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## DISPOSITION LIST

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**GENERAL PROVISIONS**

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**Adoption of Administrative Code**

**[HISTORY: Adopted by the Board of County Commissioners of the County of Hudson as indicated in article histories. Amendments noted where applicable.]**

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ARTICLE I  
**Adoption of Administrative Code**

**[This article is reserved for the Administrative Code Adoption Ordinance. Upon final enactment by the Board of County Commissioners, it will be included here as Article I of this chapter.]**

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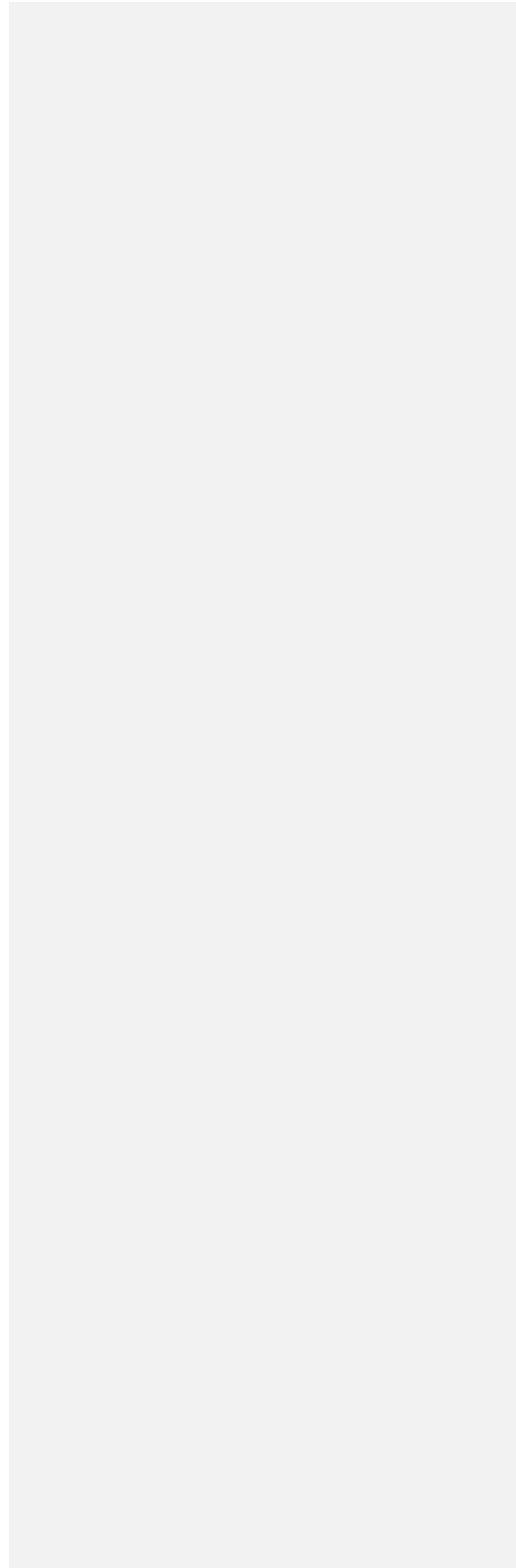
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§ 5-1

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§ 5-2

**[HISTORY: Adopted by the Board of Chosen Freeholders (now Board of County Commissioners) of the County of Hudson 4-13-2000. Amendments noted where applicable.]**

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ARTICLE I  
**General Provisions**

**§ 5-1. Short title.**

This chapter shall be known and may be referred to as the "Hudson County Administrative Code (1976)," as amended and supplemented.

**§ 5-2. Definitions.**

For the purpose of this chapter and in the interpretation and application of all other ordinances and resolutions heretofore or hereafter adopted by the County, except as the context may otherwise require, the following terms shall have the meanings indicated:

**BOARD** — The Board of County Commissioners.

**BUREAU** — A suborganization unit or group of organization units of a division of the County government established by or designated as a bureau by the code.

**BUREAU CHIEF** — The administrative head of a bureau regardless of title.

**CHARTER** — The Optional County Charter Law (L. 1972, c. 154; N.J.S.A. 40:41A-1 et seq.), as amended and supplemented, as applicable to Hudson County by its adoption of the County Executive Plan and any and all general laws as therein defined which are or may be applicable to the County.

**CODE** — The Hudson County Administrative Code (1976), as amended or supplemented.

**COUNTY** — The County of Hudson, State of New Jersey.

**COUNTY EXECUTIVE** — The officer by that title duly elected and serving pursuant to the Charter.

**DEPARTMENT** — A primary organization unit or group of organization units of the County government, established by and designated as a department by the code.

**DEPARTMENT DIRECTOR** — The administrative head of a department, and its subdivisions, regardless of his/her title.

**DIVISION** — A suborganization unit or group of organization units of a department of the County government established by or designated as a division by the code.

**DIVISION CHIEF** — The administrative head of a division, regardless of his/her title.

**OFFICE** — A unit of County government within a department or under the direct jurisdiction of the County Executive or Administrator, whose interaction with other governments or agencies requires a distinct organizational structure. An office shall not be considered a "department" or "division" as defined above.

STAFF — All personnel of any type of any department, division or bureau, except such personnel who would perform services which are provided by any other department, division or bureau.

### § 5-3. Rules for construction and application.

For the purposes of the code and any other ordinances, resolutions, rules, regulations and any actions related thereto heretofore or hereafter adopted, except as the context may otherwise require:

- A. The tenses shall be interchangeable when the context so requires;
- B. The masculine, feminine and neuter genders shall be interchangeable terms;
- 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 handwriting, printing, typewriting, duplicating and any other visual mode of communicating words or figures;
- F. "Year," "month," "week" and "day" shall be the calendar periods unless otherwise specifically provided; and
- G. "Person" shall mean any individual, corporation, firm, partnership, association, organization or other entity.

### § 5-4. Separation of powers.

- A. It is the intent of the Board in enacting the code to exercise fully, according to its terms, the powers delegated by the Optional County Charter Law (L. 1972, c. 154), as amended and supplemented, to organize and reorganize County government; and the provisions of the code shall be construed liberally toward that end.
- B. Nothing in the code shall be construed to impair or diminish or infringe on the powers and duties of municipalities units of government under the general law of the state.
- C. The code shall be interpreted and administered so as to maintain the separation of legislative and executive powers as provided in the Charter.

### § 5-5. Seals of Hudson County. ~~[Added 10-27-2011 by Ord. No. 474 10-2011]~~

#### ~~B.~~ Official Seal.

- (1) Official Seal of Hudson County. The Official Seal of the County of Hudson for all purposes described in N.J.S.A. 40A:9-26 shall be the Seal currently in use by the Clerk of the Board of County Commissioners. The Official Seal consists of a circular medallion which depicts the overlapping letters H and C, which letters are embellished with a decorative flourish, and surrounded in plain print by the

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words "County of Hudson," and a single star. There is a solid ring surrounding the letters H and C, and its outer border edge is embellished with small pointed regularly spaced marks.

- (2) A representation of the Official Seal of the County of Hudson appears as follows:



C.B. Ceremonial Seal.

- (1) Ceremonial Seal of the County. The Ceremonial Seal of the County of Hudson shall be the Scales of Justice Seal currently displayed by the County on various documents, publications, locations and media. The Ceremonial Seal consists of a depiction of the statue commonly known as "Lady Justice," "Blind Justice" or the "Scales of Justice," over which is printed within a representation of a banner the Latin words "Constat Per Recordum," which words and statue are surrounded by the words "Hudson County" above, and "New Jersey" below, with a star to the right and to the left of the state. The outer edge of the Ceremonial Seal contains three borders. A solid line surrounds the image and words. A decorative ring of small pointed round marks next appear and the outer edge is marked by a solid ring.
- (2) A representation of the Ceremonial Seal of the County of Hudson appears as follows:



D.C. Seal established; availability for inspection and use.

- (1) The aforesaid described Official Seal and Ceremonial Seal, representations of which are annexed hereinabove, are available for public inspection in the office of the Clerk to the Hudson County Board of County Commissioners.

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- (2) The seal identified as the Official Seal of the County, the seal bearing principally the overlapping H and C, shall be and is hereby established and declared to be the Official Seal of the County of Hudson.
- (3) The seal identified as the Ceremonial Seal of the County, the seal bearing principally the statue of Blind Justice shall be and is hereby established and declared to be the Ceremonial Seal of the County of Hudson.
- (4) The Clerk of the Board of County Commissioners shall use the Official Seal of the County of Hudson as set forth in N.J.S.A. 40A:9.26, and for other appropriate purposes related to the County of Hudson.

F.D. Unauthorized use of Official and/or Ceremonial Seal of the County of Hudson.

- (1) Whoever knowingly displays any printed or other likeness of either the Official Seal or the Ceremonial Seal as identified and declared herein, or any facsimiles thereof in, or in connection with, any advertisement, poster, circular, book, pamphlet or other publication, public meeting, play, motion picture, telecast badge, article of apparel, or other production or on any building, monument or stationery, for the purpose of conveying, or in any manner reasonably calculated to convey a false impression of sponsorship or approval by the County of Hudson or any of its departments or divisions or its elected or appointed officials or employees, agencies or, authorities thereof, shall be subject to fine or imprisonment as provided by law.
- (2) Whoever, except as may be authorized by the Board of County Commissioners, as expressed in a writing by the Clerk of the Board of County Commissioners upon the passage of an appropriate resolution after acquiescence by the County Executive, knowingly manufactures, reproduces, prints sells or purchases for resale either separately or attached to any article manufactured or sold, any likeness of the Official Seal or the Ceremonial Seal or any substantial part thereof, except for the manufacture or sale of the article for the official use of the County of Hudson, shall be subject to fine or imprisonment as provided by law.
- (3) A violation of the provisions of this section may be enjoined at the initiation of suit in a court of competent jurisdiction on behalf of the County of Hudson.

F.E. Use relative to the exercise of those rights protected by the Constitutions of the United States and the State of New Jersey.

- (1) Any prohibition relative to the use, publication, display, manufacture, or otherwise of either the Official Seal or the Ceremonial Seal contained herein shall be construed in such a manner as to not threaten, chill, curb, prohibit, prevent, or infringe in any manner the use of either or both seals by a person, persons, or entity, legitimately exercising First Amendment rights protected by the United States Constitution or the New Jersey Constitution, such as the freedom of speech and the right of assembly.
- (2) Any prohibition relative to the use, publication, display manufacture or otherwise of the Official Seal or the Ceremonial Seal contained herein shall be construed in such a manner as not to threaten, chill, curb, prohibit, prevent or infringe in any way the use of either seal relative to legitimate purposes relating to news

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dissemination, parody, purposes of serving the public interest, or editorial content and comment that is permitted under the United States Constitution or the New Jersey Constitution.

G.F. Penalty.

- (1) Any person found to have violated any part of this section relative to the Official Seal or Ceremonial Seal by a court of competent jurisdiction shall be liable for those penalties as provided in N.J.S.A. 40:49-5; to wit: imprisonment in the County jail for a term not exceeding 90 days, or by a fine not exceeding \$2,000, or by a period of community service not exceeding 90 days. In no event shall any fine imposed be less than \$100.

**§ 5-6. Violations and penalties.**

A violation of this code or of any ordinance for which no penal sanction is otherwise provided shall be punishable by imprisonment in the County jail for a term not exceeding 90 days or by a fine not exceeding \$500, or both.

**§ 5-7. Severability.**

If any article, section or part of this code shall be declared to be unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such article, section or part shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full force and effect; no such determination shall be deemed to invalidate the remaining articles, sections or parts of this code.

**§ 5-8. Repealer.**

This code, adopted by ordinance the day of \_\_\_\_\_, 20042021, supersedes all other prior codes and ordinances amending said prior codes.

ARTICLE II

**Board of County Commissioners**

**§ 5-9. Legislative power.**

The legislative power of the County shall be vested in and exercised by the Board pursuant to law. Such legislative power shall be exercised by ordinance, except for the exercise of the following powers which are required to be, or are permitted to be, exercised by resolution:

- A. Establishment of a municipal advisory council pursuant to N.J.S.A. 40:41A-29.
- B. Conduct of an inquiry or investigation pursuant to N.J.S.A. 40:41A-86.
- C. Expression or disapproval of the suspension or dismissal of officers or employees pursuant to N.J.S.A. 40:41A-87.

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- D. Exercise of the power of advice and consent to actions of the County Executive pursuant to N.J.S.A. 40:41A-41(a).
- E. Override of a veto of the County Executive pursuant to N.J.S.A. 40:41A-41(f).
- F. Adoption of rules for the Board pursuant to N.J.S.A. 40:41A-100.
- G. Establishment of times and places for Board meetings pursuant to N.J.S.A. 40:41A-99.
- H. Establishment of the Board as a committee of the whole and the delegation of any number of its members as an ad hoc committee, both pursuant to N.J.S.A. 40:41A-86.
- I. Declaration of emergencies pursuant to N.J.S.A. 40:41A-101(c).
- J. Identification of emergency situations pursuant to N.J.S.A. 40:41A-128.
- K. Application for a County department of civil service pursuant to N.J.S.A. 40:41A-13.
- L. Designation of qualified newspapers pursuant to N.J.S.A. 40:41A-142.
- M. Appointment and removal of such officers and employees as the Board is permitted by law.
- N. Approval of contracts presented by the County Executive.
- O. Actions specified as resolutions in the local budget.
- P. Consent to municipal ordinances or resolutions regulating traffic or parking on County roads pursuant to Section 1 of P.L. 1957, c. 69 (N.J.S.A. 39:4-197.2), except that the resolution of consent shall be subject to the approval or veto of the County Executive, as provided for in the case of ordinances by Subsection G of Section 37 of P.L. 1972, c. 154 [N.J.S.A. 40:41A-37(g)], and to the requirements set forth therein for overriding a veto.
- Q. Expression of such Board policies or opinions as require no formal action by the governing body.

**§ 5-10. Board powers.**

The Board of County Commissioners:

- A. Shall advise and consent to all appointments by the Executive for which Board confirmation is specified in N.J.S.A. 40:41A-37;
- B. Shall pass in accordance with this act whatever ordinances and resolutions it deems necessary and proper for the good governance of the County;
- C. May pass a resolution of disapproval or dismissal, subject to the provisions of N.J.S.A. 40:41A-87(b);
- D. May override a veto of the County Executive by a two-thirds vote of its full membership; and
- E. Shall approve the annual operating and capital budgets pursuant to the Local Budget Law (N.J.S.A. 40A:4-1 et seq.).

**§ 5-11. Organization.**

The Board will organize in the first week of January in each year at the Hudson County Administration Annex Building on such day and at such time as the Board shall by resolution determine. Newly elected members may take and subscribe the oath of office at or before the annual organization meeting of the Board. Upon so qualifying, a member shall be entitled to take his/her seat and assume the duties of the office.

**§ 5-12. Composition of Board.**

The Board shall be comprised of nine members who shall be elected for concurrent terms.

**§ 5-13. Board vacancies.'**

- A. Whenever a vacancy occurs in the membership of the Board for any reason other than the expiration of a term, it shall be filled for the unexpired term at the next general election occurring not less than 60 days from the date of such vacancy; provided, however, that if the vacancy occurs at any time after 60 days prior to the general election occurring in the next to the last year in the term of office, the vacancy may be filled by appointment for the remainder of the unexpired term in the same manner as hereinafter provided for temporary appointments. Nominations and elections for the filling of a vacancy for the unexpired term shall be made in accordance with the pertinent provision of Title 19 of the Revised Statutes and the Optional County Charter Law (P.L. 1972, c. 154; N.J.S.A. 40:41A-1 et seq.).
- B. The Board may, by majority vote of its remaining members, fill a vacancy temporarily by appointment until the election and qualification of a successor. If the Board shall fail to fill the vacancy within 30 days of its occurrence, the office shall remain vacant until the election and qualification of a person to fill the vacancy for the unexpired term or to fill a full new term, as the case may be.

**§ 5-14. Presiding officers.**

At its organization meeting, the Board will elect from among its members a ~~Chairman~~Chairperson, Vice ~~Chairman~~Chairperson- and ~~Chairman~~Chairperson Pro Tempore. Each shall serve for a term of one year and until the election and qualification of his/her/~~their~~ successor. The ~~Chairman~~Chairperson, Vice ~~Chairman~~Chairperson and ~~Chairman~~Chairperson Pro Tempore may be reelected. Election shall be by majority vote of the whole number of members of the Board. The ~~Chairman~~Chairperson shall preside over all meetings of the Board, supervise the staff of the Board, appoint all committees of the Board, and by his/her/~~their~~ signature thereto authenticate all ordinances and resolutions passed by the Board in his/her/~~their~~ presence. In the absence or inability to serve of the ~~Chairman~~Chairperson, the Vice ~~Chairman~~Chairperson- shall act in his/her/~~their~~ place and stead. In the absence or inability to serve of both the ~~Chairman~~Chairperson and Vice ~~Chairman~~Chairperson, the ~~Chairman~~Chairperson Pro Tempore shall serve only so long as both the ~~Chairman~~Chairperson and Vice ~~Chairman~~Chairperson are absent or unable to serve. In the absence or inability to serve of the ~~Chairman~~Chairperson, the Vice ~~Chairman~~Chairperson and ~~Chairman~~Chairperson- Pro Tempore, the Board shall elect from among its members an acting ~~Chairman~~Chairperson Pro Tempore for the meeting to serve only so long as the ~~Chairman~~Chairperson, the

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1. Editor's Note: See also § 5-154, Temporary appointments to fill vacancies, of this chapter.

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Vice ~~Chairman~~Chairperson and the ~~Chairman~~Chairperson Pro Tempore are absent or unable to serve. The ~~Chairman~~Chairperson or, in his/her/their absence or inability to serve, his/her/their designee shall serve as an ex officio nonvoting member of all appointive bodies in County government during his/her term as ~~Chairman~~Chairperson and until his/her successor is duly elected and qualified.

**§ 5-15. Regular and special meetings.**

- A. Regular meetings of the Board shall be held at the County Commissioners' Chambers as required by the Optional County Charter Law, N.J.S.A. 40:41A-1 et seq. The Board of County Commissioners shall by resolution designate the days and times for regular meetings and agenda conferences.
- B. The ~~Chairman~~Chairperson or the County Executive may, and upon written request of a majority of the members of the Board shall, call a special meeting of the Board. In the call he/she shall designate the purpose of the special meeting, and no other business shall be considered at such meeting. The call for a special meeting shall comply with the Open Public Meetings Act (N.J.S.A. 10:4-6 et seq.). The Clerk shall forthwith serve notice hereof upon each of the members of the Board by leaving a copy of the call at their respective places of residence and by telephone communication, if possible, at such place as each member may, in writing, designate.

**§ 5-16. Public meetings; conferences.**

- A. All meetings of the Board shall be open to the public. Preceding each regular meeting, the Board may hold such agenda conferences as may be designated by the resolution promulgated pursuant to Section 2.
- B. The Board may also hold informal conferences at such times and places as it may determine. All such conferences shall be open to the public.

**§ 5-17. Rules of procedure.**

Except as hereinafter provided, rules of procedure shall be set forth in the bylaws adopted by resolution of the Board pursuant to the Charter. In addition thereto, the following rules of procedure shall apply:

- A. Presiding officer. The ~~Chairman~~Chairperson, or in his/her absence the Vice ~~Chairman~~Chairperson, or, in the absence of both the ~~Chairman~~Chairperson and the Vice ~~Chairman~~Chairperson, the ~~Chairman~~Chairperson Pro Tempore, shall take the chair at the hour appointed for the meeting and shall immediately call the Board to order. In the absence of the ~~Chairman~~Chairperson, the Vice ~~Chairman~~Chairperson and the ~~Chairman~~Chairperson Pro Tempore, the Clerk shall call the Board to order and shall determine whether a quorum is present. In the event a quorum is present, the Clerk shall call for the election of an Acting ~~Chairman~~Chairperson Pro Tempore who shall be elected by a majority of those present. Upon the appearance of the ~~Chairman~~Chairperson, the Vice ~~Chairman~~Chairperson or the ~~Chairman~~Chairperson Pro Tempore, the Acting ~~Chairman~~Chairperson Pro Tempore shall forthwith relinquish the chair upon the conclusion of the business immediately before the Board. When the ~~Chairman~~Chairperson Pro Tempore is presiding he/she/they must relinquish the chair upon the appearance of the

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~~Chairman~~Chairperson or Vice ~~Chairman~~Chairperson, and when the Vice ~~Chairman~~Chairperson is presiding he/she shall likewise relinquish the chair upon the appearance of the ~~Chairman~~Chairperson.

