.

2.3 Qualification; term.

(a) Each council member shall be a legal voter of the city and a resident of the ward or wards from which he or she is elected, in the case of a ward council member, or of any ward in the city in the case of an at-large council member, for at least 1 year immediately prior to the date upon which the election for the office is held, or prior to the date that an appointment to office is made, as the case may be.
(b) Each council member shall serve for a term of 4 years beginning on January 1 next following his or her election, except that of those first elected the first ward council member shall be elected for a term of 1 year; second ward, 2 years; third ward, 3 years; fourth ward, 4 years; and council member-at-large, 3 years; council member-at-large from first and fourth wards, 2 years; and council member-at-large from second and third wards, 1 year.

2.4 Vacancies.

A vacancy in the office of council member occurring during a term shall be filled in accordance with the Municipal Vacancy Law (N.J.S.A. 40A:16-1, et seq.)

2.5 Organization.

(a) Council shall, by ordinance, provide for its own organization and rules of procedure, not inconsistent with the charter.
(b) The council at its organization meeting and every year thereafter shall elect a president of the council from among the members thereof. He or she shall preside at its meetings and perform such other duties as the council may prescribe. In the absence of the president, the council shall elect a temporary presiding officer.

2.6 Meetings.

Council shall convene in regular meetings at least once each month at such times and places fixed by resolution and noticed to the public, except in the event of a public catastrophe or emergency which renders such meeting impractical or unduly hazardous. Special meetings upon at least 2 days public notice may be called by the mayor whenever he or she deems necessary, and shall be called by the city clerk upon written request signed by a majority of the council members. The call for a special meeting shall specify the purpose of the meeting, and no other business may be conducted at such meeting.

2.7 Procedures.

(a) Generally. Council procedures shall be governed by or pursuant to the charter. In the event of a conflict between any other applicable laws and this act, this act shall prevail.
(b) Voting; quorum. A majority of the whole number of members of the council shall constitute a quorum. The vote upon every motion, resolution or ordinance shall be taken by roll call and the yeas and nays shall be entered on the minutes. The minutes of each meeting shall be signed by the officer presiding at such meeting and by the city clerk.
(c) Resolutions. All resolutions of permanent import shall be introduced in writing, and the votes thereon shall be taken by yeas and nays, and shall require the affirmative vote of a majority of the whole council. A resolution unless otherwise specifically required by law need not be submitted to the mayor for approval.
(d) Appointments. Resolutions of appointments by council require the affirmative vote of a majority of the whole council.
(e) Mayor's participation. The mayor may attend meetings of council and may take part in discussions of council but shall have no vote.

2.8 Investigations; removals.

(a) The council may make investigations into the affairs of the city and the conduct of any city department, office, commission or agency and for this purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence.
(b) Council may remove any officer or employee, other than the mayor or a council member, for cause, upon notice and an opportunity to be heard.

2.9 Ordinances; veto.

(a) Ordinances shall be prepared, introduced, considered and acted upon as required by law. No ordinance may be enacted without the affirmative vote of a majority of all the council members.
(b) Ordinances adopted by the council shall be submitted to the mayor, and he or she shall within 10 days after receiving any ordinance, either approve the ordinance by affixing his or her signature thereto or return it to the council by delivering it to the city clerk together with a statement setting forth his or her objections thereto or to any item or part thereof. No ordinance or any item or part thereof shall take effect without the mayor's approval, unless the mayor fails to return an ordinance to the council within 10 days after it has been presented to him or her, or unless council upon reconsideration thereof on or after the third day, but not later than its next regular meeting following its return by the mayor shall by a vote of 2/3 of the members resolve to override the mayor's veto.

2.10 Separation of powers, administration.

The legislative, executive and administrative powers of the city are divided between the legislative and executive branches. No person or persons belonging to or constituting one branch shall exercise any of the powers of the other unless specifically authorized by the Charter. Neither the council nor any council member shall intervene in administrative matters, except for legislative purposes.

2.11 Compensation.

The council may provide by ordinance for an annual salary of council members, provided that no ordinance increasing or decreasing such salary shall take effect prior to the next budget year following a general election which occurs not less than 60 days after its adoption. In addition to such salary, council members may be paid their reasonable actual and necessary expenses incurred in the performance of the duties of their office.

2.12 Judge of qualifications.

The council shall be the judge of the election and qualifications of its members, and may determine the grounds for forfeiture of the office due to misconduct or malfeasance. For this purpose, the council shall have the power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his office shall be entitled to public hearing on demand. Notice of such hearing shall be published in one or more newspapers of general circulation in the city at least 1 week in advance of the hearing. Any action by the council under this section shall be subject to judicial review.

2.13 City Clerk; Clerk of the council.

The council shall appoint the city clerk, who shall have the qualifications and duties set forth in General Law (N.J.S.A. 40A:9-133, et seq.). The city clerk shall serve as clerk of the council. The clerk shall keep a journal of the council proceedings and record the minutes of every meeting. The minutes of each meeting shall be signed by the officer presiding at the meeting and by the clerk of the council.

2.14 Compilation of ordinances and resolutions.

The clerk of the council shall record all ordinances and resolutions adopted by council and at the close of each year, with the advice and assistance of the corporation counsel, shall bind, compile or codify all the ordinances and resolutions, or true copies thereof, of the city which then remain in force and effect. He or she shall also properly index the record books, compilation or codification of ordinances and resolutions.

2.15 Enacting clause.

The council shall act in relation to legislative matters by ordinance. The enacting clause of all ordinances shall be: "Be It Enacted by the Council of the City of Plainfield".

ARTICLE III. THE MAYOR

3.1 Mayor; term.

The executive power of the city shall be exercised by a mayor, who shall be elected by the legal voters at a general election. The mayor shall be elected to serve for a term of 4 years beginning January 1 next following his or her election.

3.2 Mayor; qualifications and compensation.

A mayor shall have been a registered voter and a resident of the city for at least 4 years immediately prior to the date on which the election for the office is to be held, or prior to the date of an appointment to the office, as the case may be. The mayor's compensation shall be fixed by ordinance and may not be increased or decreased during the term for which he or she was elected.

