

CITY OF VINELAND

ORDINANCE NO. 2016-_____

ORDINANCE AMENDING ORDINANCE 2007-104, AS AMENDED, CHAPTER 50, SECTION 50-5 ENTITLED FINANCE, DEPARTMENT OF AND ORDINANCE 90-38, AS AMENDED, CHAPTER 110, ARTICLE IV.

WHEREAS, Chapter 110, Article IV, of the Code of the City of Vineland created the position of Chief Financial Officer as required by N.J.S.A.40A: 9-140.10; and

WHEREAS, the said Code Section does not adequately describe the appointment, term, duties and responsibilities assigned to the Chief Financial Officer as set forth in N.J.S.A. 40:9-140.1; and

WHEREAS, Chapter 50, Section 50-5 specifies the duties of the Director and City Comptroller as a combined title which is unnecessary and it is the intent of City Council to clarify the duties of the 2 separate positions.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that Chapter 50 of the Code of the City of Vineland be amended as follows:

1. The title of Chapter 50 shall be Department of Finance
2. Chapter 50 Section 50-5, shall be deleted in its entirety and replaced as follows:

Section 50-5 Duties of Director of Finance

A. The Director of the Department of Finance shall:

- (1) Prescribe the internal organization of the work of the Department, consistent with applicable statutes and ordinances.
- (2) Appoint direct and supervise the subordinate officers and employees of the Department.
- (3) Approve or disapprove pay rolls, bills and claims chargeable to the Departmental appropriations.
- (4) Provide such information and reports on the work of the 8 Departments as may be required by the Mayor or City Council.
- (5) Perform such other duties, as directed by the Mayor, not inconsistent with applicable statutes and ordinances.
- (6) Provide accounting support and other such reports and statements of revenue and expenses as may be required by the Director of Municipal Utilities.

BE IT FURTHER ORDAINED that Chapter 110, Article IV Chief Financial Officer shall be deleted in its entirety and replaced as follows:

Section 110-14. Position Established and Duties of Chief Financial Officer

A. The position of Chief Financial Officer is hereby established. The Chief Financial Officer shall be responsible for the proper financial administration of the City under the Local Government Supervision Act (N.J.S.A. 52:27BB-1 et seq.); the Local Bond Law (N.J.S.A.40A:2-1 et seq.); the Local Fiscal Affairs Law (N.J.S.A. 40A:5-1 et seq.); the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.); and such other statutes and such rules and regulations promulgated by the Director of the Division of Local Government Services, the Local Finance Board, or any other state agency, as may pertain to the financial administration of the City.

Section 110-15. Qualifications and Appointment of Chief Financial Officer or Temporary Chief Financial Officer.

A. The qualifications for the position of Chief Financial Officer shall be those established and set forth in N.J.S.A. 40A:9-140.2, et seq., and no person shall be appointed or reappointed as Chief Financial Officer unless he or she shall hold a Municipal Finance Officer Certificate issued pursuant to N.J.S.A. 40A:9-140.1 et seq. No person who serves as a member of the governing body of the City of Vineland shall serve as Chief Financial Officer in accordance with NJSA 40A: 9-140.6.

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B. The Chief Financial Officer shall be appointed by City Council pursuant to N.J.S.A. 40A:9-140.10.

C. Temporary Chief Financial Officer. When a vacancy occurs in the office of Chief Financial Officer, City Council may appoint a person who does not hold a Municipal Finance Officer Certificate to serve as Temporary Chief Financial Officer for a period not to exceed one year, commencing on the day of the vacancy. However, the person so appointed may, with the approval of the Director of the Division of Local Government Services be reappointed as Temporary Chief Financial Officer for one additional year. The City shall not have a Temporary Chief Financial Officer for more than 2 consecutive years.

Section 110-16, Term of Office; Tenure. Removal from Office

A. The term of office shall be for 4 years, which shall run from January 1 in the year in which the Chief Financial Officer is appointed in accordance with NJSA 40A: 9-140.10.

B. Any person who has served in the position of Chief Financial Officer for a period of 4 consecutive years and thereafter is reappointed as the City's Chief Financial Officer and who holds a Municipal Finance Officer Certificate issued in accordance with NJSA 40A:9-140.1 et seq., shall be granted tenure of office upon filing with the City Clerk and with the Division of Local Government Services in the Department of Community Affairs, a notification evidencing his or her compliance with section in accordance with NJSA 40A:9-140.8. Thereafter, that person shall continue to hold office and shall not be removed therefrom except for just cause, and then only as set forth in the City Code or state statutes.