- B. Roll call. At the beginning of each meeting of the Board, the Clerk of the Board shall call the roll of the members in alphabetical order and the names of those present shall be entered in the minutes. If any member appears after the roll call, the Clerk shall enter in the minutes the time of attendance of such member.
- C. Quorum. A majority of the whole number of members of the Board shall constitute a quorum. Should no quorum attend within 30 minutes after the hour appointed for the meeting of the Board, the person presiding may thereupon adjourn to the next regular meeting, unless by unanimous agreement those members present select another hour or day. The names of the members present and their action at such meeting shall be recorded in the minutes by the Clerk.
- D. Order of business. At each regular meeting of the Board the order of business shall be as follows:
- (1) The Clerk of the Board shall call the roll.
  - (2) Pledge of allegiance.
  - (3) Approval of the minutes of the previous meeting, which shall not be read at length unless three or more members request such reading.
  - (4) Communications and referral thereof by the ~~Chairman~~Chairperson for reply.
  - (5) Report from the County Executive.
  - (6) Report from the County Counsel.
  - (7) Reports of any special committees of the Board.
  - (8) Unfinished business.
  - (9) New business.
  - (10) Introduction of ordinances on first reading.
  - (11) Public hearings.
  - (12) Consideration of ordinances for passage on second reading.
  - (13) Comments from the public.
  - (14) Adjournment.
- E. Rules of order. The procedure for the conduct of the business of the Board shall be governed by Robert's Rules of Order Revised, except as otherwise provided by the Charter Code or the bylaws.
- F. Public comments. Public comments, with respect to agenda items, shall be limited in duration to five minutes. Public comments on other matters shall be limited in duration to five minutes. ~~[Amended 1-10-2002 by Ord. No. 30-1-2002; 8-9-2018 by Ord. No. 480-8-2018]~~

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- G. The ~~Chairman~~Chairperson or such other member of the Board as may be presiding may move, second and debate from the chair, and no member shall be deprived of any of the rights and privileges of a member of the Board by reason of his/her being the presiding officer.
- H. Voting. The vote upon every motion, resolution or ordinance shall be taken by roll call in alphabetical order except that the presiding officer shall be polled last; the yeas, nays and abstentions shall be entered upon the minutes. Upon the call of the roll no member shall discuss or explain his/her vote.
- I. Committees. There shall be no standing committees of the Board, other than the committee of the whole. Special committees of the Board for legislative or investigative purposes may be appointed by the ~~Chairman~~Chairperson pursuant to resolution.
- J. Minutes. The Clerk of the Board shall keep minutes of all meetings. The minute records generally shall contain formal action of the Board whether such action is presented by a motion, resolution or an ordinance.

**§ 5-18. Clerk of Board.**

- A. The Board shall appoint a qualified person to serve at its pleasure, or for a term not to exceed three years, as Clerk of the Board. The Clerk shall:
  - (1) Attend all meetings and conferences of the Board.
  - (2) Take and preserve the minutes of the Board, which shall record all actions and votes taken and the substance of discussions and debate relating thereto and of all other matters.
  - (3) Keep and compile all ordinances, resolutions and minutes and retain in his/her/~~their~~ custody for safekeeping all contracts, deeds, surety bonds, insurance policies and other official papers delivered to him/her.
  - (4) Have custody of the County Seal and may affix it to appropriate documents without charge.
  - (5) Arrange for the clerical staff of the Board of County Commissioners and provide secretarial services for Board members, expedite the handling of their correspondence and have such other and different powers and duties as may be provided by resolution of the Board.
- B. In the absence of the Clerk, the ~~Chairman~~Chairperson may appoint an Acting Clerk to perform such duties.

**§ 5-19. Deputy Clerk of Board.**

The Board shall have the discretion to appoint a qualified person at its pleasure as Deputy Clerk of the Board. The Deputy Clerk shall assist the Clerk of the Board, at his/her direction, in the performance of those duties set forth in § 5-18 above.

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**§ 5-20. Appointments.**

- A. Where the Charter requires that the power of appointment by the County Executive is subject to the advice and consent of the Board, the County Executive shall communicate to the Board, in writing, the name or names of his/her/~~their~~ nominees for appointment together with pertinent information which shall thereupon be referred to the committee of the whole. Whenever more than one appointment is to be made to a board, commission or other multimember body, the Board shall consider and vote upon each nominee separately. In the discretion of the Chair, a group of nominations may be considered together in one resolution where there is no objection by any member of the Board as to the nominees included in the group.
- B. With respect to appointments to be made by the Board, any member of the Board may nominate as many candidates as there are offices to be filled. The Board will consider such nominations in committee of the whole which will report to a regular meeting of the Board. Where there is more than one office to be filled to a board, commission or other multimember body, the same procedure shall be followed with respect to each office separately until the total number of appointments to be made has been completed. In the discretion of the Chair, a group of nominations may be considered at once where there is no objection by an member of the Board as to the nominees included in the group.
- C. The Board shall act on all nominations for appointments presented by the County Executive within 30 days after receipt of the nomination unless the Board and the County Executive agree to a later time. Failure to act within such thirty-day period shall constitute an extension of the acting status of the acting officer (notwithstanding the provisions of § 5-27K of this chapter) until such time as the Board acts on such nomination. Prior thereto, the County Executive may designate any individual, including the nominee, to act in the capacity of the nominee, whose title shall include the word "Acting" until the nomination is confirmed. The County Executive may, but is not required to, designate the nominee as the person acting in the nominee's capacity.

**§ 5-21. Counsel to Board of County Commissioners. ~~Amended 10-22-1998 by Ord. No. 545-10-98~~**

- A. The position of Counsel and Deputy Counsel to the Board of County Commissioners be and are hereby created and continued pursuant to the provisions of N.J.S.A. 40:41A-41(d).
- B. Counsel and Deputy Counsel to the Board of County Commissioners shall be appointed by resolution of the Board of County Commissioners and shall serve at the pleasure of the Board.

**§ 5-22. Duties of Counsel to Board of County Commissioners.**

- A. Counsel to the Board of County Commissioners shall advise and represent the Board and, in the discretion of the Board, represent the Board in any litigation wherein the Board is a party.
- B. Counsel to the Board of County Commissioners shall:

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- (1) Attend meetings of the Board and give opinions and advice on questions which may arise at Board meetings and shall act as parliamentarian at Board meetings.
  - (2) Advise the Board, its members, officers and employees, when requested to do so, with respect to their official responsibilities.
- C. Anything stated in this section to the contrary notwithstanding, the powers of the County Counsel as granted by this code and by law shall remain in full force and effect.

**§ 5-23. Staff.**

In addition to clerical personnel appointed pursuant to this article as above set forth, the Board may, within the limits of budgetary appropriations for such purposes, retain such other aides or staff as may be permitted by law, including but not limited to a Chief of Staff to the Chairperson of the Board of Commissioners.

**§ 5-24. Compensation of County Executive.**

The salary of the County Executive shall be fixed by ordinance of the Board. Such salary shall be reasonable and commensurate with the duties of the office and with the fact that the position of County Executive is and shall be a full-time position. The salary of the County Executive may not be lowered during his/her tenure in office.

ARTICLE III  
**County Executive**

**§ 5-25. Qualifications; election; term.**

There shall be an Office of the County Executive. The County Executive shall be a resident and qualified voter of the County. He/she/~~they~~ shall be elected from the County at large for a term of four years commencing on January 1 next following his/her/~~their~~ election.

**§ 5-26. Vacancy; Acting County Executive.**

A. The Office of County Executive shall be deemed vacant if the incumbent moves his/her/~~their~~ residence from the County or he/she/~~they~~ is, by death, physical or mental illness or otherwise, unable to continue to serve. Any vacancy in the office shall be filled in the manner prescribed by law for the election of County officers at the next general election occurring not less than ~~5160~~ days after the occurrence of the vacancy.

~~B.~~ During a vacancy in the Office of County Executive ~~the Board may appoint one of its members or~~ the Administrator ~~to shall~~ serve as Acting County Executive until a successor has been elected. During the temporary absence or temporary disability of the County Executive, the Administrator shall serve as Acting County Executive. N.J.S.A. 40:41A-35.

~~B-C.~~ In the event of a catastrophic event that renders the County Administrator unable to serve as the Acting County Executive, then the Deputy County Administrator shall serve as the Acting County Executive. In the event that the Deputy County Administrator is unable to serve as the Acting County Executive then the Chief of Staff to the County Executive shall serve as the Acting County Executive. In the event that the Chief of Staff is also unable to

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serve as the Acting County Executive, then the County Treasurer shall serve as Acting County Executive until which time an appropriate successor is named pursuant to N.J.S.A. 40:41A-35, et seq.

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**§ 5-27. General powers and duties.**

The County Executive in the exercise of his/her office shall have and exercise all the power and duties now or hereafter conferred or imposed upon him/her/~~them~~ by the Charter, or other applicable laws or acts of the Legislature. The County Executive in pursuing these duties:

- A. Shall supervise, direct and control all County administrative departments and appoint all employees, officials and personnel, subject to or as otherwise provided in the Code, and/or appropriate law;
- B. Shall require reports and examine the accounts, records and operations of any agency of County government;
- C. Shall, at his/her/~~their~~ discretion, order any agency under his/her/~~their~~ jurisdiction as specified in the code to undertake any task for any other agency on a temporary basis if he/she/~~they~~ deems it necessary for the proper and efficient administration of the County government;
- D. Shall enforce the Charter, all general laws applicable to the County and all ordinances and resolutions of the County;
- E. Shall supervise the care and custody of all County property, institutions and agencies;
- F. Shall supervise the collection of revenues, audit and control all disbursements and expenditures and prepare a complete account of all transactions;
- G. Shall execute all contracts, bonds or other instruments requiring the consent of the County;
- H. Shall develop, install and maintain centralized budgeting, personnel and purchasing procedures as authorized by the code;
- I. Shall assure that all terms and conditions, imposed in favor of the County or its inhabitants by any statute, franchise or other contract, are faithfully kept and performed;
- J. Shall serve as an ex officio nonvoting member of all appointive bodies in County government;
- K. In the event of a vacancy of any director or division chief, the County Executive may appoint an acting officer to fill the vacancy. Such acting appointment shall be for a period not to exceed 90 working days subject to any extension as agreed upon by the Board and the County Executive;
- L. Shall determine the salaries of all County employees to the maximum extent permissible, not inconsistent with the New Jersey Constitution and applicable state laws;
- M. Shall be solely responsible for all contacts with County employees with respect to all actions and communications regarding the administration of the County's government and provision of services, provided that the County Executive may delegate such responsibility, and provided further that this duty may not be delegated to the Board;

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- N. Shall have the authority to sue and be sued in any lawsuit involving the County; provided, however, that the County Executive shall be personally indemnified from any actions and from any costs taken or expended in the course of his/her official duties;
- O. May order cessation of expenditures by any agency under his/her jurisdiction when necessitated by a revenue shortfall or when there is reason to believe that the agency is not using the funds for the purposes for which they were appropriated;
- P. May represent the County's interest to the New Jersey Legislature, the United States Congress, or any other legislative or investigatory body the County Executive deems appropriate;
- Q. May enter into emergency agreements with other Counties or political subdivisions of the state in furtherance of his/her executive and administrative duties and powers;
- R. May, with the advice and consent of the Board, enter into any agreement with other Counties or political subdivisions of the state that he/she deems advisable to further the interests of the County, or its inhabitants;
- S. Shall approve or disapprove all of the actions of any authority created by the County pursuant to P.L. 1960, c. 183 (N.J.S.A. 40:37A-45 et seq.) (Improvement Authority), P.L. 1957, c. 183 (N.J.S.A. 40:14B-1 et seq. (Utilities Authority), or N.J.S.A. 55:14A-1 et seq. (Housing Authority), by accepting or rejecting the minutes of meetings recording the actions of the authority. The minutes of every meeting of the authority shall be promptly delivered to the County Executive and County Clerk. No action taken at a meeting of an authority shall be effective until 10 days after the copy of the minutes shall have been delivered. If the Executive returns this copy within 10 days with a veto of all or any part of any action taken by the authority, that action shall be void. The veto powers in this subsection shall not affect in any way the covenants in any existing bond indentures of any authority, or any existing collective bargaining agreement, or any existing binding arbitration decision; and
- T. May establish such offices, other than those listed in the code, as he/she/they deems necessary and proper to carry out his/her responsibilities pursuant to state law and this code.

**§ 5-28. Powers and duties in relation to Board.**

The County Executive may be present and participate in discussions at all meetings of the Board and shall:

- A. Report annually to the Board and to the people on the state of the County and the work of the previous year;
- B. Recommend to the Board whatever action or programs he/she/they deems necessary for the improvement of the County and the welfare of its residents and in furtherance of this duty shall propose to the Board any ordinance he/she/they believes may benefit the County or its inhabitants;
- C. From time to time, at his/her discretion, recommend any course of action or programs he/she/they deems necessary or desirable for the County to undertake;

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- D. Prepare and submit to the Board for its consideration and adoption an annual operating budget and a capital budget, establish the schedules and procedures to be followed by all County departments, offices and agencies in connection therewith and supervise and administer all phases of the budgetary process;
- E. Review, analyze and forecast trends of County services and finances and programs of all boards, commissions, agencies and other County bodies and report and recommend thereon to the Board;
- F. Negotiate contracts for the County subject to Board approvals;
- G. Make recommendations concerning the nature and location of County improvements and execute improvements determined by the Board;
- H. Exercise the power to review and approve or veto each ordinance of the Board as provided in the Charter and Article II of the chapter;
- I. Appoint the Administrator or other official who shall be present at all Board meetings and who shall provide a constant and effective communication link between the Board and the County Executive; and
- J. Provide the Board and its members with offices, equipment and other facilities for use in their legislative duties.

**§ 5-29. Appointments and removals.**

The County Executive shall:

- A. Pursuant to N.J.S.A. 40:41A-37, with the advice and consent of the Board, appoint the Administrator, County Counsel, the heads of all departments and any division created within said departments, and the members of all County boards, commissions and authorities. The heads of all departments, divisions, offices and bureaus and their secretaries, except as specifically provided in the charter or this Code, shall be in the unclassified service and serve at the pleasure of the County Executive; and
- B. Remove or suspend for a definite term, in his/her/their discretion, any officer in the unclassified service of the County over whose office the County Executive has power of appointment, subject to the provisions of the Charter and this article; and any officer or employee in the classified service subject to civil service provisions.

**§ 5-30. Delineation of appointment and removal power.**

The County Executive may, in his/her/their discretion, delegate to a department head the power of appointment and removal of all departmental employees subject to civil service provisions where applicable. Any such delegation shall be in writing and shall be promptly filed with the Clerk of the Board.

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ARTICLE IV

**Offices Within Office of County Executive**

**§ 5-31. Chief of Staff.**

There shall be within the Office of the County Executive an Office of the Chief of Staff. The Chief of Staff, who shall be in the unclassified service, shall be appointed by the County Executive and shall serve at the pleasure of the County Executive. The Office of the Chief of Staff shall:

- A. Be responsible for scheduling appointments for the County Executive;
- B. Be responsible for relations with all County boards, commissions, and municipalities;
- C. Interview and recommend County appointees to the County Executive, including but not limited to directors and division chiefs;
- D. Review appointments and make recommendations with respect to County boards and authorities; and
- E. Perform such other duties as the County Executive, in his/her discretion, shall deem advisable.
- F. Be responsible for monitoring state and federal legislation impacting Hudson County;
- G. Communicate with legislators and their staffs;
- H. Serve as liaison between County government and autonomous agencies, including but not limited to the Port Authority and the New Jersey Meadowlands Development Commission;
- I. Serve as a reference center for municipal officials seeking information on grants and related matters; and
- J. Perform such other duties as the County Executive, in his/her/their discretion, shall deem advisable.

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**§ 5-32. ~~Deputy Chief of Staff.~~ Intergovernmental Relations.**

~~There shall be within the Office of the County Executive a Deputy Chief of Staff. The Deputy Chief of Staff shall be in the unclassified services, shall be appointed by the County Executive, and shall serve at the pleasure of the County Executive. There shall be within the Office of the County Executive an Office of Intergovernmental Relations. The Director of the Intergovernmental Relations Office, who shall be in the unclassified service, shall be appointed by the County Executive and shall serve at the pleasure of the County Executive. The Intergovernmental Relations Office shall:~~

- ~~A. Be responsible for monitoring state and federal legislation impacting Hudson County;~~
- ~~B. Communicate with legislators and their staffs;~~
- ~~— Serve as liaison between County government and autonomous agencies, including but not limited to the Port Authority and the New Jersey Meadowlands Development Commission;~~
- ~~C. Serve as a reference center for municipal officials seeking information on grants and~~

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~~related matters; and~~

~~D. — Perform such other duties as the County Executive, in his/her discretion, shall deem advisable.~~

**~~§ 5-33. Policy and Program Development~~Reserved.**

~~There shall be within the Office of the County Executive an Office of Policy and Program Development. The Director of the Policy and Program Development Office, who shall be in the unclassified service, shall be appointed by the County Executive and shall serve at the pleasure of the County Executive. The Policy and Program Development Office shall:~~

~~A. — Be responsible for long-term research and policy developments;~~

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- ~~A. Be responsible for coordination of long-term County planning functions;~~
- ~~— Establish goals and objectives for programs which will benefit the County;~~
- ~~B. Implement the programs by developing them into self-sustaining, self-monitoring entities;~~
- ~~B. Screen applicants for such programs;~~
- ~~B. Recommend the establishment of new offices, within the Office of the County Executive, to pursue such goals and objectives; and~~
- ~~B. Perform such other duties as the County Executive, in his/her discretion, shall deem advisable.~~

**§ 5-34. Office of Cultural & Heritage Affairs / Tourism Development~~Office of Cultural and Heritage Affairs.~~ ~~[Added 10-22-1998 by Ord. No. 545-10-98]~~**

~~A.~~ **There shall be within the Office of County Executive the Office of Cultural and Heritage Affairs which shall be responsible for:**

- (1) The administration of cultural and heritage affairs within the County of Hudson and it shall exercise and discharge the functions, powers and duties of a Cultural and Heritage Affairs Commission as provided by law.
- (2) Establishing and maintaining an Office of Hispanic Affairs.
- B. Motion picture, video and photographic productions on or in County property: ~~[Amended 4-13-2000 by Ord. No. 176-4-2000]~~
  - (1) In order to process and manage requests received from private producers of motion pictures, video, or photographs, the County Executive may delegate certain authority to the Director of the Office of Cultural and Heritage Affairs to act in a manner consistent with this section.
  - (2) There shall be developed a standard permit application for filming on or in Hudson County properties. Such application shall be managed by the Office of Cultural and Heritage Affairs and shall request all information deemed necessary to evaluate and, if appropriate, process and execute a location agreement with the applicant.
  - (3) There shall be an appropriate fee charged to the applicant for the use of County property. Such fee shall be determined by the County Executive or his/her/their designee and shall be established on a case-by-case basis in consideration of factors, including but not limited to status of the applicant (profit, nonprofit or student), commercial or public service nature of project, numbers or cast and crew on site, type and tonnage of equipment on site, location and square footage of areas reserved, time of day and number of project days involved, and any other factors deemed to be appropriately considered.
  - (4) The applicant shall agree to reimburse the County for personnel costs related to the provision of County employees when assigned to the project by the County,

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including but not limited to maintenance staff and Sheriff's officers. The number and title of personnel assigned by the County to protect, manage, maintain, and secure County property shall be determined by the County, and reduced to writing as part of the location agreement to be signed by the successful applicant. The applicant shall reimburse the County for salaries of any assigned personnel, plus an administrative fee of 20%.

- (5) Any County personnel assigned to the project shall be compensated by the County at a rate, and in a manner consistent with, and according to the provisions of all applicable collective bargaining agreements.
- (6) No application shall be approved unless the County has received an original certificate of insurance from the applicant or his/her agent, upon which is named the County of Hudson as an additionally insured party, and unless the applicant agrees in writing to hold the County harmless and indemnify the County against any and all risks associated with the project. The limit for the policy of insurance shall be at least \$2,000,000,00 or higher if deemed appropriate pursuant to the reasonably anticipated risk associated with the length and nature of the project.
- (7) An application shall only be granted if the project does not violate the standards set and established by the New Jersey Supreme Court Committee on Filming in Court Facilities. Regardless of the location requested, the County shall be guided by those standards, and any legally recognizable definition of "obscene" or related categories. Any rights guaranteed by statute or constitution shall not be infringed upon in considering any application.
- (8) The proposed project may not pose a danger to the public's health, safety, or general welfare, nor may it pose a danger to public property.
- (9) All applicants shall agree to use best efforts to credit the County Executive by name and the Hudson County, New Jersey Board of County Commissioners for their cooperation in the production of the project.
- (10) A location agreement shall be drawn in a form approved by the County Counsel or his/her/their designee, and shall contain all information, duties, responsibilities, and fees necessary for the efficient processing and execution of the applicant's request, and all activities on the day(s) of production including load-in and load-out periods.
- (11) In the discretion of the County Executive or his/her/their designee, the market value of improvements to County property made by the applicant, and retained by the County, may be calculated as part of the fee required of the applicant in connection with the location agreement.

C. Dedication of fees collected.

- (1) All fees collected by the County relative to this section (except that portion collected as reimbursement for the provision of County personnel) shall be set aside and dedicated towards programs and undertakings which enhance and further the activities of the Office of Cultural and Heritage Affairs.

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~~(2) — Establish and maintain an Office of Hispanic Affairs.~~

**§ 5-35. Office of Constituent Services.**

There shall be within the Office of the County Executive an Office of Constituent Services. The Director of the Constituent Services Office, who shall be in the unclassified service, shall be appointed by the County Executive and shall serve at the pleasure of the County Executive. The Constituent Services Office shall:

- A. Respond to County constituent mail;
- B. Respond to County constituent problems and inquiries;
- C. Serve as a liaison between the County and citizen organizations and interest groups; and
- D. Perform such other duties as the County Executive, in his/her discretion, shall deem advisable.