3.3 Vacancies.

Whenever the mayor shall be unable to attend to the duties of his or her office, due to his or her absence, disability or other cause, for a period of less than 48 hours, the business administrator or, in the event of his or her inability to serve, a department head designated by the mayor in writing filed with the city clerk, shall serve as acting mayor. Whenever the mayor shall be unable to attend to the duties of his or her office:
(a) For a period of less than 48 hours and at a time when neither the business administrator, nor a duly designated department head can serve; or
(b) For a period of more than 48 consecutive hours; or
(c) At any time during an emergency declared by the council; a council member designated under this section shall serve as acting mayor. The mayor may at any time designate in writing filed with the city clerk a council member to serve as acting mayor under the provisions of this section. Whenever the provisions of this section require a council member to serve as acting mayor and the mayor has failed to make such a designation or the council member so designated by the mayor is unable to serve, the council shall by a majority vote of its whole number appoint an acting mayor from among its membership. Any person appointed pursuant to this section shall succeed to all of the rights, powers and duties of the mayor, until the mayor returns, the disability or other cause ceases.
(d) A vacancy in the office of mayor for any of the reasons set forth in N.J.S.A. 40A:16-3 shall be filled in accordance with the Municipal Vacancy Law (N.J.S.A. 40A:16-1 et seq.)

3.4 Mayor; general duties.

The mayor shall enforce the charter and ordinances of the city and all general laws applicable thereto. He or she shall annually report to the council and the public on the work of the previous year and on the condition and requirements of the city government and shall from time to time make such recommendations for action by the council as he or she may deem in the public interest. He or she shall supervise the departments of the city government and shall require each department to make an annual and such other reports of its work as he or she may deem desirable. The mayor shall make available to any council member, upon request, any departmental report, official record or document.

3.5 Appointments and removals.

(a) The mayor shall appoint and remove officers and employees as authorized by the charter or administrative code; and shall, with the advice and consent of the council, make all appointments or which no other provision is made by or pursuant to the charter.
(b) The mayor may remove a department head, the business administrator or corporation counsel whenever, in his or her discretion, the public interest so requires; and any such removal shall take effect 10 days after the mayor files notice of removal with the city clerk unless prior thereto the council shall at a regular or special meeting disapprove of such removal by resolution adopted by the affirmative vote of 2/3 of the entire membership. In the event of such resolution of disapproval, the affected officer shall be restored to his or her office without loss of pay.

3.6 Additional powers and duties.

The mayor shall have and exercise such additional duties and powers as are prescribed by the charter to direct and supervise the departments, to prepare and submit an executive budget, and to act with respect to such other matters as may be provided by the charter and ordinances of the city.

3.7 Emergencies.

In the event of an emergency which represents an immediate, clear and present danger to the public health, safety or welfare, the mayor may assume the personal direction of any department, agency or instrumentality of the city government as may, in his or her discretion, be necessary to alleviate the emergency; and the mayor may take such action as the mayor may deem necessary or desirable to that end.

ARTICLE IV. ADMINISTRATIVE ORGANIZATION

4.1 Business administrator; appointment and terms.

The mayor, with the advice and consent of the council, shall nominate and appoint a business administrator. The business administrator shall serve during the term of office of the mayor appointing him or her and until the appointment and qualification of his or her successor, subject to removal as provided by the charter.

4.2 Business administrator; qualifications.

The business administrator shall be chosen solely on the basis of his or her training, experience, and administrative and executive qualifications. Prior to his or her appointment, he or she shall have completed and received a master's degree in public or business administration and shall have had at least 2 years of actual executive experience in municipal administration or an equivalent combination of education and experience. At the time of his or her appointment, he or she need not be a resident of the city or of the State.

4.3 Business administrator; powers and duties.

Under the direction and supervision of the mayor, the business administrator shall:
(a) Direct and supervise the administration of the departments of the city government, subject to the provisions of the charter;
(b) Provide for the organization of the work of the departments, subject to the requirements of an administrative code to be adopted by the council.
(c) Review the administration and operation of each of the departments and recommend to the mayor from time to time such measures as may appear necessary or desirable for the purpose of improving the efficiency and the economy of the city government;
(d) Review, analyze and forecast trends of city services and finance the activities and programs of all boards, commissions and other municipal bodies, and report and recommend thereon to the mayor;
(e) Assist the mayor to prepare an annual current expense budget and an annual capital budget for consideration by the council;
(f) Develop, install and maintain centralized personnel and purchasing procedures and systems as may be authorized by the administrative code;
(g) Perform such other functions and duties as may be prescribed by charter or ordinance.

4.4 Departments.

(a) There shall be the following administrative departments of the city government:
(1) Administration and Finance;
(2) Public Works;
(3) Public Affairs and Safety.

Notwithstanding the foregoing, the city may also have from time to time between 1 and 3 additional departments; council may establish, abolish, amend and/or rename any of the additional departments by ordinance adopted by a 2/3 vote of council members.
(b) Council shall by ordinance allocate and assign all of the administrative functions, powers and duties of the city among and within such departments. Council may, by ordinance, create, abolish and modify boards and commissions, whether or not heretofore or hereafter established by or pursuant to ordinance; provided that whenever a board, commission, public corporation or other body is abolished or substantially altered by ordinance and has outstanding bonded indebtedness or other obligations, the city shall assume and become liable for such indebtedness and obligations to the same extent and with the same security and enforceability as though such indebtedness and obligations had been issued or incurred originally in the same form by the city itself.

4.5 Department heads.

Each department shall be headed by a director, who shall be appointed by the mayor with the advice and consent of the council. A director shall serve during the term of office of the mayor appointing him or her and until the appointment and qualification of his or her successor, subject to removal as provided by the charter.

4.6 Department heads; powers and duties.

(a) Subject to the direction and supervision of the business administrator, each department director shall:
(1) Administer his or her department in accordance with the charter and administrative code;
(2) Organize the work of the department, and allocate and assign personnel and functions within the department;
(3) Supervise and direct the programs and activities of the department.
(b) Each director shall appoint and remove subordinate officers and employees within his or her department, subject to the approval of the business administrator and in accordance with the provisions of the Revised Statutes, Title 11, Civil Service, or other applicable provision of the charter and administrative code.

