

**BOROUGH OF EMERSON
COUNTY OF BERGEN
NOTICE OF ADOPTION**

**Introduced: April 5, 2011
Adopted May 3, 2011**

NOTICE IS HEREBY GIVEN that the following ordinance was adopted on the second reading after a Public Hearing at the Regular Meeting of the Borough Council of the Borough of Emerson on the 3rd day of May 2011. A copy of Ordinance 1425-11 is on file in the Borough Clerk's Office in the Municipal Building, 1 Municipal Pl., Emerson, NJ 07630.

ORDINANCE NO. 1425-11

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF EMERSON CHAPTER 73 THEREOF; PERSONNEL POLICIES, ARTICLE III, ENTITLED EXCUSED ABSENCES ESTABLISHING A LOWER ABSENTEE THRESHOLD THAN N.J.S.A. 40A:9-12.1

Be it ordained by the Council of the Borough of Emerson as follows:

Section I. Chapter 73 entitled Personnel Policy of the Code of Emerson is hereby amended by adding Article III titled Excused Absences as follows:

§73-9 Definitions

As used in the article, the following terms shall have the meanings indicated:

ABSENTEE-An elected official or appointed member of a Council, board, commission, committee or authority who is not in attendance at a scheduled meeting

EXCUSE- Advance notice from an elected official or appointed member that they will not be present at a pre-scheduled meeting for just cause to the Municipal Clerk or secretary of said board

JUST CAUSE-The reasonable grounds and acceptance of an absence from a member of the Council, board, commission, committee or authority meeting by said Council, board, commission, committee or authority

§ 73-10 Purpose

The purpose of the within section is to adopt a policy establishing a lower absentee threshold than that established in N.J.S.A. 40A:9-12.1. The governing body believes that the hereinafter-established absentee policy will help the Council, boards, committees, and authorities to better function and perform their duties.

§73-11 Absentee policy established

A. In the event that an elected official or member of a board, committee, or authority established within the Borough of Emerson fails to attend and participate at meetings of such body for a period of six consecutive weeks, or three consecutive meetings, whichever shall be of a longer duration, without being excused for just cause, the Municipal Clerk or Secretary of said body shall notify the governing body in writing of that determination. Said council, board, committee or authority may refuse to excuse said absences only with respect to those failures to attend or participate which are not due to just cause.

B. The governing body upon being presented with the above determination shall deem said position vacant and proceed to fill said appointment for the unexpired term in accordance with the appropriate statute.

Section II: In the event that a part of parts of this Ordinance are declared by a court of competent jurisdiction to be unenforceable, the remainder of said Ordinance shall remain in full force and effect.

Section III: This ordinance shall become effective immediately upon adoption and publication in accordance with law.

ATTEST: _____
Carol Dray, RMC, CMC, CMR

Carlos Colina, Mayor