**§ 5-36. Office of Communications.**

There shall be within the Office of the County Executive an Office of Communications. The Director of the Communications Office, who shall be in the unclassified service, shall be appointed by the County Executive and shall serve at the pleasure of the County Executive. The Communications Office shall:

- A. Disseminate information for the assistance of the public on programs and activities of the County;
- B. Assist the ~~Policy and Program Development Office~~County's Offices ~~to in encourage encouraging~~ the development of the County and its business, industrial, commercial, residential and cultural communities;
- C. Aid in the attraction of private capital to and development of the County;
- D. Serve as Press Relations Officer for the County Executive; and
- E. Perform such other duties as the County Executive, in his/her discretion, shall deem advisable, ~~such as, but not limited to coordinate coordinating~~ all information and publications for the assistance of the public on the programs and activities of the County and its officials. ~~Such Office's responsibilities shall also include and~~ producing informational and instructional materials on programs and procedures and, where appropriate, coordinating external contract media services.

ARTICLE V

**Office of County Administrator**

**§ 5-37. Administrator.**

There shall be an Administrator appointed by the County Executive with the advice and consent of the Board. The Administrator shall serve at the pleasure of the County Executive and shall be responsible only to the County Executive. The Administrator shall, by education, experience and ability, be qualified to perform the duties established for him/her/them.

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He/she/they need not be a resident of the County at the time of his/her appointment but during his/her/their tenure

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he/she/they may live outside the County only with the permission of the County Executive. The Administrator shall:

- A. Under the direction and supervision of the County Executive, assist in the orderly and efficient administration of the County, performing whatever supervisory or administrative duties the County Executive deems necessary and proper;
- B. Serve as the head of one or more County departments on a temporary basis, as determined by the County Executive;
- C. Serve as Acting County Executive when the County Executive is temporarily absent and has appointed the Administrator to serve; or when the County Executive, by either physical or mental illness or from other casualty, is temporarily disabled to the extent he/she cannot perform the duties of the office;
- D. Supervise and coordinate all County departments;
- E. Develop and implement the County Executive's policy initiatives; and
- F. Coordinate relations between the County Executive and the Commissioner Board.

**§ 5-38. Deputy County Administrator.** ~~Office of Internal Audit. [Amended 2-26-1998 by Ord. No. 545-10-98]~~

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The Deputy County Administrator or Administrators shall, during the absence or disability of the County Administrator, possess all the powers and perform all the duties of the County Administrator and in the event of a vacancy of that office shall act as County Administrator until the appointment and qualification of a County Administrator. The Deputy(s) may, from time to time, be assigned special projects as deemed necessary by the Administrator.

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~~There shall be, under the direction of the Administrator, an Office of Internal Audit. The function of such Office shall be to conduct a continuing audit, study, evaluation and review of all County administrative operations. The Office of Internal Audit shall also be responsible for internal audits and compliance with policies and procedures within the County Executive's departments, divisions and offices. All County auditing and financial verification and investigation procedures shall be supervised by such Office. The Office also shall audit and precudit all grants and grant applications, and be responsible for diligently monitoring grants and quality assurance to assure continued receipt of the maximum permissible federal and state grants by eligible County departments, divisions and offices. Said Office shall make recommendations to improve the performance, efficiency and economy in County government. The Office shall also study and make recommendations on the future program needs of the County.~~

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**§ 5-39. Office of Public Information** ~~Reserved.~~

~~There shall be under the direction of the Administrator an Office of Public Information. The function of such Office shall be to coordinate all information and publications for the assistance of the public on the programs and activities of the County and its officials. Such Office's responsibilities shall also include producing information and instructional materials on program and procedures and, where appropriate, coordinating external contract media services. Such office shall also prepare resolutions and ordinances as required by either the Board or the County Executive and shall serve as a liaison between the County and the educational~~

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~~programs within the County.~~<sup>3</sup>

2. Editor's Note: Section 3-14A, Office of Emergency Management, as amended 2-26-1998 by Ord. No. 545-10-1998, and § 3-14B, Fire Marshal, which immediately and respectively previously followed this section, were reassigned to the Department of Roads and Public Property, pursuant to Ord. No. 130-3-2015, adopted 3-12-2015. See now Art. XIII, Department of Roads and Public Property, §§ 5-94 and 5-95.

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§ 5-40

ADMINISTRATIVE CODE

§ 5-43

ARTICLE VI

**General Departmental Organization**

**§ 5-40. Assignment of functions among departments.**

The administrative functions, powers and duties of the County government shall be allocated and assigned among and within the departments and offices established by this code and as required by the Charter, with respect to the County officers established under the Constitution of the State of New Jersey. Each department shall be headed by a single director to be appointed and subject to removal as provided in this article.

**§ 5-41. Qualifications of department heads; terms of office.**

Each department head shall be qualified by training and experience for the duties of the office. Department heads shall serve at the pleasure of the County Executive except as otherwise provided herein.

**§ 5-42. Powers and duties of department heads.**

Each department head, subject to the direction and supervision of the County Executive, shall:

- A. Organize the work of his/her/~~their~~ department consistent with policies established by the County Executive and the Board;
- B. Direct and supervise the personnel of the department in such manner as to coordinate and control the work product of the department;
- C. Authorize, or designate a responsible employee to authorize, all purchase requisitions on behalf of the department;
- D. Report in writing to the County Executive on the work of the department, as requested;
- E. Prepare preliminary budget estimates as required by the appropriate officials; and
- F. Be responsible for such records and property as pertains to the department.

**§ 5-43. Collective bargaining.**

The County Executive shall be the representative of the County government for collective bargaining with employees, pursuant to law. He/she/~~they~~ may, from time to time, designate one or more appointed officers of the County government to serve with him/her/~~their~~ or in his/her place and stead in collective bargaining negotiations. He/she/~~they~~ shall keep the Board informed of the progress of negotiations and shall be guided in such negotiations by such broad policy outlines as the Board may determine.

**§ 5-44. Removals and suspensions.**

A suspension or removal of an officer or employee shall be subject to the requirements of the Charter.

**§ 5-45. Administrative rules and regulations.**

- A. Subject to the code, the head of each department, with the approval of the County Executive, may make, promulgate and enforce rules and regulations governing the care, use and custody of County property under his/her/their jurisdiction, the rendering of services by his/her/their department and the conduct and discipline of employees in the department.
- B. No rule or regulation made by any department, officer, agency or authority of the County, except such as relates to internal management of a department or a part thereof, shall take effect until it is reviewed by the County Counsel and approved by the County Executive. The rule or regulation shall then be filed by the Clerk of the Board with the Clerk of each municipality in the County. The Clerk of the Board shall make available to the public such rules and regulations.

**§ 5-46. ~~Reserved~~Set-aside programs. [Added 4-28-2016 by Ord. No. 243-4-2016]**

~~A. Title. The title of this section shall be "An Ordinance Establishing a Qualified Minority, Women, Veteran Owned Business, or Small Business Set Aside Program" (hereinafter collectively referred to the "set-aside program"). This section is being enacted pursuant to and in accordance with the provisions of N.J.S.A. 40A:11-40 et seq.~~

~~B. Definitions. For the purposes of this section, the following definitions shall apply:~~

~~CONSTRUCTION CONTRACT — Any agreement for the erection, repair or alteration of any building, structure, bridge, roadway or other improvement to real property.~~

~~CONTRACT — Any agreement for the sale of goods or for the provision of services to the County of Hudson.~~

~~COUNTY — The County of Hudson.~~

~~MINORITY GROUP MEMBERS — Persons who are African American, Hispanic, Portuguese, Asian Americans, American Indians or Alaskan natives.~~

~~NJSAPI — New Jersey Selective Assistance Vendor Information, a database that identifies businesses that are registered as a small business enterprise and/or certified as a minority/women/veteran-owned business enterprise with the State of New Jersey, through the Division of Revenue.~~

~~QUALIFIED BUSINESS — A minority-owned enterprise, or a women-owned enterprise, or veteran-owned enterprise, or small business enterprise as defined herein and qualified under N.J.S.A. 40A:11-25, or a general contractor who hires as a subcontractor, a minority-owned, woman-owned, veteran-owned, and/or small business enterprise, as part of a contract award by the County.~~

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~~QUALIFIED MINORITY BUSINESS ENTERPRISE — A business which has its principal place of business in this state, is independently owned and operated, is at least fifty one percent owned and controlled by minority group members and is qualified pursuant to N.J.S.A. 40A:11-25.~~

~~QUALIFIED VETERAN BUSINESS ENTERPRISE — A business which has its principal place of business in this state, is independently owned and operated, is at least fifty one percent owned and controlled by a veteran.~~

~~QUALIFIED WOMEN'S BUSINESS ENTERPRISE — A business which has its principal place of business in this state, is independently owned and operated, is at least fifty one percent owned and controlled by women and is qualified pursuant to N.J.S.A. 40A:11-25.~~

~~SET-ASIDE CONTRACTS —~~

~~(1) A contract for goods, equipment, construction, or services, inclusive of subcontracts, which is designated as a contract for which bids are invited and accepted only from qualified small business enterprises, qualified veteran business enterprises, qualified minority business enterprises or qualified women's business enterprises, as appropriate;~~

~~(2) A portion of a contract when that portion has been so designated; or~~

~~(3) Any other purchase or procurement so designated.~~

~~SUBCONTRACT — A contract by which one agrees to render services or to provide materials necessary for the performance of another contract.~~

~~THOSE PROCUREMENTS — All purchases, contracts, or acquisitions by the County which are permitted by law.~~

~~VETERAN — Any citizen and resident of this state now or hereafter honorably discharged or released under honorable circumstances who served in any branch of the Armed Forces of the United States or a reserve component thereof for at least 90 days and shall include disabled veterans.~~

~~WOMEN'S BUSINESS ENTERPRISE — A business which has its principal place of business in this state, is independently owned and operated, is at least fifty one percent owned and controlled by women and is qualified pursuant to N.J.S.A. 40A:11-25.~~

~~C. Applicability. These provisions concerning qualified businesses' participation in the County of Hudson's purchasing set aside program shall apply to contracts for goods, services and/or construction awarded by or through Hudson County's Purchasing Department.~~

~~Purpose. The purpose of this program of implementing the provisions of the County of Hudson's qualified business set aside program is to set aside or otherwise allocate 10% of the dollar value of all of the County's goods, services and construction contracts to be utilized for qualified business enterprises.~~

~~E. Goals; revisions.~~

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~~(1) For the fiscal year beginning January 1, 2017, and for every fiscal year thereafter, the following goals for qualified business participation shall serve as the initial goals for the County of Hudson to pursue. Of the 10%, there shall be:~~

- ~~(a) Twenty five percent County contract participation for qualified minority owned businesses.~~
- ~~(b) Twenty five percent County contract participation for women owned businesses.~~
- ~~(c) Twenty five percent County contract participation for veteran owned business.~~
- ~~(d) Twenty five percent County contract participation for small businesses.~~

~~(2) The County Executive and the Board of County Commissioners may revise the goals established herein by subsequent ordinance.~~

~~The above stated percentages relate to the total dollar value of all County contracting departments and contracting agencies to be set aside for qualified businesses, as appropriate, as goals for County departments and contracting agencies to achieve by the end of each fiscal year.~~

~~(3) The monetary value of subcontracts awarded pursuant to this section shall be taken into account when reviewing whether the goals established by this section have been achieved.~~

~~F. Good faith efforts.~~

~~(1) Efforts which are merely pro forma shall not be deemed the good faith efforts necessary to generate a level of qualified business participation sufficient to meet the goals' requirements of the program.~~

~~(1) Actions that demonstrate a good faith effort on the part of the County's contracting departments and agencies may include but are not limited to:~~

- ~~(-) Notices to qualified businesses soliciting their participation in the set aside program.~~
- ~~(-) The purchasing agent's provision of plans, specifications and requirements of the contract(s) to interested qualified businesses.~~
- ~~(-) The purchasing agent's provision of an annual list of anticipated County purchases (approximate) by item category, dollar amount and month of bid.~~

~~F. Effect on provisions. If a County contract for goods, services, or construction, which would otherwise be subject to the provisions of this chapter, is or becomes subject to federal or state laws which conflict with this program or actions thereof, federal or state law shall apply, and the contract shall be interpreted and enforced accordingly.~~

~~F. Role of purchasing agent. In the implementation of Hudson County's minority, women, and veteran owned business enterprise, and small business enterprise set aside program and pursuant to the provisions of N.J.S.A. 40A:11-49:~~

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~~(2)The purchasing agent shall make a good faith effort to attain the goals established by the County's governing body pursuant to this program.~~

~~(3)The purchasing agent shall designate a contract, subcontract or other means of procurement as a set aside contract if it is likely to receive bids from at least two qualified businesses at a fair and reasonable price.~~

~~(4)If it is determined by the purchasing agent that two bids cannot be obtained or that acceptance of the low responsible bid will result in the payment of an unreasonable price, the purchasing agent may recommend to the County Administrator that the bids be resolicited on an unrestricted basis.~~

~~Designation(s) of contracts and/or subcontracts as set aside contracts shall be made by the purchasing agent prior to advertisement, and notice of such designation shall be included in the advertisement.~~

~~1. Certification and Compliance Officer. The Department of Parks and Community Services, Office of Minority and Women Owned Business Enterprises shall designate a Certification and Compliance Officer to realize the intent of this section as set forth herein. With respect to all contracts and procurements, it shall be the Certification and Compliance Officer's authority and responsibility to:~~

~~(1)Maintain a list of eligible businesses; interact with the Department of Finance and Administration's Division of Purchasing to determine which County contracts should be set aside for participation herein; oversee outreach to the qualified business enterprises; and to oversee and coordinate seminars for qualified business enterprises to expand the number of qualified businesses eligible to participate in this set aside program.~~

~~(1)Maintain a listing of qualified businesses in the Hudson County area for use by the County's departments and offices.~~

~~(1)Submit semiannual reports to the County Administrator to document the percentage of set aside contracts which have been awarded to qualified businesses pursuant to the County's set aside program.~~

~~(1)Have access to all records and files of all County contracting agencies and departments that relate to construction, goods and services contracts in order to monitor and review compliance.~~

~~(1)Make a written annual report to the County Administrator indicating the good faith effort made by the County's contracting agencies to attain the set aside goals set forth in this program. Such report shall be submitted to the County Executive and the Board of County Commissioners not later than January 31 of each year, of the previous year's activity. The County shall publish a list of the County's contracting agencies' attainments (goals) for the immediate preceding local fiscal year, in two newspapers circulating in the County, by March 1 of each year pursuant to N.J.S.A. 40A:11-48.~~

~~(1)Ascertain, with the assistance of the purchasing agent, the identity of qualified businesses in the Hudson County area.~~

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~~(2)Classify each business according to contract types in which the business represents itself to have capabilities, place all classified businesses on a solicitation list and distribute the list to County departments and the Purchasing agent. This list shall also include businesses within the County's area.~~

~~(3)Survey all businesses placed on the solicitation list to determine their past and current participation level in County contracts. The results may be used to ascertain the contracting agency's good faith effort to attain the goals as established by the County.~~

~~J. Implementation:~~

~~(1)The County's Certification and Compliance Officer shall make such findings, recommendations and proposals as are necessary and appropriate to the implementation of the County's set-aside program. If, as a result of his/her monitoring activities, the Certification and Compliance Officer determines that the goals set forth in this chapter are not being met by the County's contracting agency or agencies, the Certification and Compliance Officer may recommend any or all of the following actions listed in Subsection J(2)(a) through (e):~~

~~(2)The Certification and Compliance Officer shall submit a report to the County Administrator setting forth the nature of the problem(s) and any suggestions for better implementation of the program. If the County Administrator concludes that the County's qualified minority, women, and veteran-owned business enterprise, and small business enterprise set-aside plan is unlikely to produce the participation goals, he or she may recommend that the Certification and Compliance Officer revise the County's plan to provide additional opportunities for qualified business participation, such as, but shall not be limited to, the following:~~

~~Recommendations as to stronger solicitation efforts to identify more qualified minority, women, and veteran-owned businesses and small businesses as potential sources of supply.~~

~~(a)Recommendations as to the elimination of extended experience or capitalization requirements, when programmatically feasible, to permit participation of qualified businesses in the set-aside program.~~

~~(a)Recommendations as to publication of advertisements for bids in more than one newspaper, e.g., County minority-oriented newspapers.~~

~~K. Certification:~~

~~(0)To ensure that only qualified businesses that are owned and controlled in both form and substance by minorities, women and veterans, and small businesses, which are counted towards the goals' requirements set forth in this chapter and Hudson County's minority business enterprise/women's business enterprise/ veteran's business enterprise/small business enterprise program(s), any minority or women, or veteran-owned business, or small business, including a joint venture, desiring to participate in Hudson County's set-aside program must be certified as a legitimate minority business enterprise/women's business enterprise/ veteran business enterprise, or small business enterprise. Such certification shall~~

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~~follow the State of New Jersey's rules for being included in the NJSAPI database, and/or any other New Jersey governmental entity or agency (including, but not limited to, the Port Authority of New York and New Jersey) that has qualified and certified a business as a qualified business enterprise described herein and throughout using the same criteria for determining a business' qualifications, and registration therein shall constitute certification for the purposes of the County of Hudson's set aside program.~~

~~(1)Each qualified business owner shall submit a fully executed certification affirming that his/her business meets all the requirements to be a qualified business by January 1 of each year.~~

~~The Certification and Compliance Officer will evaluate the submitted information to determine whether the applicant meets the criteria for qualified minority-, women-, and/or veteran-owned business enterprises. Prior to making a certification recommendation to the County's County Administrator, the Certification and Compliance Officer may, in his/her discretion, request an interview with the applicant. Failure of an applicant to comply with requests for information or documentation may result in a determination of certification status based on the information supplied or a suspension of the application for certification.~~

~~(2)Following certification, the Certification and Compliance Officer may require the business to furnish additional information from time to time in order to establish its continued eligibility for certification.~~

~~(2)Upon becoming certified, a business shall notify the Certification and Compliance Officer of affirmative action if there is a change in the business that affects its status as a qualified business, including changes in the business that affect its status as a qualified business, including changes in ownership, control or management.~~

~~(3)If a business is denied certification, the County Administrator or his/her designee shall notify the business, in writing, of the reasons for its determination. The business may appeal to the denial to the County, which shall conduct a hearing at which the business shall have the opportunity to present witnesses and documents in support of its application for certification. The business must file its request for a hearing with the County. No appeals will be considered if filed later than 15 days from the date of the notice. Businesses that are denied certification may not reapply for certification for a period of six months from the date of denial.~~

~~(3)Businesses that have been previously certified through programs considered by the Certification and Compliance Officer to be similar or in concert with the County's goals and objectives for qualified business contractors may be granted certifications pursuant to this plan upon approval by the County Administrator.~~

~~(3)The right of the Director of Finance to evaluate a bidder or contractor's ability to satisfy financial, technical or other criteria, separate and apart from the certification process provided for in this program, is not altered by this chapter.~~

~~(3)The certification granted pursuant to this section shall entitle a business to participate in any category of contract or procurement for which it qualifies. The~~

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~~certification shall not be considered contract or project specific. The County may, but shall not be required to, delay the award of any contract pending the appeal of the County Administrator's decision to deny certification.~~

~~L. Decertification.~~

~~(1) Any qualified business enterprise may be decertified for failure the following reasons:~~

~~(a) For providing false or misleading information to the Certification and Compliance Officer during the certification process.~~

~~(b) If the qualified business enterprise is no longer an ongoing business entity.~~

~~(c) If the business entity has changed to the extent that it is no longer owned and controlled by minorities, or women, or veterans pursuant to the requirements of this program.~~

~~For failure to report to the County of Hudson, within 10 days, any determination of the federal government or any state government, municipality or school board, or any department, subdivision, agency or authority of the federal government or any state government, municipality or school board denying or revoking the certification of the business as a minority, or women, or veteran-owned business enterprise.~~

~~(d) For failure to maintain registration with the State of New Jersey's SAVI database, or any other accepted certifier.~~

~~(1) Upon review of the documentation concerning decertification, the Certification and Compliance Officer shall make a recommendation promptly to the County Administrator concerning decertification, whereby the County Administrator shall determine whether the business shall be decertified, and shall notify the business of such decision in writing. The business may appeal the decision to the Affirmative Action Review Board in accordance with the provisions above. Reasons for decertifying a business shall be expressed by certified mail. The decertified business may not reapply for certification for a period of time to be determined by the County Administrator and/or his/her designee, but in no event longer than a period of one year.~~

~~L. Re certification. On a yearly basis, a qualified business shall submit any information requested by the Certification and Compliance Officer annually to ascertain whether such business is still a qualified business pursuant to this program. If it is determined that the annual submission of information has changed to such an extent that the qualified business status has changed, affecting the certified status, the Certification and Compliance Officer may recommend that the business be required to reapply for certification.~~

~~L. Certification standards. The Certification and Compliance Officer shall undertake the efforts necessary to educate businesses that wish to be certified as a minority, women, veteran-owned business or small business that in order to be certified the business must be able to comply with the following conditions:~~

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~~(2) Eligible minority business enterprises/women's business enterprises, veteran business enterprises, or small business enterprises under this program shall be independent businesses. There shall be conclusive evidence that the ownership and control of such business is real, substantial and continuing and shall go beyond the pro forma ownership of the business as reflected in its ownership documents. The minority business enterprise/women business enterprise/veteran business enterprise/small business enterprise owners shall enjoy the customary interests of ownership. They shall share in the risks and profits commensurate with their interest of ownership. Recognition of the business as a separate entity for tax or corporate purposes is not necessarily sufficient for recognition as a minority business enterprise/women's business enterprise/veteran's business enterprise, or small business enterprise. To determine the legitimacy of an independent minority business enterprise/women's business enterprise/veteran business enterprise, or small business enterprise, the Certification and Compliance Officer shall consider all relevant factors concerning ownership and control of business assets, including but not limited to the date the business was established, whether its resources for the work of the contract are adequate and the degree to which financial, equipment leasing and other relationships with non-minority firms vary from industry practice.~~