4.7 Corporation counsel.

There shall be a corporation counsel who shall be nominated and appointed by the mayor with the advice and consent of the council. The corporation counsel shall serve during the term of the mayor appointing him or her and until the appointment and qualification of his or her successor, subject to removal as provided by the charter. Corporation Counsel shall be the chief legal officer of the city corporation, and shall have such specific functions, powers and duties and may appoint such assistants, as may be provided by the administrative code.

4.8 Other appointments.

Whenever any statute applicable to the city authorizes the appointment of the members of any board, commission, authority or other body for municipal purposes within the city, the power of appointment, notwithstanding any provision to the contrary in such statute, shall be exercised by the mayor with the advice and consent of the council.

4.9 Reserved.

ARTICLE V. BUDGET AND CONTROL

5.1 Fiscal year

The fiscal year of the city shall begin on January 1 and end on December 31 in each year, unless otherwise provided by law.

5.2 Budget document

For each fiscal year the mayor with the assistance of the business administrator shall prepare a budget document consisting of a budget message, a current operating expense budget, a capital budget, a budget summary, and such explanatory schedules, charts, and exhibits as the mayor may deem appropriate or as the council may require.

5.3 Budget preparation; current operating expenses.

The business administrator shall annually require each department head to submit requests for appropriations for the ensuing budget year, and to appear before the administrator at a scheduled public hearing to justify such request. The business administrator, with the assistance of the department of administration and finance, shall compile, review and analyze departmental requests for appropriations, and shall make his or her recommendations with respect thereto to the mayor.

5.4 Budget preparation; capital budget.

Not less than 90 days before the end of each fiscal year the planning board established pursuant to law shall prepare and transmit to the mayor and the council a proposed capital budget in such form and covering such period years as will comply with the requirements of capital budgeting established by or pursuant to State law. As to each project, the proposed capital budget shall at least set forth the estimated cost, its priority as compared with other projects required by the city, its method of financing and the amount required for the "down-payment" under the local bond law; the amount of bonds to be issued and the amount to be raised by other sources; together with an estimate of the effect of the acquisition and operation of each project upon the current operating expense budget.

5.5 The executive budget.

The mayor, with the assistance of the business administrator, shall review the various budget proposals, estimates of revenues, and related data, and shall, in the exercise of his or her discretion and judgment, prepare and submit to the council the budget document. The current operating expense budget and capital budget included in the budget document shall be known as the executive budget. The budget document shall be transmitted by the mayor to the council not less than 30 days prior to the last day for introduction of the budget ordinance as prescribed by local budget law.

5.6 Action by the council.

(a) The council shall consider the executive budget, make available for public distribution copies of the budget document and cause a budget ordinance to be introduced, published and hearing thereon held pursuant to the local budget law.
(b) The council may increase, decrease, or eliminate any item in the executive budget for current operating expenses, except that it may not increase any item unless, upon separate motions as to increase, 2/3 of the members of the council shall vote in favor thereof.
(c) The council may include, exclude, increase, or decrease a capital outlay or capital project contained in the executive budget, and may add capital outlays and capital projects thereto. Any capital outlay or project not included in the executive budget shall be referred to the planning board for a report and recommendation prior to the council's action thereon. The planning board shall report within 30 days and may recommend either that the project or outlay be approved or that it be disapproved or deferred. In the event that the planning board should recommend that the project or outlay be disapproved or deferred, such project or outlay shall not be included in the budget adopted by the council except upon a favorable vote of 2/3 of the members of the council, upon separate motion as to each project or outlay. If the planning board should fail to report within 30 days, it shall be deemed to recommend approval. The requirements of this section shall be in addition to any imposed by the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq. and the Local Budget Law (N.J.S.A. 40A:4-1, et seq.)

5.7 Budget adoption.

The council shall, except as otherwise required by this article, enact a current operating expense budget and a capital budget in accordance with the requirements of the local budget law.

5.8 Budget operation.

(a) The adopted budget shall be administered in accordance with the requirements of general law.

(b) The council shall include in an administrative code appropriate provision for the maintenance of a system of work programs and periodic allotments for the operation of the current operating budget. The business administrator, as far as feasible, shall install and maintain procedures to develop and report appropriate unit costs of budget expenditures.
(c) The council shall include in an administrative code provision for the exercise of a control function in the management of the city's finances. The control functions shall include provisions for an incumbrance system of budget operations, for expenditures only upon written requisition, and for the pre-audit of all claims and demands against the city prior to payment without action by the council, and for such other safeguards of the public treasury as may be required by general law or as the council may deem appropriate.

5.9 Other staff services.

The council shall provide by administrative code for such centralized purchasing, personnel and management services as may be necessary or desirable for the efficient and economical administration of the city government.

5.10 Independent agencies.

Each board, commission, corporation or other entity providing municipal services within the city, shall comply with the requirements of the administrative code for budget preparation, budget administration, financial procedures and controls, with respect to expenditure of municipal funds, notwithstanding the provisions of any other law.

ARTICLE VI. INITIATIVE, REFERENDUM AND RECALL

A. INITIATIVE AND REFERENDUM

6.1 Initiative power.

The voters of the city may propose any ordinance and may adopt or reject the same at the polls, such power being known as the initiative. Any initiated ordinance may be submitted to the council by a petition signed by 20% of the registered voters of the city.

6.2 Referendum power

The voters shall also have the power of referendum which is the power to approve or reject at the polls any ordinance passed by the council, against which a referendum petition has been filed as herein provided. No ordinance passed by the council, except when otherwise required by general law, shall take effect before 15 days from the date of its final passage and its approval by the mayor where such approval is required. If within 15 days after such final passage and approval a petition protesting against the passage of such ordinance shall be filed with the city clerk if the petition shall be signed by 20% of the registered voters, the ordinance shall be suspended from taking effect until proceedings are had as herein provided.