C. The Chief Financial Officer may be removed from office as follows:
(1) upon the issuance of a written complaint setting forth the charge or charges against the Chief Financial Officer filed with the City Clerk and the Director of the Division of Local Government Services. A certified copy thereof shall be served upon the person so charged. The Director of the Division of Local Government Services shall thereafter designate a hearing date before the said Director or his or her designee, which shall not be less than 30 days nor later than 60 days from the date of service of the complaint. The hearing date may be extended by the Superior Court of New Jersey, for good cause shown upon the application of either party. The person so charged and or the complainant shall have the right to be represented by counsel, and the power to subpoena witnesses and documentary evidence, together with discovery proceedings.
(2) any Municipal Finance Officer Certificate may be revoked or suspended by the Director of the Division of Local Government Services for dishonest practices or willful or intentional failure, neglect or refusal to comply with the Constitution of the State of New Jersey or laws relating to municipal finances or other good cause. The City Council or the Mayor may request a review by the Director of the Division of Local Government Services of the behavior or practices of a Certified Municipal Finance Officer. The Director may also initiate a review of the behavior or practices of a Certified Municipal Finance Officer if the Director finds it advisable to do so through the normal exercise of his or her statutory duties and responsibilities. If the Municipal Finance Officer Certificate of a person serving as Chief Financial Officer or Municipal Finance Officer shall be revoked, such person shall be removed from his or her office or position by the Director of the Division of Local Government Services, the person or position shall be declared vacant.

Section 110-17. Duties of the Chief Financial Officer. The Chief Financial Officer Shall:

A. Have custody of all investments and invested funds of the City or in possession of the City in a fiduciary capacity, except as otherwise provided by law, and keep such funds, and all moneys of the City not required for current operations, safely invested or deposited in interest-bearing accounts.

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- B., Supervise the administration of the City debt and the receipt and delivery of City bonds and notes for transfer, registration or exchange, subject to provisions of the Local Bond Law (N.J.S.A. 40A:2-1 et seq.) or other law.
- C. Develop, maintain and enforce a uniform system of accounts, including forms, standards and procedures for all departments.
- D. Establish and maintain the City's central bookkeeping and accounting records according to generally accepted accounting principles and in accordance with the requirements of the Director of the Division of Local Government Services.
- E. Maintain accounts of all cash receipts and disbursements, and make reports in accordance with the system of accounts approved or prescribed by the Director of the Division of Local Government Services and prepare a monthly statement of all moneys received and expended, and of the unexpended and unencumbered balance in each account for the City Council, Mayor, Business Administrator and the general public.
- F. Review each proposed expenditure and commitment to be made on behalf of any department for conformity with state law, and City Ordinances and authorize only such expenditures and commitments, including claims, bills and demands so as to conform to all requirements of the Administrative Code in accordance with N.J.S.A. 40:69A-48.
- G. Audit all receipts and disbursements of the city and pre-audit all bills, claims and demands, including payroll upon the City.
- H. Control all expenditures to assure that budget appropriations are not exceeded and maintain such books and records as may be required for the exercise of budget control, including an encumbrance system of budget operations and expenditures only upon written requisition in accordance with NJSA 40:69A-48.
- I. Provide specific notification to the Business Administrator, Mayor and Council when conditions arise which may reveal insufficient funds in any account balance or which may lead to or result in audit discrepancies or comments.
- J. Make disbursements of City funds with every warrant check made payable to the order of the person entitled to receive the same and specify the purpose for which it is drawn, and the account or appropriation to which it is chargeable and shall bear such signature as are required by the Administrative Code.
- K. Prepare any records, reports, studies or schedules requested by the Mayor, Business Administrator or City Council, including reports for the preparation of the budget or the determination of the cost of performance of each program or activity, measured in such work units as may be appropriate thereto.
- L. Perform such other duties and responsibilities as required for the proper administration of the City's finances in accordance with the statutes and code.

Section 110-18. Payment of Claims; Presentation to City Council.

A. The Chief Financial Officer shall prepare for each regular meeting of City Council, a list of all bills, claims, vouchers, which have been received in a timely fashion since the last preceding list was compiled. No bills shall be paid except for the payroll until the listing of bills has been approved by the resolution of City Council.

BE IT FURTHER ORDAINED that any Ordinance or portions thereof that are inconsistent herewith shall be deleted and void to the extent of such inconsistencies and the terms of this Ordinance shall supersede the same.

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This Ordinance shall take effect upon adoption and publication according to Law.

Passed First Reading:

Passed Final Reading:

President of Council

ATTEST:

City Clerk