~~(3) The minority business enterprise/women's business enterprise/veteran business enterprise/small business enterprise owners shall have the power to direct or cause management and policy directions of the firm/business as well as make major decisions on matters of management, policy and operations. The firm shall not be subject to any restrictions limiting the customary discretions of the minority or women or veteran owners. This shall include provisions in bylaws, partnership agreements or charter requirements for cumulative voting rights or otherwise that prevent the minority or women or veteran owners, without the cooperation or vote of any owner who is not a minority or woman or veteran, from making a business decision of the firm.~~

~~Where non minority owners of the firm are disproportionately responsible for the firm's operation, then, by the standards of this program, the firm is not controlled by minorities or women or veterans and shall not be considered a qualified business within the program's meaning.~~

~~(5) In establishing a status of a legitimate minority and/or women owned and or veteran owned business, and or small business all securities which constitute ownership and/or control of a corporation shall be held directly by minorities or women or veterans. Securities held in trust or by any guardian for a minor shall not be considered as held by a minority and/or woman and/or veteran in determining the ownership and/or control of a corporation.~~

~~(5) Capital or expertise contributed by minority and/or women and/or veteran owners to acquire their interest in the firm shall be real and substantial. A promise to contribute capital, a note payable to the firm or its owners who are not minorities, or the mere participation as an employee, rather than as a manager, shall be examples of insufficient contributions.~~

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~~(6) In determining eligibility as a minority business enterprise/women's business enterprise/veteran business enterprise/small business enterprise business, in addition to the above standards, the Certification and Compliance Officer shall give special consideration to the following circumstances:~~

~~(a) Minority business enterprises/women's business enterprises/veteran business enterprises/small business enterprises which are newly formed and whose ownership and/or control have changed since the date and/or time of the advertisement of the contract shall be closely monitored to determine the reasons and the relationship between the timing, formation and/or change in the firm.~~

~~Careful scrutiny and review of previous and/or continuing employer/employees relationships between or among present owners shall be conducted to ensure that the employer/owner has the management responsibilities pursuant to this program.~~

~~(b) Any relationship between a minority business enterprise/women's business enterprise/veteran business enterprise or small business enterprise and a non-minority-owned business having interest in the minority/women/veteran-owned business shall be carefully monitored to determine if the interest of the minority/women/veteran-owned/small business enterprise conflicts with the ownership and control requirements of this program.~~

~~(7) Joint ventures may be eligible to compete as minority/women's/veteran-owned/ small business enterprises under this program, provided that the qualified business enterprise partner of the joint venture meets the eligibility standards of a minority/women's/veteran-owned/small business enterprise set forth herein and the qualified partner shares in the ownership, control and management responsibilities, the risks and profits of the joint venture and the qualified business enterprise partner is responsible for a clearly defined portion of the work to be performed.~~

~~L. Violations and penalties. When the County determines, after hearing, that a business has been classified as a qualified business enterprise on the basis of false information knowingly supplied by the business and has been awarded a contract to which it would not otherwise have been entitled under this section, the County may, in accordance with the provisions afforded to it by N.J.S.A. 40A:11-47:~~

~~(7) Assess against the business any difference between the contract and what the County's cost would have been if the contract had not been awarded in accordance with the provisions of this section;~~

~~(7) In addition to the amount due under Subsection O(1), assess against the business a penalty in an amount of not more than 10% of the amount of the contract involved; and~~

~~(7) Order the business ineligible to transact any business with the County for a period to be determined by the County, which shall not exceed five years, N.J.S.A. 40A:11-4. Prior to any final determination, assessment or order under this section, the County shall afford the business an opportunity for a hearing on the reasons~~

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~~for the imposition of the penalties set forth in Subsection O(1), (2) or (3) of this section.  
(8) File an action to enforce a civil penalty imposed by this section providing for its collection or enforcement by a civil proceeding, which action shall be brought as a summary action in the Law Division pursuant to Rule 4:67.~~

~~Legality. This section shall take effect in the manner provided by law and shall remain in full force and effect unless modified or rescinded. In the event that any portion of this section is invalidated by an order of a court of competent jurisdiction, that order shall not in any way affect the validity of the remainder of this section.~~

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ARTICLE VII  
Department of Law

**§ 5-47. Director.**

There shall be a Department of Law, the Director of which shall be the County Counsel. The County Counsel shall be appointed by the County Executive and shall serve pursuant to N.J.S.A. 40:41A-37(b) as amended, or as it may be amended.

**§ 5-48. Staff appointments.**

- A. The County Counsel may appoint legal assistants, ~~one of whom he/she shall~~ and may designate as Deputy County Counsel(s), secretaries, clerical personnel, law clerks, investigators and a Director of Labor Relations within available budget appropriations. Each assistant and all other employees in the Department shall have and exercise such powers and duties within the Department as shall be allocated and assigned to him/her/~~them~~ by the County Counsel.
- B. All persons heretofore or hereafter appointed to serve within the Department of Law shall continue to serve at the pleasure of the County Counsel and the County Executive, and CS-6 Forms shall require the signature of both.

**§ 5-49. Department duties.**

- A. The County Counsel shall be the chief legal advisor of the County government and the attorney of record in all civil proceedings wherein the County or any of its officers, employees, boards, commissions or other bodies shall be a party, except that this shall not apply as to any agency which is not supported in whole or in part from funds appropriated by the Board and which is represented by other counsel under appropriate law.
- B. The Department, under the supervision of the County Counsel, shall:
  - (1) Advise the County Executive and all officers, departments, boards, commissions and employees, when requested to do so, with respect to their official responsibilities;

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- (2) Supervise the legal form and sufficiency of all contracts, deeds, correspondence and other documents and all ordinances, resolutions and actions referred to the Department for preparation or review;
- (3) Represent the County in all matters of litigation, appeals in the courts, proceedings before any administrative agency and in other appropriate matters; and recommend to the Board settlement of any matters;
- (4) Maintain records of all actions, suits, proceedings and matters which relate to the County's interest and report thereon from time to time as the Board may require;
- (5) Operate and maintain an Office of Collective Bargaining which may, in addition to providing collective bargaining services to the County and its agencies, provide services to such municipality and its agencies as the County Counsel deems feasible pursuant to a written contract;
- (6) Act as liaison to the judicial branch of the government; and
- (7) Render such advisory opinions as are requested.
- (8) Perform such investigations as necessary, whether directly or through the assistance of outside counsel.
- (9) Oversee compliance with requests made under the Open Public Records Act (OPRA).
- (10) Ensure that records are maintained in a format compatible with existing laws and updated technology.
- (7)(11) Assign personnel to correspond with the Office of the Hudson County Prosecutor, which Office serves as the liaison between the County and the Medical Examiner.

**§ 5-50. Deputy County Counsel.**

The Deputy County Counsel(s) shall, during the absence or disability of the County Counsel, possess all the powers and perform all the duties of the County Counsel and in the event of a vacancy in that office shall act as County Counsel until the appointment and qualification of a County Counsel.

§ 5-50.1 Special Counsel.

A. The County Counsel is authorized, with the approval of the Commissioner Board and within available appropriations, to employ such special counsel to aid in the trial, argument or preparation of such cases or matters of importance in which the County may be a part or be interested, as he/she may deem necessary. If the County Counsel should be disqualified with respect to any matter, the Board may designate special counsel by resolution to represent the County for and with respect to such matter.

**§ 5-51. County Adjuster.** ~~Amended 7-14-2005 by Ord. No. 267-7-2005~~

- A. Within the Department of Law there may be appointed by the County Executive with the advice and consent of the Board of County Commissioners a person who shall be the County Adjuster.
- B. The County Adjuster shall be in charge and supervise the preparation of all matters and procedures relative to the civil commitment of persons with mental illness pursuant to

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N.J.S.A. 30:4-34 along with any other duty stated in applicable statutes or regulations.

C. In the event the position of County Adjuster becomes vacant, during such vacancy, the County Counsel shall temporarily serve as the County Adjuster.

C.

**§5-52. Office of Collective Bargaining**

There shall be within the department an Office of Labor Relations, the head of which shall be the Director of Labor Relations.

The Office of Labor Relations shall:

- A. Act as the liaison between the County and the collective bargaining representative for County employees.
- B. Provide guidance and advise as to all aspects of labor relations.
- C. Provide recommendations as to collective bargaining statutes.
- D. Be responsible for the negotiations of collective bargaining agreements involving the County.
- E. Provide recommendations as to the terms and conditions of collective bargaining agreements.
- F. Provide guidance and assistance to all County departments and constitutional officers as to matters relative to collective bargaining issues.

**§ 5-52. Special Counsel.**

~~The County Council is authorized, with the approval of the Commissioner Board and within available appropriations, to employ such special counsel to aid in the trial, argument or preparation of such cases or matters of importance in which the County may be a part or be interested, as he/she may deem necessary. If the County Counsel should be disqualified with respect to any matter, the Board may designate special counsel by resolution to represent the County for and with respect to such matter.~~

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~~B.A.~~ In the event of a dispute between the County Executive and the Commissioner Board, involving the official duties of the County Executive, which requires in the opinion of the County Counsel that the County Executive be represented by counsel, the County Executive, within the limits of available appropriations, may retain special counsel to represent him/her/them for and with respect to such matters.

**§ 5-53. Records and papers.**

Upon any severance, resignation or removal from office the County Counsel shall forthwith surrender to his/her/their successor or to the several County officers charged with the custody thereof all deeds, leases, conveyances, obligations, bonds, contracts, agreements, maps, reports and other papers in his/her custody belonging to the County. He/she/they shall deliver to his/her/their successor in office all property, legal papers, files and documents relating to the business of the County, together with a written consent of substitution of his/her/their successor in all actions then pending and undetermined in which the County is a party. Upon any severance, resignation or removal from office, all personnel of the Law Department shall forthwith surrender to the County Counsel or his/her designee all papers and documents relating to the business of the County.

**§ 5-54. Office of Risk Management.** ~~{Amended 2-26-1998 by Ord. No. 545-10-1998; 7-9-2020 by Ord. No. 452-7-2020}~~

There shall be within the Department of Law an Office of Risk Management, the head of which shall be an ~~Division Chief~~Office Administrator. The Office of Risk Management shall:

- A. Develop and establish a comprehensive risk management program for the County of Hudson.
- B. Develop and establish the criteria for measuring all property, casualty and liability exposures of the County of Hudson so as to eliminate, minimize or transfer the risk of their exposure wherever feasible.
- C. Develop and maintain loss experience and claims information data for the purpose of determining loss frequency and severity in order to assure maintenance of appropriate loss control procedures and adequacy of funding for expected loss levels.
- D. Centralize the purchase of commercial insurance as a means of risk transfer wherever same is fiscally prudent and responsible.
- E. Develop and review self-insurance programs giving consideration to rational retention limits and the purchase of commercial insurance above the levels of desired self-retention consistent with sound risk management analysis.
- F. Evaluate existing provisions for fidelity bonds statutorily required of County officials and employees as well as recommend such additional coverage limits as are appropriate commensurate with experience.

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~~G.~~ Be responsible for ensuring compliance with the County's responsibilities under the Worker and Community Right to Know Act (N.J.S.A. 34:5A-1 et seq.).<sup>3</sup>

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~~G.H.~~ Oversee the activities of the County Fire Marshal.

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**§ 5-54.1 Fire Marshal.**

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~~Within the Office of Risk Management in this Department there shall be a County Fire Marshal, who shall act in an advisory capacity to all of the fire companies within the County, conduct investigations pertaining to the elimination of fire hazards, and make recommendations in reference thereto. He/she/they shall also to the extent not inconsistent with state law:~~

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~~A. Regulate the use, storage and disposal of flammable or combustible materials;~~

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~~B. Provide for the protection of life and property from danger of fires and explosions;~~

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~~C. Provide for inspection of fire hazards in buildings, discharge, wharves, warehouses and other places;~~

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~~D. Take action for removal or destruction of any building or other structure which is, or is likely to become, a fire hazard, but only on written notice to the owner or person in control of said premises and pursuant to the requirements of N.J.S.A. 40A:14-4;13~~

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~~E. Inspect County facilities; and~~

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~~F. Establish, where desired, additional periodic inspections, permits, and/or fees beyond those specified in the Fire Code pursuant to N.J.A.C. 5:18A-2.4.14~~

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**§ 5-55. Public Agency Compliance Officer. ~~Amended 1-28-2010 by Ord. No. 69-1-2010~~**

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~~A. There shall be designated annually a Public Agency Compliance Officer by way of Executive Order pursuant to N.J.A.C. 17:27-3.3. Such designation shall be noticed to the New Jersey Division of Public Contracts no later than January 10 of each year.~~

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~~B.A.~~ The Public Agency Compliance Officer shall monitor and demand compliance with and to report appropriately to the State of New Jersey on all matters relative to the New Jersey Department of Treasury-Division of Contract Compliance and Equal Employment Opportunity in Public Contracts.

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~~C.B.~~ It shall be the responsibility of that person designated as the Public Agency Compliance Officer to oversee and ensure contractors' and vendor compliance with the collective acts of the County whether by ordinance or executive order, collectively referred to "living wage."

~~D.C.~~ All regulations promulgated now or as from time to time may be amended or adopted by the New Jersey Department of Treasury, Division of Contract Compliance and Equal Opportunity in Public Contracts, are incorporated into this Hudson County Administrative Code by reference. At the request of the County Executive, County Administrator or County Counsel, the Public Agency Compliance Officer shall prepare any report so requested in any form so requested in a timely and complete fashion.

~~E.D.~~ It shall be the responsibility of the Public Agency Compliance Officer to monitor those Rules and Regulations promulgated by the New Jersey State Treasurer's Division of Contract Compliance and Equal Employment Opportunity in Public Contracts and Affirmative Action Rules presently cited in N.J.A.C. 17:27-3.2 or as they may be from time to time amended.

~~F.E.~~ The Public Agency Compliance Officer shall work jointly with the Office of Business Opportunity and Community Services as it appears under the Department of Parks and

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Community Services in Article X, § 5-77.

G.F. At the request of the County Executive, County Administrator or County Counsel, the Office of Business Opportunity and Community Services (or any member thereof) shall prepare any report so requested in any form so requested in a timely and complete fashion. That person responsible for filing reports with the State Division of Contract Compliance shall do so in compliance with all applicable laws and regulations, and shall review all such reports with the County Counsel or his/her designee prior to transmittal for review and approval of legal form.

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3. Editor's Note: Original Sec. 4.9, Office of Business Opportunity and Compliance, as amended 3-14-2002 by Ord. No. 174-3-2002 and 5-2-2006 by Ord. No. 50-2-2006, which previously followed this section, was reassigned to the Department of Parks and Community Services pursuant to Ord. No. 69-1-2010, adopted 1-28-2010; see now Art. X, Department of Parks and Community Services, of this chapter.

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**§ 5-56. Office of Consumer Protection.** ~~Added 11-26-2002 by Ord. No. 581-11-2002; amended 7-9-2020 by Ord. No. 452-7-2020~~

Within the Department shall be a Office of Consumer Protection, the head of which shall be a ~~Division Chief~~Office Administrator. Under the direction and supervision of the Director, the Office shall, in accordance with all applicable law, plan develop and administer programs and activities of interest and benefit to consumers within the County and exercise such other functions to protect consumers as authorized by law.

**§ 5-56.1. Office of Hudson County Public Safety Center.** ~~Added 3-26-2020 by Ord. No. 187-3-2020~~

Within the Department of Law shall be the Office of the Hudson County Public Safety Training Center (the "Center"), which shall be charged with the operation of a facility to provide training to candidates for public safety positions, as well as for supplemental training to already employed public safety employees. The day-to-day operations of the Office shall be overseen by the Center Director, who shall be a County employee.

- A. Duties and functions of the Center Director. The Center Director shall be accountable to the Director of the Department of Law, and the Center Director shall be responsible to:
- (1) Supervise and oversee the day-to-day operations of the Center.
  - (2) Set goals and objectives and establish priorities and plans for the training activities of the Center.
  - (3) Interact with County and public safety agencies throughout the state to assess their training needs and to recommend training programs at the Center.
  - (4) Recommend and oversee the annual budget for the Center.
  - (5) Identify the financial needs of the Center, including but not limited to academic and facility improvements, and prepare a recommendation to the capital budget to meet these needs.
  - (6) Develop appropriate training course curriculum and amendments to the curriculum required for the operation of the Center as a public safety training facility.
  - (7) Research, develop and implement continuing education courses for public safety employees.
  - (8) Recommend and oversee qualified teaching staff at the Center.
  - (9) Ensure that all courses, workshops, seminars, field exercises and training programs meet the training needs and requirements set forth by County, state and federal regulations and directives.
  - (10) Develop relationships with educational institutions and recommend the terms of affiliation agreements with those institutions.

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- (11) Oversee the receipt and retention by the Center of any certification(s) required by the New Jersey Police Training Commission or any other governmental regulatory body in order to maintain the status of the Center as a public safety training center by the State of New Jersey.
- (12) Interact with public entities in the County and throughout the State of New Jersey in order to solicit enrollees in the Center.
- (13) Prepare written procedures and guidelines pertinent to the operation of the Center.
- (14) Implement, adjudicate and enforces all rules, regulations, policies, procedures and safety standards promulgated by the New Jersey Police Training Commission relative to the training of public safety candidates.
- (15) Maintain discipline within the confines of the Center.
- (16) Recommend fees to be charged by the County to any attendees of the Center.
- (17) Prepare reports as needed and requested by the County Executive and the Commissioner Board regarding the operations of the Center.
- (18) Develop a long-term strategic plan for the Center and a review of that plan on a bi-annual basis.
- (19) Maintain the appropriate records and ensure that the rules and regulations promulgated by the New Jersey Police Training Commission pursuant to N.J.A.C. 13:1-7.1 for the operation of a training center are complied with by the County in the operation of the Center.
- (20) Develop policies and procedures relative to the day-to-day operations of the Center.
- (21) Perform other related duties as required.

B. Public Safety Advisory Board.

- (1) There is hereby created the Hudson County Public Safety Advisory Board (the "Center Board"), consisting of nine members, who shall be appointed by the County Executive with the advice and consent of the Commissioner Board. The membership of the Advisory Board shall consist of the following:
  - (a) The Hudson County Prosecutor.
  - (b) The Hudson County Sheriff.
  - (c) The Chief of Staff to the County Executive.
  - (d) The Director of the Hudson County Department of Corrections and Rehabilitation.
  - (e) The Chairperson of Public Safety Committee of the Hudson County Board of County Commissioners.
  - (f) The President of the Hudson County Community College.

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- (g) The President of the Hudson County Police Chiefs Association.
  - (h) The President of the Hudson County Fire Chiefs Association.
  - (i) The Director of the Department of Health and Human Services.
- (2) The Hudson County Prosecutor, the Hudson County Sheriff and the Chief of Staff shall have the right to designate a person to act in their stead, provided that the person designated is a member of their respective offices.
- (3) The School Director and the County Administrator, or his/her designee, shall serve as ex officio, nonvoting members of the Center Board and each of them, or their respective designee, shall attend the meetings of the Center Board. The County Administrator, or his/her designee, shall serve as a Chairperson of the Center Board.
- (4) The members of the Advisory Board shall serve without compensation, other than the compensation those members who are County employees receive as County employees.
- C. Functions of the Advisory Board. The Advisory Board shall function as an advisory group to the Executive Branch of County government and in doing so shall:
- (1) Recommend changes to the curriculum and the course of study at the Center.
  - (2) Recommend capital improvements to the Center facilities.
  - (3) Recommend expansion of the training operations of the Center.
  - (4) Provide evaluations of the current training programs.
  - (5) Recommend continuing education training programs.
  - (6) Provide comments to the annual budget request submitted by the Center Director.
  - (7) Provide comments to any capital budget requests submitted by the Center Director.
  - (8) Assist the Center Director in the development of a strategic plan for the Center.
  - (9) Provide comment and guidance to the Center Director relative to the daily operations of the Center.
- D. Meetings of the Advisory Board.
- (1) The Advisory Board shall meet on an as-needed basis, but at least twice a year. The members of the Advisory Board shall be able to participate telephonically and there shall be no minimum number of attendees required to be present in order for a meeting to occur.
  - (2) The date and time of all meetings shall be set by the Center Director upon 10 days' written notice to all Advisory Board members. The meetings shall not be classified as public meetings, as defined by the New Jersey Open Public Meetings Act (N.J.S.A. 10:4-1 et seq.).



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ARTICLE VIII

**Department of Finance and Administration**

**§ 5-57. Director.**

There shall be a Department of Finance and Administration, the head of which shall be the County Treasurer who shall act as Director of the Department of Finance and Administration. The County Treasurer shall be the Chief Financial Officer of the County. Prior to his/her/their appointment, he/she/they shall be qualified by training and experience for the duties of his/her office. The Department of Finance and Administration shall be responsible for budget preparation. The Direction shall be the principal revenue officer for the County.