6.3 Form and content of petition.

All petition papers circulated for the purposes of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain to full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition here shall be attached a statement of the circulator thereof as provided by this section. Each signer of any such petition paper shall sign his or her name in ink or indelible pencil and shall indicate after his or her name his or her place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition paper the names and address of 5 voters, designated as the committee of the petitioners, who shall be regarded as responsible for the circulation and filing of the petition and for its possible withdrawal as hereinafter provided. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that he or she, and he or she only, personally circulated the foregoing paper, that all the signatures appended thereto were made in his or her presence, and that he or she believes them to be the genuine signatures of the persons whose names they purport to be.

6.4 Certification.

All petition papers comprising an initiative or referendum petition shall be assembled and filed with the city clerk as one instrument. Within 20 days after a petition is filed, the clerk shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified voters. After completing the examination of the petition, the clerk shall certify the result thereof to the council at its next regular meeting. If the clerk shall certify that the petition is insufficient the clerk shall set forth in a certificate the particulars in which it is defective and shall at once notify at least 2 members of the committee of the petitioners of the findings.

6.5 Amendments.

An initiative or referendum petition may be amended at any time within 10 days after the notification of insufficiency has been served by the city clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The clerk shall, within 5 days after such an amendment is filed, examine the amended petition and, if the petition be still insufficient, the clerk shall file a certificate to that effect in his or her office and notify the committee of the petitioners of the findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

6.6 Ordinance suspended.

Upon the filing of a referendum petition with the city clerk, the ordinance shall be suspended until 10 days following a finding by the clerk that the petition is sufficient or, if amended petition be filed, until 5 days thereafter; or, if the petition or amended petition be found to be sufficient, until it be withdrawn by the committee of the petitioners or until repeal of the ordinance by vote of the council or approval or disapproval of the ordinance by the voters.

6.7 Submission to council.

Upon a finding by the city clerk that any petition or amended petition filed with the clerk in accordance with this article is sufficient, the clerk shall submit the same to the council without delay. An initiative ordinance so submitted shall be deemed to have had first reading and provision shall be made for a public hearing.

6.8 Submission to voters.

If within 60 days of the submission of a certified petition by the city clerk the council shall fail to pass an ordinance requested by an initiative petition in substantially the form requested or to repeal an ordinance as requested by a referendum petition, the clerk shall submit the ordinance to the voters unless, 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 paper signed by at least 4 of the 5 members of the committee of the petitioners shall be filed with the city clerk requesting that the petition be withdrawn. Upon the filing of such a request, the original petition shall cease to have any force or effect.

6.9 General or special elections.

Any ordinance to be voted on by the voters in accordance with section 6.2 or section 6.8 of this article shall be submitted at the next general election occurring not less than 60 days after the date of final action by council or the expiration of the time allowed for action by council in section 6.8 of this article, as the case may be, provided that if no election is to be held within 90 days, the council may in its discretion provide for a special election.

6.10 Elections generally.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this article, but there shall not be more than one special election in any period of 6 months for such purpose.

6.11 Publication.

Whenever an ordinance is to be submitted to the voters of the city at any election in accordance with this article, the clerk shall cause the ordinance to be published in at least one of the newspapers published or circulated in the city. The publication shall be not more than 20 nor less than 10 days before the submission of the ordinance or proposition to be voted on.

6.12 Ballots.

The ballots to be used at such election shall be in substantially the following form:
"To vote upon the public question printed below, if in favor thereof mark a cross (X) or plus (+) or check ( ) in the square at the left of the work Yes, and if opposed thereto mark a cross (X) or plus (+) or check ( ) in the square to the left of the word No."

	Yes	"Shall the ordinance (indicate whether submitted by council or initiative or referendum petition) providing for (here state nature of proposed ordinance or proposition) be adopted?"
	No	

6.13 Election results.

If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city and be published as in the case of other ordinances. If the provisions of 2 or more measures approved or adopted at the same election conflict, then the measure receiving the greatest affirmative vote shall control.

B. RECALL

6.14 Recall power.

Any elective officer shall be subject to removal from office for cause connected with his or her office after he or she has served at least 1 year, upon the filing a recall petition and the affirmative vote of a majority of those voting on the question of removal at any general or special election.

6.15 Number of signatures.

A recall petition shall demand the removal of a designated incumbent, shall be signed by qualified voters equal in number to at least 25% of the registered voters of the city or ward, as the case may be, and shall be filed with the city clerk. It shall set forth a statement of the case upon which the removal is sought.

6.16 Certification; amendment.

The signatures to a recall petition need not all be appended to one paper but each signer shall add to his or her signature his or her place of residence giving the street and number or other sufficient designation if there shall be no street and number. One of the signers to each such paper shall take an oath before an officer competent to administer oaths that the statement therein made is true as he or she believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. Within 10 days from the date of filing the petition the city clerk shall complete its examination and ascertain whether or not such petition is signed by the requisite number of qualified voters, and shall attach to the petition his or her certificate showing the result of his or her examination. If by that certificate the petition is shown to be insufficient it may be amended within 10 days from the date of said certificate. The city clerk shall, within 5 days after such amendment, make a similar examination and determination of the amended petition, and if the certificate shall show the same to be insufficient, it shall be returned to the person filing it without prejudice to the filing of a new petition to the same effect.

6.17 Time for recall election; publication.

If the petition shall be sufficient the city clerk shall within 2 days notify the mayor, council member or council members whose recall is sought thereby. If such notice cannot be served personally upon the mayor, council member

or council members affected, service may be made by registered mail addressed to the officer's last known address. If within 5 days after the service of the notice by the clerk the mayor, council member or council members sought to be recalled by such petition do not resign, or a tendered resignation shall not have been accepted by the council, the clerk shall order and fix a date for holding a recall election not less than 60 nor more than 90 days from the filing of the petition. Notice of the filing of the petition and of the date of the election shall be posted for public view in the office of the city clerk and he or she shall also insert the notice forthwith in a newspaper published in the city, or if there be no such newspaper, then in a newspaper having general circulation in the city.

6.18 Ballot.

The ballots at the recall election shall conform to the requirements respecting the election of officers in municipalities, as provided in Title 19 of the Revise Statutes (Elections), except that the words "recall election" shall appear on the ballot. The recall features of the ballot shall appear at the top thereof and shall be separated from the portion of the ballot for the election of officers by a heavy black line. The proposal for recall shall be placed on the ballot in the following manner:

"Shall.....(here insert name of incumbent) be removed from office by recall?"