A. The Director shall:

- (1) Assist the County Executive in the orderly and efficient administration of the fiscal affairs of the County, perform whatever supervisory or administrative duties the County Executive deems necessary and proper and, in addition, shall exercise such powers and duties as hereinafter prescribed.
- (2) Assist the County Executive in preparing and evaluating budget estimates and preparing comprehensive operating and capital budgets.
- (3) Study present and future fiscal needs, consider alternative means of satisfying these needs, recommend to the County Executive new and revised fiscal programs and continually review existing operations to determine how they may be improved.
- (4) Develop, install and enforce, to the extent practicable, a system of work programs and quarterly allotments of budget operations.
- (5) Develop and report on the commitment and status of budget expenditures and appropriations and make, with the approval of the Board of County Commissioners and the County Executive, budget transfers at the time and in the manner prescribed by law.
- (6) Assist the departments and other budgeted agencies in the evaluation and selection of federal, regional and state aid programs of interest to the County and expedite the requisite applications.
- (7) Develop and maintain management information systems & technology which keep the County Executive informed of trends and progress in the County government and problems which may be anticipated.

B. The Director shall be the custodian of funds for the County Educational Audiovisual Aids Commission as provided by law.

**§ 5-58. Divisions and offices.** ~~[Amended 2-26-1998 by Ord. No. 545-10-1998; 7-11-2002 by Ord. No. 389-7-2002]~~

The work of the Department of Finance and Administration shall be organized among and within divisions and offices designated as follows:

A. Division of Accounts and Control.

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- B. Division of Purchasing.
- C. ~~Management Information Services~~Division of Information Technology.
- D. Tax Assessments.
- E. Division of Personnel.
- ~~F. Central Services.~~
- F. Budget Office.
- G. Office of Grants Management.
- ~~H. Division of Housing and Community Development.~~

**§ 5-59. Deputy Director.**

The Director of the Department may appoint a Deputy Director or Directors. The Deputy Director or Directors shall, during the absence or disability of the County Treasurer, possess all the powers and perform all the duties of the County Treasurer and in the event of a vacancy of that office shall act as County Treasurer until the appointment and qualification of a County Treasurer shall assist the County Executive in the discharge of responsibilities of budget administration and other fiscal matters. The Director shall also coordinate and supervise all functions of the Department of Finance and Administration and shall be responsible for budget preparation. The Director shall be the principal revenue officer for the County.

**§ 5-60. Division of Accounts and Controls.**

- A. The head of the Division of Accounts and Control shall be the Division Chief. Under the direction and supervision of the Director, the Division shall:
  - (1) Install and maintain the County's central accounting system and records, as prescribed by the Director;
  - (2) Enforce the uniform system of accounts for all departments and other budgeted agencies under the County government, provided that such system shall, insofar as consistent with sound accounting principles, facilitate the production of records of the cost of performance of each functional program or activity, measured in such cost units as may be prescribed or approved by the Director and the County Executive;
  - (3) Preaudit all bills, claims and demands against the County, including payrolls;
  - (4) Require reports of receipts and disbursements of each department and any other budgeted agency to be made at such intervals as the Director may determine will most efficiently protect the County's interests;
  - (5) Operate and maintain a central payroll system covering all personnel paid out of funds appropriated by the Board;
  - (6) Control all expenditures to assure that budget appropriations and quarterly allotments are not exceeded; pass upon each proposed expenditure for conformity with the Charter and code; and authorize the payment of bills, claims and demands and payrolls upon the proper certification of the appropriate department head or

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designee and in accordance with the results of the preaudit;

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- (7) Receive, collect, deposit and distribute all funds of the County as may be provided by law;
  - (8) Upon the recommendation of the Director and the County Executive, maintain such depositories of County funds as the Board may designate, and maintain and reconcile records of deposits and withdrawals from all County depositories;
  - (9) Manage the investment of County funds, subject to the approval of the Director, pending their needs for current operations and have custody of all investments and invested funds of the County government or in the possession of the County in a fiduciary capacity, except as may be otherwise provided by law;
  - (10) Administer the County debt and have with the Director the safekeeping of all bonds and notes of the County and the receipt and delivery of County bonds and notes for transfer, registration or exchange;
  - (11) Make disbursements of County funds, upon warrant, by an individual warrant check for each bill, claim and demand authorized to be paid, as verified and allowed, except that a single warrant may be used for an entire payroll or part of a payroll;
  - (12) Be responsible for monitoring and disseminating data, with respect to individuals and groups, regarding employee retirement;
  - (13) Supervise all County auditing and financial verification and investigation procedures; and
  - (14) ~~Audit and preaudit all grants and grant applications~~ Be responsible for the accounting of the County fixed asset inventory.
- B. No appropriation shall be encumbered and no expenditures shall be made by any department, unless the Director or his/her designee shall certify that there is an unencumbered balance of appropriations and funds available within the approved allotment. The Division shall install and maintain books and records of account for the exercise of the financial and budgetary controls herein required.
- C. Each warrant check shall be authorized, signed and countersigned as provided in the code. The County Executive, with the consent of the Board of County Commissioners, may prescribe such additional procedures for the control of disbursements as may be desirable to protect the public interest.
- D. Access to safe deposit boxes used or rented by the County shall be restricted to the Director jointly with the County Executive or his/her their designee.

**§ 5-61. Division of Purchasing.**

The head of the Division of Purchasing shall be the Division Chief and shall act as the County Purchasing Agent. The division, subject to the direction and supervision of the Director, shall establish, maintain and operate, in accordance with regulations prescribed by the County Executive, a centralized purchasing system for the procurement, storage and distribution of supplies, materials, contract services, equipment, real estate and insurance required by any and all County departments and budgeted agencies. The division shall also coordinate County bidding for contracts and shall be responsible for enforcing all contract

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provisions. The division shall cooperate with and encourage any and all joint purchases with and among municipalities.

**§ 5-62. Division of ~~Management-Information Services~~Technologies. ~~{Amended 2-26-1998 by Ord. No. 545-10-1998}~~**

The head of the Division of ~~Management-Information Services~~Technologies shall be the Chief of ~~Management-Information Technology~~ Services. ~~The Director may elect to have the Division of Information Technologies operated by a third party vendor and not by County employees.~~ The Division, subject to the control and supervision of the Director, shall:

- A. Operate and maintain central facilities for electronic data processing and equipment maintenance for all departments and budgeted agencies except as otherwise directed by the County;
- B. Prepare data for processing and provide reports, analyses and printouts as required;
- C. Provide such services to other governmental agencies as shall be approved as required by law, including training on programs and software; and
- D. Oversee the County's telecommunications needs.

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**§ 5-63. Division of Tax Assessments. ~~{Amended 2-26-1998 by Ord. No. 545-10-1998}~~**

The head of the Division of Tax Assessments shall be the Division Chief and hold the title of County Tax Administrator. Under the direction and supervision of the Director, the Division shall:

- A. Have, exercise and discharge all of the functions, powers and duties of a County Board of Taxation under state statutes, except the functions of hearing appeals from municipal assessments and relating to the County equalization tables;
- B. In cooperation with the Division of ~~Management-Information Services~~Information Technologies, and/or the Office of Digital Information, develop, install and supervise systems of electronic data processing for the preparation of municipal property tax rolls and duplicates;
- C. Develop and administer cooperative assessing programs under contract with one or more municipalities of the County organized into tax assessment districts; and
- D. Provide staff services for the County Board of Taxation.

**§ 5-64. Division of Personnel.**

The head of the Division of Personnel shall be the Division Chief. The Division, subject to the direction and supervision of the Director, shall:

- A. Develop and administer the County's personnel programs, including up-to-date job classifications and pay plans, active recruitment of needed personnel and in-service training programs;
- B. Design, install and maintain a current database of personnel records for each County

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officer and employee including the education, training and experience of the employee,  
any professional or

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- trade licenses held, all personnel action taken with respect to the employee, compensation, retirement benefits, civil service and pension status and such other pertinent information as the Director or County Executive may direct or require;
- C. Develop, shall and administer an orderly procedure for the consideration, review and adjustment of personnel problems;
  - D. Coordinate and process the appointment and removal of County employees within the various departments and, to this end, review and report to the Director and County Executive on proposed appointments, promotions, transfers, discipline and discharges;
  - E. Study present and future area labor market trends and wage levels;
  - F. Assist the Director and County Executive in evaluating the personnel component of future program needs;
  - G. Implement and supervise a County Civil Service office;
  - H. Develop, install and administer orientation training programs for County employees;
  - I. Design, amend, update and present to the Director or County Executive and the Board for adoption an equal employment opportunity program that shall prohibit discrimination in the employment, continued employment, disciplinary actions, advancement or promotion of an employee or applicant for employment because of sex, race, creed or national origin **and comply with all State and Federal requirements;**
  - J. Design, amend, update and present to the Director or County Executive and the Board for adoption an affirmative action plan that will serve to recruit, employ, promote and advance, within all levels and areas of County government, meaningful and effective minority representation;
  - K. Negotiate and execute contracts, grants, subgrants and agreements as authorized by the County Executive, subject to the approval of the Board;
  - L. Designate an employee to act as Affirmative Action Officer, who shall:
    - (1) Assist in the implementation of approved affirmative action hiring plans; and
    - (2) Develop an effective monitoring and evaluation plan for affirmative action compliance.
  - M. Assume the responsibility for both nonoccupational and occupational disability programs, health and medical programs, and all other employee benefit programs.

**§ 5-65. Division of Central Services.**

~~The head of the Division of Central Services shall be the Division Chief. The Division, subject to the direction and supervision of the Director, shall:~~

~~C. Provide a central pool for providing typists, stenographers and other clerical help to designated departments as the need arises;~~

~~D. Provide an internal central mail and document delivery service;~~

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- ~~E. Provide for the printing and duplication of forms, reports and other services as the several departments of government may require;~~
- ~~Provide telephone and telephone operator services;~~
- ~~F. Provide for the gathering, security, recording and retention of such documents as are required by law to be maintained;~~
- ~~F. Provide such office supplies as are required by the departments, divisions and offices;~~
- ~~F. Implement and maintain a program for conversion of all County records to an electronic storage system; and~~
- ~~F. Be responsible for central record storage.~~

**§ 5-665. Budget Office.**

There shall be within the Department of Finance and Administration a Budget Office, which shall be headed by the Budget Officer. Under the supervision of the Director, the Budget Officer shall:

- A. Develop and prepare budget estimates and a comprehensive operating and capital budget for the County.
- ~~B. Monitor all County grants to ensure fiscal and program compliance. Prepare estimates and projections for impact of labor agreements and other contracts on budget operations.~~
- C. Prepare periodic reports on budget operations for management review.
- D. Prepare and maintain amortization tables to ensure timely payment and compliance of County debt.

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**§5-66. Office of Grants Management,**

A. Within the Department there shall be an Office of Grants Management, the head of which shall be the Office Administrator. Under the direction and supervision of the Office Administrator, the Office shall:

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(1) Be responsible for all programmatic and fiscal compliance duties as may be required under the terms and conditions of all grants which the County of Hudson applies for and accepts;

B.

(2) Conduct a continuing audit, study, evaluation, and review of all County administrative operations, as well as all internal audits and compliance with policies and procedures in the various departments, divisions, and offices, audit all grants and grant applications, and make recommendations to improve the performance, efficiency and economy of County government, monitor all County grants to ensure fiscal and program compliance, and audit and pre-audit all grants and grant applications.

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Office of Internal Audit. [Amended 2-26-1998 by Ord. No. 545-10-98]

There shall be, under the direction of the Administrator, an Office of Internal Audit. The function of such Office shall be to conduct a continuing audit, study, evaluation and review of all County administrative operations. The Office of Internal Audit shall also be responsible for internal audits.



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~~and compliance with policies and procedures within the County Executive's departments, divisions and offices. All County auditing and financial verification and investigation procedures shall be supervised by such Office. The Office also shall audit and preaudit all grants and grant applications, and be responsible for diligently monitoring grants and quality assurance to assure continued receipt of the maximum permissible federal and state grants by eligible County departments, divisions and offices. Said Office shall make recommendations to improve the performance, efficiency and economy in County government. The Office shall also study and make recommendations on the future program needs of the County.~~

ARTICLE IX

**Department of Corrections & Rehabilitation**

**§ 5-67. Director. ~~{Amended 2-26-1998 by Ord. No. 545-10-1998}~~**

There shall be a Department of Corrections and Rehabilitation, the head of which shall be the Director. The Director shall, in cooperation with the Courts, County Prosecutor, Sheriff and all other criminal justice agencies:

- A. Operate and maintain in a safe, sanitary and humane manner the Hudson County Correctional Center, ~~oversee the Hudson County Juvenile Detention Center~~ and such other correctional facilities as are authorized by law; and
- B. Have and exercise custody, according to law, of such persons as may be committed to the Hudson County Correctional Center by a Court of competent jurisdiction, according to the terms of such commitment.<sup>5</sup>
- B.C. Have oversight of any juveniles housed in other Counties' juvenile correctional facilities.

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4. Editor's Note: Original Section 5.12, Division of Housing and Community Development, as amended 2-26-1998 by Ord. No. 545-10-1998, which previously followed this section, was reassigned to the Department of Parks and Community Services pursuant to Ord. No. 69-1-2010, adopted 1-28-2010; see now Art. X of this chapter. Original Section 5.13, Division of Engineering, which previously followed this section, was repealed 7-11-2002 by Ord. No. 389-7-2002; see now Art. XIII, Department of Roads and Public Property.

5. Editor's Note: Original § 6-2, Juvenile Detention Center, amended 2-26-1998 by Ord. No. 545-10-1998, which immediately followed this subsection, was repealed 7-9-2020 by Ord. No. 452-7-2020.

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ARTICLE X

**Department of Parks and Community Services**

~~{Added 7-14-2005 by Ord. No. 276 7-2005; amended 1-28-2010 by Ord. No. 69-1-2010}~~

**§ 5-68. Director.**

There shall be a Department of Parks and Community Services, the head of which shall be the Director. The Director shall also supervise and be responsible for all Divisions and Offices within the Department.

**§ 5-69. Divisions & Offices.**

The work of the Department shall be organized among and within divisions designated as follows:

- A. Division of Parks.
- B. Division of Planning.

~~C. Division of Housing and Community Planning Office of Business Opportunity.~~

~~D. Office of Digital Information.~~

**§ 5-70. Division of Parks.**

Within the Department there shall be a Division of Parks, the head of which shall be a Division Chief. Under the direction and supervision of the Director, the Division shall:

- A. Acquire, maintain, operate and develop, within the limits of available appropriations, public parks, playgrounds and recreation places within the County, including any such parks as may be voluntarily transferred from municipal control to the County and accepted by resolution of the Board of County Commissioners.
- B. Preserve, care for, lay out, construct, maintain and improve any parks or places singly or jointly with any municipality or other public body.
- C. Lay out, construct, maintain and improve sidewalks, roadways, boulevards, service ways, bridle paths, bike paths, footpaths, nature walks or other ways within any County park, playground or other places of public recreation.
- D. Construct, reconstruct, alter, provide, renew and maintain park recreation buildings or other structures and grounds.
- E. Provide for the care, cultivation, planting and replanting of trees, shrubs, flowers and lawns on County property; for the trimming of trees in the County parks, parkways and public greens; and may, upon any public street, exercise and discharge the functions, powers and duties of a County Shade Tree Commission as provided by law.

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**§ 5-71. Office of Recreation.**

Within the Division of Parks there shall be an Office of Recreation. Under the direction and supervision of the Division Chief, the Office of Recreation shall:

- A. Develop and administer programs to facilitate public use and enjoyment of County parks, playgrounds and places of recreation;
- B. Operate and maintain County golf courses, tennis courts, boating facilities and other playing fields and facilities for other sports and recreation;
- C. Coordinate the use of the County parks with other public and private recreation recreational facilities within the County; and
- D. Establish and administer schedules of events at the facilities for which the Division is responsible.

**§ 5-72. Leases, licenses and concessions.**

The Division of Parks subject to procedures established by ordinance and/or prescribed by law, may lease or license to the highest responsible bidder, upon open competitive bids, parklands or concessions thereon to produce revenues from facilities required for or incidental to the operation of such public parks, playgrounds or recreational places. The period of any such leases shall be pursuant to time periods subscribed by state law.

**§ 5-73. Fees and revenues.**

The Division of Parks may charge and collect for the use of the County a reasonable fee for admission to or use of designated facilities, programs or activities provided under this article only as specifically authorized by resolution of the Board. All such fees shall be paid over to the County Treasurer for the general use of the County.

~~§ 5-74. Rules and regulations. [Amended 10-7-2015 by Ord. No. 566-10-2015; 2-11-2016 by Ord. No. 96-2-2016]~~

~~A. Rules and regulations. The Chief of the Division of Parks may adopt reasonable rules and regulations for the safety and conduct of persons using parks and recreational facilities and for the preservation of the public peace and order at the public events, and any person who shall violate any such rule or regulation may be prosecuted for a violation of this section or any other appropriate statute as provided by law.~~

~~A. Permits process. The Chief of the Division of Parks upon consultation with the County Counsel, and appropriate County officials, and consistent with all provisions of Hudson County Ordinance No. 213-5-1982 which address the use, care and protection of County parks, shall create a standard permit application for events proposed to take place in any County park either in outdoor areas, and/or inside available structures within any County park.~~

~~A. The Chief of the Division of Parks or his/her authorized representative, following consultation with the directors of appropriate County Departments and the Hudson~~

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Draft, May 2021

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~~County Sheriff, is hereby authorized to close any section or part of any park or all or any part of the roadways located within any County park, and for such time period in his/her discretion, providing such closing shall be in the best interest of the public using said parks and the security of the park system.~~

~~A. Discretion of Division Chief and guidelines. The following guidelines for the exercise of discretion by said Division Chief, or his/her authorized representative, shall include, but shall not be limited to, the following:~~

~~(13) At such time and for such periods as may be required to enable runners and persons engaged in any other type of athletic activity to more safely pursue such activities.~~

~~(14) At such time and for such periods as may be required for various other public activities to take place within the confines of the park.~~

~~(15) At such times and for such periods as may be required to preserve the health, safety and general welfare of persons using the park and the security of the park system.~~

~~(16) Other provisions of any ordinance notwithstanding, when it is evident by way of pending application and/or by way of past experience, whenever an event is reasonably expected to draw 200 or more people, whether indoors or outdoors, the Division Chief may, if recommended by the office of the Sheriff, require the presence of at least two Sheriff's officers at all times during the event to be assigned by the Sheriff or his/her designee and prepaid for by the event sponsor pursuant to this section.~~

~~A. Permit application contents. A person or group seeking issuance of a permit shall file an application with the appropriate park's office. The application shall include responses to the inquiries stated below:~~

~~(18) Name and address of individual applicant and working telephone numbers and e-mail address.~~

~~(19) Name and address of the person, persons, corporation or association sponsoring the activity.~~

~~(20) The day and hours for which the permit is desired.~~

~~(21) The park or a portion thereof for which such permit is sought.~~

~~(22) Estimate of anticipated attendance.~~

~~(23) Any other information necessary to determine whether or not a permit is to be issued, at the discretion of the Division Chief of Parks.~~

~~A. The permit is to issue if:~~

~~(25) When the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.~~

~~(26) When the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.~~

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~~(34) When the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.~~

~~(35) When the proposed activity will not entail unusual, extraordinary or burdensome expense to be incurred by the County.~~

~~(36) When the park facilities desired have not been reserved for some other use at the day and hour requested in the application.~~

~~(37) When a certificate of insurance (COI) is submitted in a form and amount acceptable to the County Office of Risk Management upon consideration of the risk, history, if any, and totality of circumstances relative to the permit.~~

~~(38) When the proposed activity will require the employment of additional County staff, and the applicant agrees to prepay to the County the costs for the additional staffing by Sheriff's officers.~~

~~A. Miscellaneous provisions.~~

~~(40) The permittee shall be bound by all park rules and regulations and all ordinances as though the same were fully set forth in the permit, and shall exhibit the same upon request of any authorized person.~~

~~(41) The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whomever by reason of the negligence of the person or persons to whom such permit shall have been issued. The County of Hudson shall not be liable in such instances.~~

~~(42) The County of Hudson shall have the authority to revoke a permit upon a finding of any violation of any rule or ordinance, or upon good cause.~~

~~(43) No person who is issued a permit to use the park as described herein shall disturb or interfere unreasonably with any other person or party occupying any area, or participating in any activity under authority of a valid permit or any other party simply making valid use of park facilities.~~

~~A. Security.~~

~~(45) The provisions of this section shall be applicable to all events which occur within County parks, whether the event occurs outdoors or within any structure subject to any applicable lease authorized by the Board of County Commissioners.~~

~~(46) Any time it is reasonably anticipated by anyone who will conduct or allow to be conducted an event within a County park or a facility located within a County park that the number of attendees shall exceed 200 people then prior to the event being conducted an application shall be made to the Division Director for the issuance of a security permit. This permit shall be in addition to any other permit which may be required for the event.~~

~~(47) Event security is the responsibility of the applicant for the permit.~~

~~(48) The Division Director shall review the permit application and consult with the applicant and appropriate personnel from the office of the Hudson County Sheriff~~

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5 ~~in order to assess the requirement for the provision of Sheriff's officers at~~  
- ~~the event.~~  
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~~(58) — Depending upon the nature of the event, the number of people expected, any history of previous similar events then available, and advice of the Sheriff or his/ her designee, the applicant may be required to have Hudson County Sheriffs' officers present before, during and after an event in appropriate numbers, and at the expense of the permittee.~~

~~(59) — The applicant shall agree to prepay the County for personnel costs related to the provisions of County Sheriff's officers assigned to the event, including, but not limited to, the number and title of personnel assigned to be determined by the County, and reduced to writing to be signed by the applicant. The applicant shall reimburse the County at prevailing off duty rates of pay for the assigned officer(s), plus an administrative fee of 20%.~~

~~I. — Penalties. A violation of this article for which no other sanction is provided shall be punishable by:~~

~~(61) — A fine in an amount not to exceed \$500; and/or~~

~~(62) — Reimbursement to the County for costs, including cost of Sheriff's officers; and/or~~

~~(63) — The debarment from receiving an event permit or security permit from the County for a period of one year from the date of the imposition of the penalty, as well as being barred from conducting an event in a County park or facility located within a County park for a period of one year.~~

§ ~~5-75~~74. **Division of Planning.**

- A. Within the Department there shall be a Division of Planning, the head of which shall be a Division Chief. Under the direction and supervision of the Director, the Division shall:
- (1) Engage in activities and assist in the administration of the Hudson County Open Space, Recreation and Historic Preservation Trust Fund according to the duly adopted Program Statement and Policies and Procedures thereof which may be from time to time amended.
  - (2) Assist the County Open Space Trust Fund Advisory Board.
  - (3) Draft Hudson County's Open Space Plan (OSP).
  - (4) Provide staff support and technical assistance to the Open Space Trust Fund Advisory Committee.
  - (5) Administer and monitor the Open Space, Recreation and Historic Preservation Program and application process.
  - (6) Maintain County maps, charts, data, and records as may be required for the proper and efficient administration of County projects, property, and any other lawful purpose.

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- (7) Render planning services to County departments, boards and agencies as may be required and assist municipal planning agencies upon request.
  - (8) Seek out, apply for and utilize federal and state grants available to counties related to planning and development and monitor and otherwise ensure compliance with federal and state programs in order to maximize County eligibility for and use of all such available federal and state grants.
  - (9) Participate and assist as directed relative to the Hudson County Strategic Revitalization Plan, and any like study or plan as may be required by any government agency having competent jurisdiction.
  - (10) Assist the Hudson County Strategic Revitalization Committee in accomplishing its purpose as a forum for the private and public sector to meet and discuss issues relative to the Strategic Revitalization Plan as may from time to time be amended by the governing body.
  - (11) Provide staff services and assist the Hudson County Planning Board and the Hudson County Economic Development Strategy Committee.
  - (12) Undertake any activities which may be from time to time assigned to it by the County Executive or his/her designee, including being duly recognized as a representative of Hudson County relative to any grant programs, reports, or any relevant activities whatsoever governed or administered by the state or federal government or combination of governments.
- B. Hudson County Environmental Advisory Commission. ~~Added 5-12-2011 by Ord. No. 212-S-2011~~
- (1) There shall be a Hudson County Environmental Advisory Commission which shall be governed by the following provisions:
    - (a) The purpose of the Commission shall be to advise the County Executive and/or the Board of County Commissioners on matters of an environmental nature, as requested, as may relate to buildings and grounds owned or controlled by the County of Hudson.
    - (b) The members of the Commission shall consist of those members who serve on the Hudson County Open Space Advisory Board. Their terms shall run concurrently with their terms on the Open Space Advisory Board, and those serving as officers on the Open Space Advisory Board shall serve in the same capacity as members of the Environmental Advisory Commission.
    - (c) The activities of the Commission shall be controlled by the following provisions:
      - [1] Business of the Commission. The conduct of the business of the Commission shall be governed as much as practicable by those procedures found in the Open Space Advisory Board Program Statement.
      - [2] Commission functions.

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- [a] The Commission is established to advise the County Executive and the Board of County Commissioners on matters affecting the protection, development or use of natural resources, related to land and buildings under the direct control of the County of Hudson, including, but not limited to, County parks, County buildings, County properties, County roads, County bridges and other such County rights-of-ways, County drainage facilities and structures and other County resources that the County government has direct control over.
- [b] The Commission shall review and advise as requested only on matters directly related to or affecting County-owned land and buildings and has no rule-making, regulatory or enforcement authority.
- [c] The Commission shall have power to conduct research into the use and possible use of the open land areas owned or controlled by the County of Hudson and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its purpose, and as authorized by the County Executive. It shall keep an index of all open areas and buildings owned by the County, including open marshland, swamps and other wetlands, in order to obtain information on the proper use of such areas and may from time to time recommend to the Planning Board plans and programs for inclusion in the Master Plan and the development and use of such areas.
- [3] Records and annual reports. The Commission shall keep records of its meetings and activities and make an annual report to the governing body, and shall be subject to the Open Public Meeting Act.<sup>6</sup>
- [4] Administration. The Commission shall be located in, but not of, the Hudson County Division of Planning. The Hudson County Division of Planning shall provide such staff support and technical assistance to the Commission as is reasonably necessary for execution and discharge of its duties.
- [5] Studies and recommendations. The Commission shall have authority to study and make recommendations to the County Executive and Board of County Commissioners as requested on matters affecting the protection, development or use of natural resources.
- [6] Grants/funding requests. The Commission shall not have any authority whatsoever to submit grant or any funding applications independent of the County of Hudson. Any such applications shall flow through the appropriate County department, County

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6. Editor's Note: See N.J.S.A. 10:4-6 et seq.



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Administrator and County Executive to be approved by the Board of County Commissioners when appropriate.

~~§ 5-76. Prohibition and regulation of smoking in County parks. [Added 3-14-2013 by Ord. No. 140-3-2013]~~

~~E. Definitions. As used in this section, the following terms shall have the meaning indicated:~~

~~**BUILDINGS** — Any structure of whatever nature used for whatever purpose so long as the structure has a roof. Open-sided structures shall be considered buildings. All buildings whether owned, leased to or leased by the County are included in this section, including temporary structures such as tents or trailers as may be from time to time permitted by the County.~~

~~**CIGARETTES** — Non-tobacco products based cigarettes and like devices shall be considered as cigarettes.~~

~~**RECREATIONAL FACILITIES** — Those areas used as the term is commonly understood and shall include but not be limited to those areas in County parks in which the following activities take place either in the normal course or by special permit.~~

~~(0) — Picnic and/or barbecue areas.~~

~~(0) — Concession areas, including those permanently affixed to sites or portable concession wagons, trucks or vehicles.~~

~~(0) — Ball fields and sports areas, tennis courts, volleyball courts, basketball court or any other venue reserved for sports usage, including but not limited to any and all "artificial turf" fields and areas.~~

~~(0) — Track and field facilities and those seating and observation areas appurtenant thereto.~~

~~(0) — Dog runs.~~

~~(0) — "Playgrounds" as that term is commonly understood.~~

~~(0) — Designated nature walks/bird watching areas.~~

~~(0) — Any location permanently or temporarily designed as a place for recreational purposes as may be from time to time identified and posted as a no-smoking area by appropriate County personnel.~~

~~**SMOKING** — The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking the use of device cigars and pipes shall be considered smoking under this section.~~

~~R. Prohibition against smoking. Smoking in any form as it is commonly recognized is hereby prohibited within 50 feet of the recreational facilities and within 50 feet of the entrance and exit of buildings described hereinabove.~~

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~~Exception~~

~~is:~~

~~(f) Notwithstanding any other prohibitions of this section, the lessee or permittee of any buildings within the various parks, whether permanent or permitted temporary structures, may, subject to all applicable state law and regulation, reduce the area in which smoking is prohibited to a radius of 25 feet from the entrances and exits of such buildings.~~

~~(g) Temporary structures, including tents, shelters and the like permitted by the County shall be governed by those provisions, and conform to all applicable guidelines under the New Jersey Smoke-Free Air Act,<sup>7</sup> and its related regulations as from time to time they may be amended.~~

~~(h) All areas and buildings described herein are covered by the no smoking prohibition; and, provided, however, that such prohibition shall not apply to:~~

~~(1) The sidewalks immediately adjoining parks, squares and public places;~~

~~(2) Any pedestrian route through any park strip, median or mall that is adjacent to vehicular traffic; and~~

~~(3) Parking lots.~~

~~GG. Signs. Proper and appropriate signs, which comply with applicable state statutes and regulations, shall be prominently displayed at all nonsmoking locations.~~

~~HH. Penalties. A violation of this section or any ordinance, for which no penal sanction is otherwise provided, shall be punishable by a fine not exceeding \$100 for the first offense; \$250 for the second offense; and \$500 for all subsequent offenses.<sup>8</sup>~~

**§ 5-777.5. Office of Business Opportunity and Community Services.**

A. Within the Department of Parks and Community Services there shall be the Office of Business Opportunity and Community Services, which office shall be comprised of three suboffices (with support staff as assigned by the Director) as follows:

- (1) Office of Minority and Women's Business Affairs.
- (2) Affirmative Action Office.
- (3) Economic Opportunity Office.

B. Collective objectives of the Office of Business Opportunity and Community Services.

- (1) Duties.
  - (a) The Office of Business Opportunity and Compliance shall:

7. Editor's Note: See N.J.S.A. 26:3D-55 et seq.

8. Editor's Note: Original § 5-12, Division of Housing and Community Development, which immediately followed this subsection, was repealed 7-9-2020 by Ord. No. 452-7-2020, which ordinance also provided for the renumbering of subsequent section(s).

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- [1] Assist and facilitate the implementation of plans which will foster meaningful participation by disabled and minority and women-owned businesses and/or individual minority persons and women and persons with disabilities to the extent permitted and/or demanded by all applicable local, state and national laws and regulations in all County purchasing and construction programs.
- [2] To the extent permitted by law, foster and develop the participation of local businesses and individuals in the County's purchasing and/or construction programs.
- [3] To the extent permitted by law, foster and develop the participation of disabled individuals and businesses owned by disabled individuals in the County's purchasing and/or construction programs.
- (b) Individually and severally, the members of the Office of Business Opportunity and Community Services shall monitor activities and contracts made or proposed by the County Purchasing Division, including all construction contracts and purchases made under state contracts to ensure that such contracts are awarded in compliance with all applicable local, state and federal laws and regulations;
- (c) To the extent not preempted by federal or state law or regulations, the Office of Business Opportunity and Community Services shall also:
  - [1] Assist in the implementation of plans which give preferential treatment to local residents and businesses.
  - [2] Assist in the implementation of approved disabled and minority and women's business enterprise utilization program.
  - [3] Implement a set-aside policy consistent with applicable law and regulation.
  - [4] Assist in the implementation of all Hudson County ordinances now in existence or as may be from time to time amended or enacted.
  - [5] Establish good-faith goals, preferences and guidelines to ensure business opportunity for disabled and minority- and women-owned firms.
- (d) To the extent not preempted by federal or state regulations, the following definitions shall be applicable to the interpretation of this section:
  - [1] "Independently owned and operated" means a sole proprietorship, partnership or corporation which is not a subsidiary or another organization.
  - [2] "Principal place of business" is the location (state) where a firm's major activity takes place.

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- [3] "Women business enterprise (WBE)" is a business which at least 51% of the beneficial ownership is held by women and whose management and daily operation are controlled by a woman or women.
- [4] "Minority business enterprise (MBE)" is a business in which at least 51% of the beneficial ownership is held by minorities and whose management and daily business operation are controlled by one or more such minority individuals.
- [5] "Disabled business enterprise (DBE)" is a business in which at least 51% of the beneficial ownership is held by a person with a disability as defined by any provision of the Americans With Disabilities Act.
- [6] "Afro-American" is a person having origins in any of the black racial groups of Africa.
- [7] "Hispanic American" is a person of Mexican, Puerto Rican, Cuban, South American, or other Spanish culture or origin, regardless of race.
- [8] "Asian American" is a person having origin in any of the original people of the Far East, Southeast, Asia, and Indian Subcontinent, Hawaii, or the Pacific Islands.
- [9] "Native American" is a person having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition.
- [10] "Minority" is an individual who is either Afro-American, Hispanic American, Asian American or Native American as defined above.

C. Advisory Board of the Office of Business Opportunity and Community Services.

- (1) The Hudson County Advisory Board of Business Opportunity and Compliance (formerly Advisory Board of Minority and Women's Business Development) is hereby reorganized as of the effective date of his/her amendment.
- (2) There is simultaneously created a new Advisory Board on Business Opportunity and Compliance which shall consist of 19 members as follows:
  - (a) The County Executive, or his/her designee.
  - (b) Three members of the Board of County Commissioners to be named by its Chair.
  - (c) The Minority and Women's Business Affairs Officer.
  - (d) The Affirmative Action Officer.
  - (e) The Public Agency Compliance Officer designated under § 5-55.
  - (f) The Economic Opportunity Officer.
  - (g) Eight representatives of minority business organizations and groups, individuals, entrepreneurs and other individuals who are knowledgeable in

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the field and who have demonstrated interest, dedication and who have fostered development of minority- and women-owned businesses.

- (h) Two representatives with knowledge of the challenges faced by the disabled in participating and competing in the workforce and the business community.
  - (i) One representative with knowledge and training relative to assimilating women, minorities and the disabled into the workforce.
- (3) The 11 public members shall be appointed by the County Executive with the advise and consent of the Board of County Commissioners and shall serve for terms of three years or until a successor is appointed and qualified. All terms, no matter when the appointment is made, shall be considered to have commenced on the April 1 next after the appointment.
- (4) The Board shall serve without compensation.
- (5) Upon the first appointment of its members and thereafter on or after April 1 in each year, the Advisory Board shall annually elect from its members a chairperson, a vice chairperson and a secretary, who shall hold office until April 1 next ensuing and until their respective successors have been appointed and have qualified. The Advisory Board shall meet at least quarterly and written notices of the meeting and the agenda shall be mailed to all members prior to the meeting date.
- (6) The Division Chief of the Division of Purchasing shall serve an ex officio, nonvoting member of the Advisory Board, and he/she or a respective designee shall attend the meeting of the Board.
- (7) The Advisory Board shall function as an advisory group of the executive branch of the County government and in so doing shall:
- (a) Review existing federal, state and local policies and programs relevant to the disabled and minority and women's businesses;
  - (b) Recommend regulatory and statutory changes at all levels of government necessary to create a supportive environment for the disabled and minority and women's business development and stability;
  - (c) Keep abreast of all federal, state and local funding available that have impact on the disabled and minority and women's businesses and recommend to the County the application of such funds;
  - (d) Recommend the allocation of any federal, state and local funds received;
  - (e) Study any special problems confronting the disabled and minority and women's business and recommend solutions;
  - (f) Recommend the establishment of procedures to monitor the efforts of the County to promote the development of disabled and minority and women business enterprises;

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- (g) Keep abreast of legislation, plans, programs, issues and activities in the public and private sectors that relate to the disabled and minority and women's business enterprises;
  - (h) Study the problems confronting the disabled, women and minorities when participating in the workforce;
  - (i) Recommend programs to encourage and assist the participation of the disabled, women and minorities in the workforce; and
  - (j) Advise the County Executive on the measures to fulfill the purposes of the Committee.
- (8) The Office of Business Opportunity and Community Services shall provide the appropriate supporting personnel for the Advisory Board.

~~§ 5-77.1. Carnivals and festivals in County parks; beer gardens. [Added 9-13-2018 by Ord. No. 530-9-2018; amended 4-25-2019 by Ord. No. 264-4-2019; 5-8-2019 by Ord. No. 288-5-2019]~~

~~No person shall drink, take, sell, buy, use, or have possession of or be under the influence of any intoxicating liquors while within the limits of the parks, except as stated in Subsection B below. This section shall not apply to leased concession properly licensed by law.~~

~~A. Carnivals and festivals in County parks.~~

~~(1) Definitions. As used in this Subsection A, the following terms shall have the meanings indicated:~~

~~CARNIVAL— An amusement show including rides, games and sideshows.~~

~~FESTIVAL— An annual or anticipated reoccurring event which allows for the attendance of all members of the general public, as opposed to being limited to select individuals, and which is held for one of the following purposes:~~

- ~~(i) The celebration of the cultural arts, such as paintings, movies, plays or music; and/or~~
- ~~(j) The celebration of the culinary arts and the consumption of food products; and/or~~
- ~~(k) The celebration of cultural heritage.~~

~~(l) General guidelines.~~

~~(m) — Anyone seeking a permit for a carnival or festival should refer to Section 7 of Ordinance No. 710-11-2016 for permit guidelines.~~

~~(n) Anyone seeking a permit for a carnival or festival must be a legally formed not-for-profit holding a 501(c)(3) designation by the Internal Revenue Service.~~

~~(o) Any carnival must be temporary in nature and not exceed 15 days either consecutively or intermittently.~~

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~~5- (v)Any festival must be temporary in nature and not exceed 5~~  
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~~(y)Carnivals and festivals in County parks must be open to the general public and must not have any residency requirements.~~

~~(z)Carnivals and festivals in County parks must not displace any current recreational uses.~~

~~A. County Park Beer Garden Regulations.~~

~~(1)A person or group seeking issuance of a permit for a carnival pursuant to Ordinance No. 710-11-2016 or festival will also be able to file an application for a beer garden to take place during the carnival or festival. For the purposes of this Subsection B, a "beer garden" shall be defined as a limited, defined, and cordoned area where beer may be sold and consumed. The following rules and procedures shall apply to any carnival operator or festival organizer seeking to include a beer garden:~~

~~(cc) Approval by the Chief of Police of the municipality where the carnival/ festival and beer garden will take place.~~

~~(dd) Approval by the Hudson County Sheriff's Department.~~

~~(ee) If the park being used for a carnival or festival is located in a special improvement district, as defined in N.J.S.A. 40:56-65 et seq., the festival organizer will also need a letter of support from the special improvement district management corporation.~~

~~(ff) Carnival operator/festival organizer must secure the proper license and/or permit from the appropriate government entity for the sale and consumption of alcohol.~~

~~(gg) Proper insurance must be provided in the limits determined by the Hudson County Risk Management Department.~~

~~[[1] At a minimum the insurance will entail general liability insurance and liquor liability insurance in amounts determined by Hudson County Risk Management.~~

~~(ii) The carnival operator/festival organizer will be required to provide adequate security, at their own expense, as determined by the Hudson County Sheriff's Department in addition to the security required for the carnival/ festival (if needed).~~

~~(jj) The area where beer will be sold and consumed must be limited, defined and cordoned off. Beer cannot be sold or consumed outside of the designated area.~~

~~(kk) Only beer purchased at the beer garden can be consumed in the beer garden.~~

~~(ll) The area designated for the sale and consumption of beer shall have a buffer of completely vacant land of at least 100 feet on all sides.~~

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~~5~~        ~~(uu) Any individual found outside the area who is either selling or~~  
~~-~~        ~~consuming beer will be fined according to Section 7.13 Penalties in~~  
~~7~~        ~~Ordinance No. 710-11-2016.~~  
~~7~~        ~~(vv) Only individuals who are wearing appropriate identification tags,~~  
~~-~~        ~~as issued by the Department of Parks, shall be permitted to be inside~~  
~~4~~        ~~an area designated as a "beer garden."~~  
~~(ww) Any other violation of this section will also be subject to fines~~  
~~under Section 7 of Ordinance No. 710-11-2016.~~  
~~(xx) The applicant for a beer garden permit must be a legally~~  
~~formed not for profit holding a 501(c)(3) designation by the Internal~~  
~~Revenue Service.~~  
~~(yy) Not more than one permit shall be issued to the same~~  
~~applicant/organization in any twelve month period.~~  
~~(zz) No admission shall be charged to any individual entry for entry;~~  
~~however, a charge may be imposed for the consumption of any food~~  
~~product, the viewing of any movies or plays, the listening to any~~  
~~music or the acquisition of any artwork.~~  
~~[1] Any charge for the viewing of plays, movies, or the listening of music~~  
~~should be minimal.~~  
~~(bbb) Beer gardens will only be permitted on weekends and/or state~~  
~~and federal legal holidays.~~

**§ 5-7876. Office of Digital Information. ~~[Added 3-26-2020 by Ord. No. 186-3-2020]~~**

Within the Department of Parks and Community Services there shall be the Office of Digital Information, the head of which shall be the Office Director, and shall have support staff as assigned by the Director of the Department of Parks and Community Services. The Office of Digital Information shall:

- A. Manage the County's geographic information systems (GIS). The Office shall create, maintain, and make accessible geographic information systems to the various County departments, and to the public, as well as update existing information systems and expand these systems as technology evolves and changes.
- B. Manage the County's website. The Office shall oversee the design and maintenance of the County website, and maintain and update the content of the County website.
- C. Manage the County's social media. The Office shall, from time to time, integrate the County's social media platforms into the County website.
- D. Manage the Hudson County Traveler's Information Station. The Office shall, from time to time, manage the streaming of the Hudson County Traveler's Information Station via the County website.



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ARTICLE XI

Department of Health and Human Services

**§ 5-7977. Director.** ~~Added 11-26-2002 by Ord. No. 581-11-2002~~

A. There shall be a Department of Health and Human Services, the head of which shall be the Director. The Director shall be responsible for the overall operations of the Department.

B. The Department shall help to ensure a coordinated and cohesive system of human services designed to improve the health and welfare of Hudson County residents, which shall include developing and implementing strategic approaches to identified human service needs, administering and providing oversight for federal, state and local funding, ongoing monitoring and assessment of human services delivery and needs in the County, and operation of the County Psychiatric Hospital. The Department shall maintain a Human Services Advisory Council (HSAC) which shall function as the principal human services assessment and planning council for the County.