This matter shall occupy 2 lines in bold-fact type. Immediately below the above wording shall appear the phrase "for recall" and immediately underneath such phrase the words "against recall." Immediately at the left of each of these 2 phrases shall be printed a square, in which the voter may make a cross (X) or plus (+) or a check ( ) mark. Immediately below the foregoing shall appear the following:

"Indicate your vote by placing a cross (X) or plus (+) or a check ( ) mark in one of the squares above."

6.19 Several officers.

If the removal of more than one officer is sought the same provisions for submitting to the electors the question and direction hereinbefore described shall be repeated in the case of each officer concerned and their position on the ballot for their recall shall be in the order of the filing of the petition with the city clerk.

6.20 Election of successor.

If an incumbent is recalled, there shall be a vacancy in the office which shall be filled in the same manner as vacancies resulting from other causes; and the elected successor shall serve for the remainder of the unexpired term.

6.21 Election procedure.

The provisions of Title 19 of the Revised Statutes (Elections), concerning the nomination of municipal officers, preparation of the ballot, election of municipal officers, counting and canvassing of the results of the election of such officers, shall apply to the election for the recall of officers and the election of their successors.

6.22 Notices.

The city clerk shall cause to be made due publication of notices of arrangements for holding all recall elections and they shall be conducted as are other elections for municipal officers in the city.

6.23 Election results.

(a) If a majority of votes in connection with the recall of any officer be in favor of the recall, the term of office of such officer shall terminate, upon the certification of the results of election by the city clerk.

(b) If the results of such recall election shall, by the certificate of the city clerk, be shown to be against the recall of the officer, he or she shall continue in office as if no recall election had been held.

ARTICLE VII. GENERAL PROVISIONS

7.1 Elective city offices.

The mayor and the members of the council shall be the only elective city offices. They shall be nominated and elected as required by the charter at a general election, or if there is no general election in a year when an election is required to fill a vacancy, at an election to be hold on the first Tuesday after the first Monday in November of such year, in accordance with the provisions of Title 19 of the Revised Statutes.

7.2 Reserved.

7.3 Dual office holding.

a. No person shall simultaneously hold more than one elective public office as provided in the General Law (See N.J.S.A. 19:3-5.2, Holding simultaneously more than one elective office prohibited; exceptions).

b. A person who holds a city of Plainfield elected office either by election of the general electorate or by appointment to fill a vacancy shall not simultaneously hold any other paid or unpaid position with the city of Plainfield or any of its agencies or instrumentalities, except for positions on boards and commissions specifically set aside for elected officials in the Municipal Code, provided, however, that the Mayor or a City Council member may accept an acting position under circumstances described in the Charter or Administrative Code for which no salary or other compensation is paid.

c. A person who holds any position with the city of Plainfield as the result of appointment by the Mayor with the advice and consent of the City Council or by the City Council for which a salary or other compensation is paid shall not simultaneously hold any other position with the city of Plainfield or any of its agencies or instrumentalities; provided, however, that the Mayor may, from time to time and in writing, authorize any person holding such a position to accept another specified position (for which no salary or other compensation is paid) under circumstances described in the Charter or Administrative Code.

7.4 Conflict of interests.

(a) Except as provided by paragraph (b) of this section, no officer or employee under the city government shall have any interest, direct or indirect, in any contract with the city, or with any agency or instrumentality thereof, whenever any such officer or employee, individually or as a member of a board may:

(i) Prepare, authorize or approve the contract or authorize or approve payment thereunder;

(ii) Audit bills or claims under the contract; or

(iii) Appoint an officer or employee who has any of the powers or duties set forth in (i) or (ii) above

(b) The provisions of paragraph (a) of this section shall not apply to:

(i) The designation of an official depository of city funds unless the business administrator, director of administration and finance, or city treasurer has an interest in such depository;

(ii) The designation of an official newspaper;

(iii) The purchase of real property or an interest therein, provided that purchase and the consideration therefore is approved by order of the Superior Court upon petition of the council.

(c) "An interest in a contract" within the meaning of this section shall not include the holding of stock in a corporation listed on any national securities exchange, or an interest in a contract for public utilities service when the rates or charges therefore are fixed or regulated by a governmental agency.

(d) Any city officer or employee who has, will have, or later acquires an interest, direct or indirect, in any actual or proposed contract with the city shall publicly disclose the nature and extent of such interest in writing to the council as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of the council. Once disclosure has been made by an officer or employee with respect to an interest in a contract with a particular person, firm, corporation or association, no further disclosures need be made by such officer or employee with respect to additional contracts with the same party during the remainder of the fiscal year.

(e) Any contract with the city obtained or procured in violation of this article shall be void.

(f) Any city officer or employee who willfully and knowingly violates the foregoing provisions of this section shall forfeit his or her office or employment.

7.5 Code of ethics.

The council shall provide by ordinance for the adoption of a code of ethics setting forth for the guidance of the employees and officers of the city, the standards of ethical conduct in the performance of their duties which will be required of them. Any such code may provide standards for officers and employees with respect to:
(a) Representation of private interests before city agencies and courts;
(b) Disclosure of interest in legislation before the council;
(c) Acceptance of gifts and favors;
(e) Holding of investments in conflict with official duties;
(f) Incompatible employment;
(g) Future employment; and
(h) Such other standards relating to the conduct of officers and employees as may be deemed advisable; provided, however, that no provision which in any way conflicts with the provisions of this article shall be authorized.

7.6 Fraud of officers or employees.

Any council member or other officer or employee of the city who shall willfully violate or evade any provision of law relating to his or her office or employment, or commit any fraud upon the city, or convert any of the public property to his or her own use, or knowingly permit any other so to convert it or by gross or culpable neglect of duty allow the same to be lost to the city, upon conviction thereof and in addition to other penalties imposed by law, shall forfeit his or her office or employment, and be excluded forever after from receiving or holding any office or employment under the city government.

7.7 Duty to testify.

If the mayor, any council member or other officer or employee of the city shall, after lawful notice or process, expressly referring to this section, willfully refuse or fail to appear before any local legislative committee, or any city officer, board or body authorized to conduct any hearing or inquiry, or having appeared shall refuse to testify or to answer any question relevant to the hearing or inquiry regarding the property, government or affairs of the city or regarding the nomination, election, appointment or official conduct of any officer or employee of the city, his or her term or tenure of office or employment shall terminate and such office or employment shall be vacant, and he or she shall not be eligible thereafter to election or appointment to any office or employment under the city government or any agency thereof.

7.8 Conviction of crime.

Any person convicted of a crime involving moral turpitude shall be ineligible to hold any city office, position or employment, and upon conviction thereof while in office or employment shall forfeit his or her office of employment, except as maybe otherwise provided by the administrative code with respect to specified employments.

ARTICLE VIII. TRANSITIONAL PROVISIONS

8.1 Transition date.

This charter shall supersede the charter of the city of Plainfield approved April 4, 1872 (P.L. 1872, p. 1134) and shall take effect on January 1, 1969.

8.2 Existing laws and ordinances

(a) All laws and parts of laws relating to or affecting the city of Plainfield are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of this charter, and only to that extent and with respect to such application.

(b) All ordinances and resolutions of the city, to the extent that they are not inconsistent with the charter, shall remain in full force and effect until repealed or amended pursuant to law.

8.3 Elective officers.

A mayor and council shall be first elected under the charter at the general election in November, 1969, and shall take office at noon on January 1, 1970. The mayor and common council as constituted and elected pursuant to the charter of April 4, 1872, shall continue in office and shall have, exercise and discharge, the functions, powers and duties of the mayor and council, respectively, under this charter until noon on January 1, 1970.

8.4 Appointive officers and employees.

(a) At 12:00 o'clock noon on the effective date of the charter, all offices, boards and commissions they existing in the city shall be abolished and the terms of all elected and appointed officers shall immediately cease and determine; provided that nothing in this section shall be construed to abolish the office or terminate the term of office of any member of the board of education, trustees of the public library, commissioners of the local housing authority, parking authority, or of any official or employee now protected by any tenure of office law, or under the provisions of Title 11 of the Revised Statues (Civil Service) as of the effective date of the ordinance adopted by the common council to authorize a petition for a special law enacting this charter.

(b) The adoption or taking effect of the charter shall not adversely affect the civil service tenure, pension, seniority or promotional rights of any city officer or employee.

(c) 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 without limitation patrolmen and firemen, between the date of election of officers and the date the newly elected officers take office under the charter.

8.5 Administrative code.

(a) On or before the thirtieth day of the charter the council shall adopt an administrative code, to take effect not later than that date, to provide for the organization and administration of the city government pursuant to the charter.

(b) Provision for the organization an administration of the city government, and the creation and filling offices under the charter may be made temporarily by resolution pending the adoption of the administrative code, but any such resolution shall expire not later than 30 days after the effective date of the charter.

8.6 Transfer of employees.

Officers and employees in the classified service upon the effective date of this charter shall be transferred to the department, division or agency to which the functions, power or duties in which they were engaged are allocated by his charter, without examination and without affecting existing compensation, pension, or retirement rights, privileges or obligations of any such officers or employees.

8.7 Continuity of functions.

Any department, agency or officer to whom the charter or administrative code allocates or assigns any powers and duties shall exercise such powers and duties in continuation of their exercise by the agency or officer by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such powers or duties and applicable to the agency or officer formerly exercising such powers and duties shall, so far as not inconsistent

with the provisions of this charter, apply to the agency or officer to which such powers and duties are assigned by this charter.

8.8 Pending actions and proceedings.

No action or proceeding, civil or criminal, pending at the time when this charter shall take effect, brought by or against the city or any agency or officer, shall be affected or abated by the adoption of the charter or administrative code. All such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer, party thereto, may be assigned or transferred to another agency or officer, and in that event the action or proceeding may be prosecuted or defended by the head of the agency to which such functions, powers and duties are assigned or transferred.

8.9 Referendum on adoption of this act.

This act shall be submitted to referendum, and shall take effect upon a favorable vote thereon, as herein provided. The question of adoption of this act shall be submitted to the legal voters within the city of Plainfield at the next general election to be held not less than 25 days after its passage.

(a) There shall be printed in the space provided for public questions on the ballot to be used in such special election the following question:

	Yes	Shall "An act to provide a special charter for the city of Plainfield, in the county of Union" to provide a strong mayor-council form of government, with city administrator for the city, be adopted?"
	No	

(b) If at such election a majority of all the valid votes case for and against the adoption of this act shall be cast in favor of the adoption thereof, the act shall take effect and become operative in accordance with its terms.

8.10 Validation.

All proceedings of the charter committee of the city of Plainfield, including the appointment and qualification of its members and the submission of its report and recommendations, and all actions of the mayor and common council with respect thereto including the petition to the Legislature for the passage of this special act, and the time and manner of publication of notice of intention to apply thereof, are hereby ratified, confirmed and validated.

8.11 Repealer.

All acts and parts of acts inconsistent with the provisions of this act are, to the extent of such inconsistency, hereby repealed.

8.12 Effective Date.

This act shall take effect immediately, subject to the results of the referendum under section 8.9. The city clerk of the city of Plainfield shall, following such referendum, forthwith file a certificate of the results of the vote on the public question with the Secretary of State.