A.C. ~~The Department shall manage County health programming, including the development and implementation of health services and environmental health programs either directly or via contract with a duly authorized governmental agency established for this purpose. The Director of the Department shall make or cause to be made studies and surveys of the programs, activities and operations of the welfare services, hospitals, juvenile detention center and other institutions within the Department. He/she shall prepare plans and proposals for the coordination and elimination of duplication and overlapping of services and the improvement of welfare, health and other social services for the residents of the County. Such plans shall be submitted to the County Executive and to the Board, together with recommendations for appropriate action. The Department shall coordinate County human services programs with County welfare planning and shall coordinate County human services and welfare with New Jersey and federal agencies. Additionally, the Department shall coordinate County health services, develop County environmental health programs, and coordinate such services and programs with state and federal agencies. Finally, the Department shall develop a uniform plan for juvenile justice.~~

D. The Department shall also provide services and assistance to veterans and coordinate within the County such services as provided by federal, state and municipal agencies and as heretofore authorized by general law, ordinance or resolution.

B.E. The Department shall oversee the operation of the Meadowview Psychiatric Hospital, which shall be subject to the administrative direction and supervision of a licensed Administrator who shall report to and be responsible to the Department Director.

**§ 5-780. Divisions & Offices.** ~~Amended 11-26-2002 by Ord. No. 581-11-2002~~

The work of the Department shall be organized among and within divisions and offices designated as follows:

A. ~~Division of Grants Management~~ Division on Aging.

B. ~~Division of Public Health~~ on Mental Health and Addiction Services.

C. ~~Division of Psychiatric Services~~ Children and Youth Services.

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D. Office of Veterans' Affairs.

E. Office of Inclusion and Accessibility.

F. Office of Specialized Health Services.

G. Office of Transportation Services (Transcend)

C.H. Office of Public Health Services.

**§ 5-8179. Division of Grants Management on Aging. [Amended 2-26-1998 by Ord. No. 545-10-1998]**

~~A. Within the Department there shall be a Division of Grants Management, the head of which shall be the Division Chief. Under the direction and supervision of the Division Chief, the Division shall:~~

~~(i) Shall be responsible for all programmatic and fiscal compliance duties as may be required under the terms and conditions of all grants which the County receives through the Department of Health and Human Services;~~

~~(ii) Cooperate in and encourage the coordination of such volunteer service as may now exist or as may hereinafter be created within the County with private volunteer services;~~

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~~(0) With available grant funding, and for only as long as such funding continues, establish and maintain an office to provide services for the handicapped, senior citizens and veterans;~~

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~~(0) Provide information and such other services as the Director deems appropriate for County residents seeking day care centers;~~

~~(0) Establish and maintain an Office of Youth Services to oversee Juvenile Detention Center Programming, Juveniles in need of supervision, grant writing, Family Youth Administration Coordination; and~~

~~(0) Provide such other social services as the Director, with the approval of the County Executive, deems appropriate to serve the needs of County residents.~~

**Within the Division Department shall be the Office Division of Aging, its head shall be the Executive Director under the direction and supervision of the Division Chief Division Chief, said office to have, exercise and discharge the functions, powers and duties of the Office of Aging as heretofore or hereafter provided by general law, ordinance or resolution. The Division shall serve as the Aging and Disability Resource Connection (ADRC) lead agency for the County, ensuring seniors, adults with disabilities an their caregivers have easy access to information and long term services and support. The Division shall:**

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- A. Coordinate all programs on aging regardless of funding source, and serve as the central source for information and referral for services and programs.
- B. Prepare an Area Plan on Aging, which shall include an analysis of the needs and existing service within the county and a comprehensive plan for the delivery of services to older adults, individuals with disabilities and their caregivers.
- C. Administer the annual allocation of Federal Older Americans Act and state funds from the New Jersey Division of Aging and Community Services for projects and services within the county.
- D. Monitor and evaluate projects funded under the Area Plan
- E. Serve as an advocate to increase the public's understanding of the aging population
- ~~P.F.~~ Advise local governments and the New Jersey Division of Aging Services of unmet needs, and recommend legislation to the State where appropriate.

**§5-80, Division of Mental Health and Addiction Services**

Within the Department, there shall be a Division of Mental Health and Addiction Services, the head of which shall be the Division Chief. The Division shall serve all Hudson County residents and their families who are dealing with mental health and/or substance use disorders. Under the direction of the Director, the Division shall:

- A. Oversee all programs focused on mental health and addiction services and serve as the central clearing house for information and referral on mental health, substance abuse education, early intervention, treatment and recovery support services;
- B. Prepare the Hudson County Comprehensive Alcoholism and Drug Abuse Plan which includes

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an analysis of needs and a strategy for addressing identified needs through delivery of alcohol and drug abuse services;

- C. Provide oversight of grants focused on assisting individuals seeking or working towards recovery from mental health and/or substance use disorders and other services designed to address behavioral health, addiction and recovery;
- D. Oversee and/or lead crisis response and intervention initiatives for the Department including Disaster Response Crisis Counselors Program and Crisis Intervention Team trainings on behalf of the Department;
- E. Oversee the Intoxicated Driver Resource Center (IDRC) a mandatory educational program from drivers who are convicted of Driving while Intoxicated (DWI)/Driving under the Influence (DUI) or Refusal of a Breathalyzer test;
- F. Monitor the delivery of mental health services within Hudson County in conjunction with the Division of Mental Health and Addiction Services (DMHAS) to identify barriers or gaps in services and opportunities to improve best practices and enhance service delivery;
- G. Conduct professional meetings including LACADA, PACADA, Mental Health Board, CASS, Outpatient Sub-Committee, Substance Use Task Force and Municipal Alliance meetings;

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**§5-81. Division of Children and Youth Services**

Within the Department, there shall be a Division of Children and Youth Services, the head of which shall be the Division Chief. The Division shall facilitate the development, coordination and expansion of County programs that help children and youth (0-21) to thrive within their homes, schools and communities. Under the direction of the Director the Division shall:

- A. Serve as a centralized clearinghouse for information on County initiatives and resources related to children and youth.
- B. Facilitate the coordination of service delivery to Hudson County's young people by administering and convening the Youth Services Commission and Children's Interagency Coordinating Council and overseeing the County Council on Juvenile Justice System Improvement program, in accordance with State regulations;
- C. Produce the Hudson County Youth Services Plan, comprised of a needs assessment and a strategy for the delivery of services for youth involved, or at risk of involvement, in the juvenile justice system;
- D. Administer and monitor the annual allocation of funds from the New Jersey Juvenile Justice Commission following the Youth Services Plan for programs and services;
- E. Apprise local Government and the State of New Jersey on the status and needs of Hudson County's children and youth;
- F. Develop, provide oversight and monitor programs that address immediate unmet needs of young people in Hudson County; and
- G. Conduct outreach and educational activities for the community on resources for children and youth and related topics

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**§ 5-8282. ~~Division Office of Public Health Services. (Amended 2-26-1998 by Ord. No. 545-10-1998)~~**

Within the Department there shall be an Division Office of Public Health, the head of which shall be the Division Chief/Office Administrator. The Division Office shall operate, manage and/or provide:

- A. ~~Such of the certified health services listed by the New Jersey Department of Health and Senior Services as may be authorized by ordinance or resolution, in compliance with The Local Health Service Act.~~
- A. N.J.S.A. 26:3A2-1, et seq.
- B. Provide Environmental Health Services and be responsible for implementing the County Environmental Health Act (CEHA) (N.J.A.C. 7:27-1 et seq.), which includes, but is not limited to (Air Pollution Control, Hazmat and CBRNE Emergency Response, Coordination with County OEM, Noise Pollution Control, Solid Waste Compliance, Water

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Pollution Control, Pesticides Compliance, Regulated Underground Storage Tank (UST) Compliance and Environmental Health Assessment and Improvement Plan) and as provided by law under the New Jersey Health Statutes, N.J.S.A. 26:9-31, and any subsequent amendments thereto.

~~B.~~ Conduct an environmental hazard assessment study, which shall include conducting and investigation and categorization of environmental health risks and related problems.

~~C.~~

~~D.~~ The County shall exercise and discharge the functions, powers and duties of a Mosquito Control Commission.

~~C.~~ Provide county-wide strategic leadership, central planning and coordination to respond to bioterrorism, infectious disease outbreaks, severe weather events and other public health threats and emergencies, which services may be provided via contract with a duly authorized governmental agency established for these purposes, or with another municipality or municipalities within the County. Provide under contract with one or more municipalities such health services as may be agreed, provided that any such contract shall be subject to the authorization and procedural requirements for County contracts generally.

~~E.~~

~~D.~~ Develop, recommend and provide plans and programs for the improvement of public health services within the County.

~~E.F.~~ Be responsible for enforcing the County Environmental Health Act.

~~F.~~ Operate the Hudson County Hudson County Chest Clinic, a regionally designated ambulatory clinic, which shall provide treatment, intervention, and detection services to Hudson County residents exposed to or affected with the communicable disease Tuberculosis, and which clinic shall adhere to standards set forth by the Center for Disease Control (CDC), New Jersey Department of Health and local health codes. Bacteriological Laboratory which shall charge the following fees for the specified tests performed by said laboratory:

~~G.~~ Private sector fees.

~~H.~~ Potable water for was analysis: \$15 per sample.

~~I.~~ Pool water for was analysis: \$20 per sample.

~~J.~~ Serology: \$5 per specimen.

~~K.~~ Public sector fees.

~~L.~~ Potable water for was analysis: \$9 per sample.

~~M.~~ Pool water for was analysis: \$14 per sample.

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~~(b) Serology: \$3 per specimen.~~

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~~Q.A. Conduct an environmental hazard assessment study, which shall include conducting and investigation and categorization of environmental health risks and related problems.~~

~~P.H. Provide Health Equity Services, which shall entail providing education, programming and resources designed to promote an equal opportunity for health and wellness among all Hudson County residents, and which activities shall focus on ensuring access to adequate nutritious food, reducing the burden of chronic disease among residents and other health related needs that arise~~County employee and local health services.

~~P. Establish and maintain a center for rehabilitation of persons convicted of driving while intoxicated or other persons with alcohol related syndromes.~~

~~§ 5-83. Division Office of Psychiatric Services~~Inclusion and Accessibility. ~~{Amended 2-26-1998 by Ord. No. 545-10-1998}~~

Within the Department there shall be an ~~an Division Office of Psychiatric Services~~Inclusion and Accessibility, the head of which shall be the ~~Division Chief~~Office Administrator. The ~~Division Office~~ shall operate, manage and/or provide:

- ~~A. Coordinate outpatient services available to County residents with local hospitals and private nonprofit psychiatric and psychological centers and family centers~~Services to support persons with disabilities living in Hudson County and their families.
- ~~B. Assist the Department of Corrections in providing inpatient and outpatient services for the Hudson County Correctional Center and the Juvenile Detention Center~~Provide oversight of local, state, and private funding for services that benefit individuals with disabilities and execute programs that will improve the overall health, safety, and well-being of residents with disabilities.
- ~~B. Meadowview Psychiatric Hospital which shall be subject to the administrative direction and supervision of a licensed Administrator who shall report to and be responsible to the Department Director.~~

~~§ 5-84. Office of Senior Citizen and Disabled Resident Transportation~~AssistanceServices. ~~{Added 3-12-2015 by Ord. No. 130-3-2015}~~

Within the Department there shall be an Office of ~~Senior Citizen and Disabled Resident~~ Transportation AssistanceServices, commonly known as "Transcend-Transportation Services Coordination for the Elderly and Disabled" under the direction and supervision of the Director.

- A. The Director may designate a program coordinator to oversee the day-to-day operation, and all other aspects of the Office of Senior Citizen and Disabled Resident Transportation Assistance.
- B. The Director or the program coordinator shall be responsible for all activities whatsoever relative to the County inclusion and participation in the New Jersey Grant Program entitled "Senior Citizen and Disabled Resident Transportation Assistance Program" and/or related state or federal programs as they may from time to time become available.
- C. Responsibilities of the Office include the scheduling of drivers and aides if appropriate, the plotting of routes and schedules, including pickup and drop-offs, and the acquisition

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and maintenance of appropriate vehicles, including scheduled maintenance and urgent

9. **Editor's Note:** Original Section 8.7, which immediately followed this section and dealt with the Division of Consumer Protection, was deleted 11-26-2002 by Ord. No. 581-11-2002. See now Art. VII, Department of Law, § 5-56.
10. **Editor's Note:** Pursuant to this ordinance, the section regarding the Office of Senior Citizen and Disabled Resident Transportation Assistance was reassigned from the Department of Roads and Public Property (Article XIII) to the Department of Health and Human Services (this Article XI).

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repairs, as some will be conducted within the Motor Pool as defined in this Code at Article XIII, Department of Roads and Public Property, under § 5-92.

**§5-84.1 Office of Specialized Health Services,**

Within the Department there shall be an Office of Specialize Health Services, the head of which shall be the Office administrator. The Office shall:

- A. Provide oversight for programs that serve Persons Living With HIV/AIDS (PLWHA).
- B. Establish comprehensive plans as required by the United States Health Resources and Services Administration (HRSA) and monitors the continuum of HIV/AIDS medical care and essential support services to improve the health outcomes of PLWHA in Hudson County and to reduce the transmission of HIV in local communities.

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ARTICLE XII

**Department of Family Services**

**[Added 11-26-2002 by Ord. No. 581-11-2002]**

**§ 5-85. Director.**

There shall be a Department of Family Services, the head of which shall be the Director. The Director of the Department shall make or cause to be made studies and surveys of the programs, activities and operations of the Family Services, and such related activities as from time to time directed by the County Executive. He/she/they shall prepare plans and proposals for the coordination and elimination of duplication and overlapping of services and for the improvement of the provision of family and related services and for the improvement of the provision of family and related services for the residents of the County. Such plans shall be submitted to the County Executive and to the Board, when appropriate, together with recommendations for appropriate action. The Department shall coordinate County programs of family services planning and shall act as liaison between Hudson County and various State of New Jersey and federal family service and related agencies as needed.

**§ 5-86. Duties.**

The Department of Family Services, under the direction of the Director, shall have, exercise and discharge all of the functions, powers and duties of:

- A. County Welfare Agency, the head of which shall be the Department Director as may be prescribed by state and federal law regulations.
- B. The Division of Workforce Development which, under the direction of the Director of the Office, shall provide services as may be from time to time articulated by the County Executive and pursue the goals of certain federal and/or state programs in the area of workforce readiness, training and development, and the Office of Workforce Development shall interact with the Office of Social Services within the Department of Housing and Community Reintegration in the servicing of Workfirst New Jersey clients. **[Amended 7-9-2020 by Ord. No. 452-7-2020]**

ARTICLE XIII

**Department of Roads and Public Property**

**[Added 7-14-2005 by Ord. No. 276-7-2005]**



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**§ 5-87. Director.**

There shall be a Department of Roads and Public Property, the head of which shall be the Director. The Director shall also supervise and be responsible for all divisions and offices within the Department.

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**§ 5-88. Divisions.** ~~Amended 1-28-2010 by Ord. No. 69-1-2010~~

The work of the Department shall be organized among and within three divisions designated as follows:

- A. Division of Building and Grounds.
- B. Division of Roads and Bridges.
- C. Division of Engineering.
- ~~C.~~D. Division of Central Services.

**§ 5-89. Division of Buildings and Grounds.**

Within the Department there shall be a Division of Buildings and Grounds. Under the direction and supervision of the Division Chief, the Division shall:

- A. Provide for the care, maintenance and repair of all County buildings, facilities and properties, other than roads and bridges.
- B. Develop and implement an equipment purchasing and leasing plan to maximize the availability of equipment for the lowest cost, including time-value of money consideration.
- C. Provide for the effective deployment of personnel within.
- D. Provide technical and mechanical services required by any department for the safe and efficient operation of heating, ventilation, air conditioning, plumbing and electrical systems of County buildings.
- E. Operate, maintain and repair public parking areas and facilities acquired by the County pursuant to law.
- F. Coordinate external maintenance contractors as are required pursuant to these duties.
- G. Be responsible for the safe and efficient operation of a County power plant.
- H. Provide custodial, janitorial and recycling services for County facilities.
- I. Maintain and operate the Meadowview Wastewater Treatment Plant.

**§ 5-90. Division of Roads and Bridges.**

Within the Department of Public Resources there shall be a Division of Roads and Bridges. Under the direction and supervision of the Division Chief, the Division shall:

- A. Maintain, repair, construct and reconstruct County bridges;
- B. Maintain County roads in a clean and safe condition for passage, properly lighted as authorized pursuant to law, free of obstructions and hazards and remove leaves, snow, ice and debris therefrom as required;
- C. Have, exercise and discharge the functions, powers and duties environmental facilities and the former Mosquito Extermination Commission;

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- D. Coordinate execution and performance of County contracts with outside contractors to the extent they affect County roads; and
- E. Administer and oversee joint bridges pursuant to N.J.S.A. 27:19-12 et seq.

**§ 5-91. Division of Engineering. ~~Added 1-28-2010 by Ord. No. 69-1-2010~~**

Within the Department there shall be the Division of Engineering, the head of which shall be the Division Chief. The Division Chief shall supervise the office. Within the Division there shall be a County Engineer who shall be qualified by training and experience to perform the duties of his/her position. Under the direction and supervision of the Director, the Division shall:

- A. Render professional engineering services, advice and assistance to the Department and such other departments, divisions, bureaus, offices, boards and commissions as the County Executive shall designate;
- B. Maintain County maps, charts, engineering data and records as may be required for the proper and efficient administration of County projects and property;
- C. Perform such surveys, field inspections and such other actions as may be necessary or desirable for County projects;
- D. Provide planning and development services as may be required by the County Executive;
- E. Assist the County Planning Board;
- F. Inspect the work performed under County contracts and certify for payment work which is approved as in compliance with the contract when required;
- G. Make studies and recommendations relating to transportation and vehicular traffic within the County;
- H. Provide technical assistance and advice as may be required in connection with bridges operated by the County or jointly with one or more counties pursuant to N.J.S.A. 27:19-12 et seq.;
- I. Design and provide the engineering for the installation, maintenance and repair of road signs, traffic signs, signals and markers as authorized pursuant to law;
- J. Perform management analyses, including but not limited to:
  - (1) Conducting continuous study, evaluation and review of all County administrative offices;
  - (2) Making recommendations to improve the performance, efficiency and economy in County government; and
  - (3) Studying and making recommendations on the future program needs of the County;
- K. Coordinate programs with the Office of Policy and Program Development within the Office of the County Executive;

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- L. Provide staff services to the County Construction Board of Appeals; and
- M. Develop a County-wide transportation plan to be submitted to the County Executive.

**§ 5-92. Motor Pool.**

There shall be within the Division of Roads and Bridges a Motor Pool. Under the direction and supervision of the Division Chief, Motor Pool shall:

- A. Provide for the maintenance and repair of all County-owned motor vehicles and motorized equipment;
- B. Provide for the storage, servicing and control of the use of all County-owned vehicles and motorized equipment, the scheduling of preventive maintenance thereon, the supplying and control of vehicles, equipment parts inventories, labor, materials, fuel and lubricants and pursue manufacturers' and dealers' guarantees and warranties on vehicles and equipment; and
- C. Operate such facilities for garage and motor vehicle services for the County and such municipalities as may be contracted for pursuant to law.

**§ 5-93. Office of Traffic Signals and Signs.**

There shall be within the Division of Roads and Bridges an Office of Traffic Signals and Signs. Under the direction and supervision of the Division Chief, the Office of Traffic Signals and Signs shall:

- A. Maintain, repair and operate all traffic signals under the jurisdiction of the County.
- B. Install, maintain, repair and operate all traffic signs under the jurisdiction of the County.
- C. Assist the County Engineer with projects related to the above.
- D. Supervise such personnel as may be hired to perform traffic control functions.<sup>11</sup>

**§ 5-94. Office of Emergency Management. ~~Amended 2-26-1998 by Ord. No. 545-10-98; 3-12-2015 by Ord. No. 130-3-2015~~**

Within the Department there shall be an Office of Emergency Management, the head of which shall be the Emergency Management Coordinator. Under the direction of the Director, the office shall:

- A. Have, exercise and discharge the functions, powers and duties prescribed for a division of civil defense and disaster control pursuant to law; and
- B. Serve as the Right-to-Know Coordinator.

<sup>11</sup> Editor's Note: Section 10-7, Office of Senior Citizen and Disabled Resident Transportation Assistance, added 1-10-2008 by Ord. No. 20-1-2008, which previously immediately followed this subsection, was reassigned to the Department of Health and Human Services, pursuant to Ord. No. 130-3-2015 adopted 3-12-2015. See now Article XI, Department of Health and Human Services, § 5-84.