Exhibit 1

Schedule of Meetings *

12/11/12 Organization meeting
12/18/12 Subcommittee Meeting (Budget)
12/21/12 Subcommittee Meeting (with Mr. Restaino on Budget)
01/08/13 Planning Meeting, formal vote on Budget
01/20/13 Subcommittee Meeting (Work Plan)
01/24/13 Planning Meeting and Conduct of First Interview (Dr. Harold Yood)
02/14/13 Phase I Meeting with Interviews (Mr. Harold Mitchell and Ms. Elizabeth Urquhart)
02/28/13 Phase I Meeting with Interviews (Mr. Harold Gibson, Mr. Larry Bashe, Mr. Donald Davis)
03/12/13 Subcommittee Meeting (with Dr. Reock to get reports from other commissions)
03/14/13 Phase I Meeting with Interviews (Mr. Rashid Burney and Mr. Mark Fury)
03/28/13 Subcommittee Meeting with Interview (Mr. Ronald West)
03/28/13 Phase I Meeting with Interviews (Mr. Dan Williamson and Ms. Laddie Wyatt)
04/07/13 Subcommittee Meeting (Revised Work Plan)
04/11/13 Subcommittee Meeting with Interview (Ms. Jewel Thompson-Chin)
04/11/13 Phase I Meeting with Interviews (Mr. Rowand Clark and Mr. Hank Kita)
04/25/13 Phase I Meeting with Interviews (Mr. Martin Helwig, Mr. Cory Storch and Ms. Rebecca Williams)
04/30/13 Subcommittee Meeting with Interview (Mr. Norton Bonaparte)
05/02/13 Phase I and Phase II Meeting (Examine Charter, compare to Faulkner Act Mayor-Council)
05/09/13 Phase I Meeting with Interviews (Mr. Bill Reid, Mrs. Vera Greaves).
05/16/13 Phase I and II Meeting (Examine Charter, compare to Faulkner Act Mayor-Council)
05/23/13 Phase II Meeting with presentation by Dr. Reock on Faulkner Act and forms available to Plainfield
05/30/13 Phase II Meeting with Interviews (Mr. Jim White, Township Administrator of East Brunswick (Mayor Council) and Mr. Christopher Raths, Town Manager, Roxbury (Council-Manager))
06/13/13 Phase I and II Meeting with Interview (Mr. Adrian Mapp); discussion of other forms
06/18/13 Subcommittee Meeting with Interview (Mr. Elliott Simmons)
06/20/13 Subcommittee Meeting (Planning for Public Forum Meeting)
06/20/13 Phase I and Phase II Meeting with Interviews (Mr. Eric Berry, Mr. Al Restaino, and Mayor Sharon Robinson-Briggs); deliberation discussions following
06/27/13 Phase III Meeting (Deliberation and Working Meeting)
07/11/13 Public Forum Meeting (Deliberation following Public Forum)
07/18/13 Phase III Meeting (Deliberation)
07/30/13 Subcommittee Meeting (editing final report)
08/01/13 Subcommittee Meeting (editing final report)
08/01/13 Phase III Meeting (final deliberation, editing, discuss distribution)
10/07/13 Presentation to City Council
12/19/13 Meeting to deliberate on amendments
12/30/13 Meeting to deliberate on amendments

Single Commissioner Meetings and Appearances

12/14/12 Meeting with City Clerk on Dates for Meetings
12/17/12 Commissioner addressed City Council regarding budget request
12/17/12 Meeting with Chair of Hopewell 2005 Charter Study Commission
04/09/13 Commissioner spoke at FOSH Meeting
04/23/13 Commissioner spoke at Plainfield Block Association Liaison Meeting
05/14/13 Commissioner spoke at Netherwood Heights Neighbors Meeting

*Subcommittee Meetings were attended by a maximum of two Commissioners

Exhibit 2

List of Interviewees (in chronological order by interview date)

1. Dr. Harold Yood, local widely read blogger (Doc's Potpourri) who had written extensively about Charter and Charter Study (1/24)
2. Ms. Elizabeth Urquhart, former City Council President and City Councilor Ward 1 (2/14)
3. Mr. Harold Mitchell, former Mayor of Plainfield, former City Council President and City Councilor, Ward 4 and At Large (2/14)
4. Mr. Harold Gibson, former City Administrator and Director of Public Safety, former City Council President and City Councilor, At Large (2/28)
5. Mr. Lawrence Bashe, former City Administrator (2/28)
6. Mr. Donald Davis, former City Councilor, Ward 3 (2/28)
7. Mr. Rashid Burney, former City Council President, former City Councilor Wards 2-3 (3/14)
8. Mr. Mark Fury, former Mayor of Plainfield and Chair of Plainfield Charter Study Evaluation Committee that reported June 28, 1990 (3/14)
9. Mr. Ronald West, former Director of the Department of Administration and Finance (3/28)
10. Mr. Daniel Williamson, former Corporation Counsel (3/28)
11. Ms. Laddie Wyatt, former long time City Clerk (3/28)
12. Ms. Donna Vose, former City Councilor Ward 2 and Member, Plainfield Charter Study Evaluation Committee that reported June 28, 1990. (submitted email responses on 4/5)
13. Ms. Jewel Thompson-Chin, former City Administrator, currently Borough Administrator of Tenafly, New Jersey (4/11)
14. Mr. Henry Kita, former City Administrator and Member, Plainfield Charter Study Evaluation Committee that reported June 28, 1990 (4/11)
15. Mr. Rowand Clark, Former Corporation Counsel (4/11)
16. Hon. Martin Hellwig, current Director of the Department of Public Safety and Urban Affairs (4/25)
17. Hon. Cory Storch, current City Councilor, Ward 2 (4/25)
18. Hon. Rebecca Williams, current City Councilor, Ward 2-3 (4/25)
19. Mr. Norton Bonaparte, former City Administrator, current City Manager of Sanford, FL (4/30)
20. Hon. William Reid, current City Councilor, Ward 1 (5/9)
21. Hon. Vera Greaves, current City Councilor, Ward 1-4 (5-9)
22. Dr. Ernest Reock, Professor Emeritus, retired Director, Rutgers Center for Government Services. (5/23)
23. Mr. Jim White, Township Administrator, East Brunswick, NJ (Mayor-Council form) (5/30)
24. Mr. Christopher Raths, Town Manager, Roxbury, NJ (Council-Manager form) (5/30)
25. Hon. Adrian Mapp, current City Councilor Ward 3, former City Council President (6/13)
26. Mr. Elliot Simmons, former City Councilor Ward 4. (6/18)
27. Hon. Sharon Robinson-Briggs, Mayor of Plainfield (6/20)
28. Hon. Eric Berry, City Administrator. (6/20)
29. Hon. Al Restaino, Director of the Department of Administration and Finance. (6/20)

Exhibit 3

Bibliography

1. *Plainfield Charter (1968)*

2. *Optional Municipal Charter Law*, N.J.S.A. 40:69A-1 *et seq., commonly known as* The Faulkner Act.

3. *Change in New Jersey Municipal Government*, Center for Government Services, Edward J. Bloustein School of Planning and Public Policy, Rutgers University, June 2006.

4. *Inventory of Municipal Forms of Government in New Jersey*. Center for Government Services, Edward J. Bloustein School of Planning and Public Policy, Rutgers University

5. *Forms of Municipal Government in New Jersey*. Center for Government Services, Edward J. Bloustein School of Planning and Public Policy, Rutgers University.

6. *Summary of Forms of New Jersey Municipal Government*. Center for Government Services, Edward J. Bloustein School of Planning and Public Policy, Rutgers University

7. *Report of the Plainfield Charter Study Evaluation Committee*, June 30, 1990.
The report is available for reading for no charge in the Plainfield Room at the Plainfield Public Library and can be copied for a fee.

8. *News From Plainfield, November 3, 1983, Press Release* regarding consensus of Charter Study Feasibility Committee. This document is available to read at the City Clerk's Office and in the Plainfield Room at the Plainfield Public Library.

9. *Report of the Charter Evaluation Study Committee*, January 19, 1972. This document is available to read at the City Clerk's Office and in the Plainfield Room at the Plainfield Public Library and can be copied for a fee.

10. *Report of the Charter Study Committee of the City of Plainfield*, New Jersey, January 15, 1968.
Report of the Charter Study Committee convened by the Common Council of Plainfield in April 1967 that resulted in the Plainfield Charter (1968). It is available for reading for no charge in the Plainfield Room at the Plainfield Public Library and can be copied for a fee.

11. Charter Study Commission and Committee reports from other municipalities that Commissioners read to familiarize themselves with modern reporting: South Orange Charter Review Committee, Report and Recommendations, June 2011; Hopewell Township Charter Study Commission Final Report, August 1, 2005; Report of the Barnegat Township Charter Study Commission, August 2, 2005; Report of the Jackson Township Charter Study Commission, August 1, 2005.

Exhibit 4

Table of Organization, Plainfield, New Jersey (June 2013)

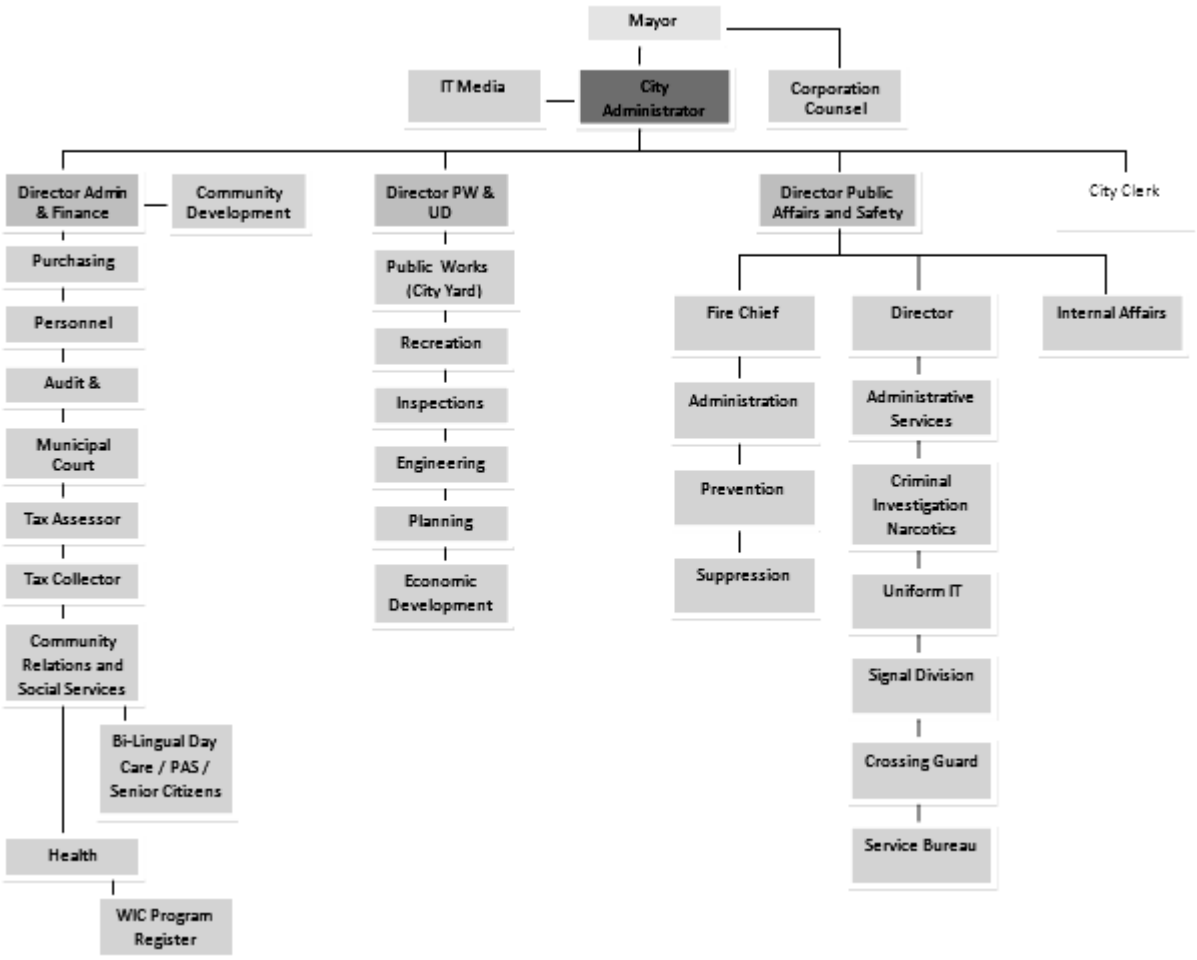

Exhibit 5

Distribution of Amended Final Report

Locations of Amended Final Report

Plainfield Public Library

Plainfield City Hall, City Clerk's Office

Plainfield City Website (http://www.plainfield.com)

Plainfield Charter Study Commission Blog (plainfieldcsc.blogspot.com)

Methods of notifying citizens how to obtain the Amended Final Report

City Clerk Blast email

Local Blogs

Plainfield Charter Study Commission Blog (plainfieldcsc.blogspot.com)