~~§ 5-95. Fire Marshal.<sup>13</sup>~~

~~Within the Office of Emergency Management in this Department there shall be a County Fire Marshal, who shall act in an advisory capacity to all of the fire companies within the County, conduct investigations pertaining to the elimination of fire hazards, and make recommendations in reference thereto. He/she shall also to the extent not inconsistent with state law:~~

- ~~A. Regulate the use, storage and disposal of flammable or combustible materials;~~
- ~~A. Provide for the protection of life and property from danger of fires and explosions;~~
- ~~A. Provide for inspection of fire hazards in buildings, discharge, wharves, warehouses and other places;~~
- ~~A. Take action for removal or destruction of any building or other structure which is, or is likely to become, a fire hazard, but only on written notice to the owner or person in control of said premises and pursuant to the requirements of N.J.S.A. 40A:14-4;<sup>14</sup>~~
- ~~A. Inspect County facilities; and~~
- ~~A. Establish, where desired, additional periodic inspections, permits, and/or fees beyond those specified in the Fire Code pursuant to N.J.A.C. 5:18A-2.4.<sup>14</sup>~~

~~§ 5-95~~ **Division of Central Services.**

~~The head of the Division of Central Services shall be the Division Chief. The Division, subject to the direction and supervision of the Director, shall:~~

- ~~A. Provide a central pool for providing typists, stenographers and other clerical help to designated departments as the need arises;~~
- ~~B. Provide an internal central mail and document delivery service;~~
- ~~C. Provide for the printing and duplication of forms, reports and other services as the several departments of government may require;~~
- ~~D. Provide telephone and telephone operator services;~~
- ~~E. Provide for the gathering, security, recording and retention of such documents as are required by law to be maintained;~~
- ~~F. Provide such office supplies as are required by the departments, divisions and offices;~~
- ~~G. Implement and maintain a program for conversion of all County records to an electronic storage system; and~~
- ~~H. Be responsible for central record storage.~~

ARTICLE XIV

**Department of Housing and Community Reintegration**

~~[Added 7-9-2020 by Ord. No. 452-7-2020<sup>15</sup>]~~

**§ 5-96. Director.**

There shall be a Department of Housing and Community Reintegration, the head of which shall be the Director. The Director of the Department shall make or cause to be made studies and surveys of current programs and the development of new programs to address community needs relative to affordable housing; caring for and housing of individuals experiencing homelessness; addressing the housing, training and treatment needs of the prison population, while incarcerated and upon release; and the housing, education and training of individuals experiencing homelessness or for those at-risk populations for homelessness. The Department shall also be responsible for the planning, administration and oversight of grants from the United States Department of Housing and Urban Development ("HUD"), State of New Jersey and County funded programs.

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12. Editor's Note: This section was reassigned from Art. V, Office of County Administrator, along with the above section, Office of Emergency Management, pursuant to Ord. No. 130-3-2015 adopted 3-12-2015.
  13. Editor's Note: Said statutory provision was repealed by L.1999, c. 351, § 3, effective 1-14-2000.
  14. Editor's Note: Title 5, Chapter 18A, Fire Code Enforcement, was recodified as N.J.A.C. 5:71, effective 7-1-1998.
  15. Editor's Note: This ordinance also provided for renumbering of subsequent articles and related sections in this chapter. A complete copy of said ordinance is on file in the County offices.

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**§ 5-97. Divisions and offices.**

The work of the Department shall be organized and among divisions and offices designated as follows:

- A. Division of Housing and Community Development.
- B. Division of Community Reintegration.
- C. Office of Social Services.

**§ 5-98. Division of Housing and Community Development.**

Within the Department there shall be a Division of Housing and Community Development, the head of which shall be the Division Chief. Under the direction of the Director, the Division shall:

- A. Oversee the HUD Community Development Block Grant Program.
- B. Oversee the HUD Home Investment Partnership Program.
- C. Oversee the HUD Emergency Solutions Grant Program.
- D. Oversee the HUD Lead Hazard Reduction Demonstration Program.
- E. Oversee such other state funds received or County funds dedicated to develop community-based needs programs or programs relative to developing affordable housing or housing for individuals experiencing homelessness or those at risk at becoming homeless.
- F. Head the Hudson County Alliance to End Homelessness.
- G. Oversee Continuum of Care ("CoC") activities and funding.
- H. Serve as manager of Comprehensive Emergency Assistance System of Social Services for the Homeless funds.
- I. Serve as the lead agency and collaborative applicant for CoC funding from HUD.
- J. Administer the Hudson County Homelessness Trust Fund.
- K. Oversee the Social Service for the Homeless program in providing assistance to non-welfare-eligible individuals and families, either experiencing homelessness or at risk of experiencing homelessness.
- L. Oversee current programs and grants and interact with the community to expand and/or implement new programs to provide affordable housing and community development.
- M. Collaborate with the Division of Community Reintegration to provide oversight of the County Winter Warming Center.
- N. Collaborate with the Division of Community Reintegration and the Office of Social Services to ensure that all Department programs and efforts are maximized in order to meet the needs of the community.



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**§ 5-99. Division of Community Reintegration.**

Within the Department there shall be a Division of Community Reintegration, the head of which shall be the Division Chief. Under the direction and supervision of the Director, the Division shall:

- A. Oversee and interact with the County Department of Corrections and Rehabilitation regarding programs relative to the reintegration of inmates into the community.
- B. Oversee current programs and interact with community providers to develop programs that allow for the orderly transition and integration of inmates of the County correctional facility into the community.
- C. Oversee the residential substance abuse program at the County correctional facility and maintenance of its certification by the New Jersey Division of Mental Health and Addiction Services.
- D. Oversee the Medical Assistance Treatment ("MAT") Program.
- E. Oversee all MAT grants and any applications for additional MAT grants as well as assisting in the development of data relative to grants and grant applications.
- F. Oversee the New Jersey Department of Labor certified One-Stop Center operated in North Hudson.
- G. Oversee the operation of offices that assist inmates and former inmates receive Medicaid and other public assistance both at the County correctional facility and throughout the County.
- H. Oversee the training and educational programs provided to inmates at the County correctional center.
- I. Oversee transitional housing programs and facilities for released inmates.
- J. Ensure that inmates receive eligible benefits and housing upon release from the County correctional facility.
- K. Coordinate in collaboration with the Hudson County One-Stop access to vendors for formerly incarcerated inmates in the areas of training and job search.
- L. Collaborate with the Division of Housing to provide oversight to the County Winter Warming Center.
- M. Develop additional rehabilitative programs to serve the inmate/detainee population at the correctional center.
- N. Collaborate with the Division of Housing and Community Development and the Office of Social Services to ensure that all Department programs and efforts are maximized in order to meet the needs of the community.

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**§ 5-100. Office of Social Services.**

Within the Department there shall be an Office of Social Services, the head of which shall be the Office Head. Under the direction and supervision of the Director, the Office shall:

- A. Serve as liaison between the Department and the Department of Family Services in connection with providing for Emergency Assistance ("EA") to individuals eligible for General Assistance and Temporary Assistance for Needy Families ("TANF").
- B. Process applications for temporary rental assistance benefits, such as back rent, security deposits and shelter placements.
- C. Provide ongoing case management services to those individuals receiving EA benefits and assisting those individuals in qualifying for additional benefits and linking them to programs that will assist them in achieving prolonged stability.
- D. Assist individuals with addiction and/or mental health issues in ensuring that appropriate clinical care is provided working through the New Jersey State Substance Abuse Initiative
- E. Oversee the aspects of the County Workfirst New Jersey Program ("WFNJ") that assist those individuals receiving General Assistance TANF and Supplemental Nutritional Assistance Program ("SNAP") benefits who have been historically noncompliant with WFNJ requirements.
- F. Serve as the initial and single point of contact for individuals seeking eviction prevention assistance.
- G. Assist the Division of Housing and Community Development and the Division of Community Reintegration.
- H. Collaborate with the Division of Housing and Community Development and Division of Community Integration to ensure that all Department programs and efforts are maximized in order to meet the needs of the community.

ARTICLE XV

**Education**

**§ 5-101. Status of schools.**

There shall be a County educational system which shall be composed of Hudson County Community College and Hudson County Schools of Technology. The Hudson County Community College and the Hudson County Schools of Technology are not to be part of any other agency of the County of Hudson but, as to their dealings with the County Executive and the Board, shall be deemed to have equal status with departments and to be governed in the manner prescribed by law.

**§ 5-102. Hudson County Community College.**

- A. The Hudson County Community College shall be managed and controlled by a Board of Trustees as required by N.J.S.A. 18A:64A-8 and licensure granted by the State

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Board of Higher Education pursuant thereto. The Hudson County Community College shall exist as a distinct and separate corporate entity with all rights, title and interest in said entity being preserved and continued. All assets of the Hudson County Community College shall continue in said corporate entity. The Board of Trustees shall be the governing board of such corporation.

- B. The Board of Trustees shall have all the powers, duties and responsibilities provided by law. They shall be appointed and serve pursuant to law, and shall be responsible to operate the Hudson County Community College pursuant to law. All members of the Board of Trustees of the Hudson County Community College on the effective date of this amendment shall continue to serve until their respective successors are duly appointed and qualified, pursuant to law.

**§ 5-103. Hudson County Schools of Technology.**

- A. The Hudson County Schools of Technology shall be managed and controlled by a Board of Education, which shall be a body corporate and shall be known as the "Board of Education of the Vocational School in the County of Hudson." The Board of Education shall have and perform all functions, powers and duties and shall comply with all the requirements of N.J.S.A. 18A:54-16 et seq.
- B. The Board of Education of the Hudson County Schools of Technology shall consist of seven persons to be appointed by the County Executive with the advice and consent of the Board of County Commissioners pursuant to N.J.S.A. 18A:54-16, as amended.
- C. The Board of Education of the Hudson County Schools of Technology shall manage and operate the Vocational School in strict compliance with N.J.S.A. 18A:54-16 et seq. All members of the Board of Education of the Vocational School on the effective date of this amendment shall continue to serve until their successors are duly appointed and qualified, pursuant to law, at which time their terms of office shall cease and terminate.

**§ 5-104. Boards of School Estimate.**

There shall be a Board of School Estimate for the Hudson County Community College and a Board of School Estimate for the Hudson County Schools of Technology to be appointed, serve and perform the duties as prescribed by law.

ARTICLE XVI

**Nondepartmental Agencies**

**§ 5-105. Allocation of certain offices and agencies.**

The following offices and agencies are continued but not allocated among or within departments other than for administrative purposes:

- A. The County Improvement Authority;
- B. The County Board of Elections;

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- C. The County Board of Taxation;
- D. The Pension Fund Commission;
- E. Register of Deeds and Mortgages;
- F. The County Mental Health Board;
- G. Constitutional officers as hereinafter provided;
- H. Officers within the judicial system as hereinafter provided;
- I. Joint Bridge Committee;
- J. Insurance Fund Commission;
- K. Overall Economic Development Program Committee;
- L. County Planning Board; and
- M. County Construction Board of Appeals.

**§ 5-106. Controls.**

To the extent that the offices and agencies listed in § 5-105 are supported by County appropriations, they shall be subject to all budgetary requirements, financial controls, personnel management and purchasing provisions of the code.

**§ 5-107. Insurance Fund Commission. ~~Amended 11-24-2009 by Ord. No. 496-11-2009~~**

Establishment of Insurance Fund Commission under N.J.S.A. 40A:10-6 and establishment of a Workers' Compensation Insurance Fund under N.J.S.A. 40A:10-13.

- A. Commissioners; appointment; term of office. There is hereby established pursuant to N.J.S.A. 40A:10-6 et seq. in the County of Hudson an Insurance Fund Commission comprised of three Commissioners, appointed by the County Executive with the advice and consent of the Board of County Commissioners, who shall be officials of the County, and shall serve for two years or for the remainder of their term of office, whichever shall be less, and until their successors shall have been duly appointed and qualified. The Commissioners shall serve without compensation. The Insurance Fund Commission shall administer an Insurance Fund pursuant to N.J.S.A. 40A:10-6 et seq. and a Workers' Compensation Insurance Fund under N.J.S.A. 40A:10-13 et seq.
- B. Secretary to the Insurance Fund Commission; appointment; term of office. Pursuant to N.J.S.A. 40A:10-8 et seq., the Secretary to the Insurance Fund Commission shall be appointed by the County Executive with the advice and consent of the Board of County Commissioners. The Secretary shall serve at the pleasure of the Commission at a salary set by ordinance or resolution, as appropriate, as authorized by the Board of County Commissioners.
- C. Powers and authority of Commissioners.

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- (1) Pursuant to N.J.S.A. 40A:10-10 and N.J.S.A. 40A:10-13, the Commissioners shall have the following powers and authority:
    - (a) Employ necessary clerical assistants, whose compensation shall be fixed and paid in the same manner as is that of other employees of the County within the confines of the Insurance Fund Commission's budget allocation set by the governing body.
    - (b) Invest the fund and all additions and accretions thereto in such securities as they shall deem best suited for the purposes of this article.
    - (c) Adopt rules and regulations for the control and investment of the fund.
    - (d) Keep on hand at all times sufficient money, or have the same invested in such securities as can be immediately sold for cash, for payment of losses to any building or property of the local unit, or liability resulting from the operation of publicly owned motor vehicles, equipment or apparatus, or liability for the County's negligence and that of its officers, employees and servants, whether or not compensated or part-time, who are authorized to perform any act or services, but not including an "independent contractor" as the term is defined within the limitations of the New Jersey Tort Claims Act (N.J.S.A. 59:1-1 et seq.).
    - (e) Fix reasonable rates of premium for all insurance carried by the Insurance Fund, and shall effect all insurance in the Insurance Fund or with any insurance company or companies authorized to do business in this state.
    - (f) Administer a Workers' Compensation Insurance Fund established by this section pursuant to the provisions of N.J.S.A. 40A:10-13 et seq. for the purpose of paying obligations of the County under the provision of N.J.S.A. 34:15-1 et seq.
  - (2) Premiums for insurance, whether carried in the Insurance Fund or placed with insurance companies, shall be paid to the Commissioners by the board, commission, department, committee or officer having charge or control of the property insured.
  - (3) All insurance upon property owned or controlled by the County, or any of its departments, boards, agencies or commissions, shall be placed and effected by the Commission.
  - (4) The Secretary to the Insurance Fund Commission shall be entrusted with the daily operation of the Insurance Fund and shall submit a report to the Commissioners at least once a month.
- D. Vacancies in Commissioners or Secretary. Vacancies in the office of the Insurance Fund Commissioners caused by any reason other than expiration of term as an official shall be filled for the unexpired term. Vacancies in the position of Secretary shall be filled in the manner of the original appointment.

**§ 5-108. Committee on Overall Economic Development Program.**

There shall be a Committee on Overall Economic Development Program (hereinafter "Committee"). The members of the Committee shall be from 15 to 18 in number whose qualifications and membership shall be in conformity with those standards established by the United States Economic Development Administration (hereinafter "USED A") with respect to minority, business and community representation. See Res: 152-3-2003.

- A. Committee members shall be appointed by the County Executive with the advice and consent of the Board of County Commissioners for terms of three years, however, the initial appointment shall be made as follows:
- (1) One-third of the members appointed shall have terms expiring on April 1, 2006.
  - (2) One-third of the members appointed shall have terms expiring on April 1, 2007.
  - (3) One-third of the members appointed shall have terms expiring on April 1, 2008.
- B. The Committee shall elect a Chairperson and promulgate rules and regulation by which it shall be governed. All rules and regulations shall be consistent with the laws of the State of New Jersey and of the United States. The membership of the Committee shall include the County Executive, or his/her designee and a member of the Board of County Commissioners, appointed by the Chairperson of the Board.
- C. Powers and duties: The Committee shall:
- (1) Ensure and take all permitted and necessary action to maintain the County of Hudson's designation as a redevelopment area.
  - (2) Formulate an Overall Economic Development Program (hereinafter OEDP) in conformance with all applicable federal guidelines.
  - (3) Take all necessary and appropriate action to secure and maintain USED A approval of the OEDP.
  - (4) Serve as the principal coordinator of the various activities undertaken locally in order to stimulate new private and public investment and to provide and promote permanent employment and growth opportunities in the County.
  - (5) Compile a development strategy which shall be comprehensive and consist of an organized plan and which shall identify and prioritize those projects which may be implemented in single or multiyear time frames.
  - (6) Author and provide to the USED A, the Board of County Commissioners and the County Executive an annual OEDP report and Program Projection on January 1 of each year or on such other date which may be required by the USED A regulations.
    - (a) This document shall included, but not be limited to the following areas:
      - [1] Organization of Committee.
      - [2] Committee rules and regulations.
      - [3] Previous year's activities.

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- [4] Significant changes in the County's economic environment.
  - [5] Changes in the resources available to accomplish stated goals.
  - [6] Problems or potential problems which must be addressed.
  - [7] Projected plans and strategy for the short- , mid- and long-range future.
- (b) The document shall be produced and provided to any entity as may be required by any applicable governmental regulation which is now in existence or which may be adopted.
- (7) Undertake studies and/or actions of whatever nature which may be necessary to ensure the success of the County's OEDP.
  - (8) Make appropriate application to secure any available funding from any appropriate source which may be used to achieve the goals of the Committee.

**§ 5-109. County Construction Board of Appeals.**

There shall be a County Construction Board of Appeals which shall exist and be comprised of members as mandated under N.J.S.A. 52:27D-127. Said Board shall have, exercise and discharge the functions, power and duties provided by state law.

**§ 5-110. County Planning Board.**

There shall be a County Planning Board, which shall consist of one member of the Board, the County Engineer, and seven citizen members to be appointed by the County Executive with the advice and consent of the Board to serve for the terms prescribed by state law. Within the limits of available appropriations, the Board shall:

- A. Have, exercise and discharge the functions, powers and duties of a County Planning Board as provided by state law.
- B. Engage in long-range planning related to the development and conservation of lands and resources within the County, including but not limited to population studies, health, educational, welfare, cultural, environmental, drainage, protective, traffic and transportation facilities and services and plans thereto.
- C. Review subdivision plans and site plans pursuant to state law.
- D. Coordinate local and regional planning activities.
- E. Assist the County Executive in the preparation of the capital budget and capital program.
- F. Assist municipal planning agencies upon request.

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**§ 5-111. County Board of Taxation.**

There shall be a County Board of Taxation to hear and determine appeals from assessments by Municipal Tax Assessors and such other appeals as are provided by law.

ARTICLE XVII

**County Ethics Board**

~~{Added 11-26-2002 by Ord. No. 580-11-2002}~~

**§ 5-112. Establishment; membership; terms of office; compensation.**

There is hereby established pursuant to N.J.S.A. 40A:9-22.13 et seq. in the County of Hudson, a County Board of Ethics comprised of six Board members, appointed by the County Executive with the advice and consent of the Board of County Commissioners, six of whom shall be residents of the County and at least two of whom shall be public officials of the County, and shall serve for five years. There can be no more than one appointed member from a particular municipality. The members shall be chosen by virtue of their known and consistent reputation for integrity and their knowledge of local government affairs. Only three of the members may be of the same political party. The members shall annually elect a ~~Chairman~~Chairperson from among the membership. Of the members initially appointed, the two public members shall serve five years, one member shall serve four years and the remaining members shall serve three years. Each member shall serve until his/her successor has been appointed and qualified. Any vacancy occurring in the membership of the Board shall be filled in the same manner as the original appointment for the unexpired term. Board members shall serve without compensation but shall be reimbursed by the County for necessary expenses incurred in performance of their duties.

**§ 5-113. Office space.**

The Commissioner Board shall supply the Ethics Board with office space to conduct its business and to store its records and shall supply any equipment and supplies that are necessary. All necessary expenses incurred by the Board shall be reimbursed upon certification by the ~~Chairman~~Chairperson of the Commissioner Board and by the County Treasurer within the limits of the funds appropriated by the Commissioner Board by annual or emergency appropriation.

**§ 5-114. Employees and staff.**

The Board may appoint employees, including independent counsel and clerical staff, as necessary to carry out the Board's actions.

**§ 5-115. Establishment of Code of Ethics.**

After 90 days from the establishment of the Ethics Board, the Board shall promulgate by resolution a County Ethics Code for all County officers and employees. The code shall include all County officers and employees serving a County independent authority. Within 15 days after the code is issued a notice setting forth a public hearing date will be published in



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at least one newspaper within the County and shall be provided to the County Clerk and to heads of County agencies. The Board will then hold a public hearing on the code not less than 30 days of its adoption by the Board. The code shall take effect for all County officials and employees serving the County 60 days after it is adopted by the Board. The Board shall forward a copy of the adopted code to the County Clerk who shall make copies of the code available to all County officials and County employees.

**§ 5-116. Powers of County Ethics Board.**

The Ethics Board shall have the following powers:

- A. Initiate, receive, hear review complaints and hold hearings with regard to possible violations by County officers or employees of the County Ethics Code or financial disclosure requirements.
- B. Issue subpoenas for the production of documents and the attendance of witnesses with respect to its investigation of any complaint or to the holding of a hearing.
- C. Forward to the County Prosecutor or the Attorney General or other governmental body any information concerning violations of the code or financial disclosure requirements by County officers or employees which may become the subject of criminal prosecution or which may warrant the institution of other legal proceedings by the Attorney General.
- D. Enforce the provisions of the code and financial disclosure requirements with regard to County officers or employees serving the County and impose penalties for the violation thereof.
- E. Adopt rules and regulations and do other things as are necessary to implement the purpose of this Board.

**§ 5-117. Advisory opinions.**

The Board may issue an advisory opinion to a County officer or employee that requests it regarding any proposed activity or conduct by that officer or employee that would constitute a violation of the code or financial disclosure requirements. Advisory opinions shall not be made except when a vote of 2/3 of all its members direct that the opinion be made public. The name of the local government officer or employee shall likewise not be disclosed unless the Ethics Board in directing that the opinion be made public so determines.

**§ 5-118. Complaints.**

Upon receipt of a written complaint, acknowledge of the receipt will be within 30 days and initiate an investigation concerning facts and circumstances in the complaint. A determination shall be made as to whether the complaint is within jurisdiction or frivolous or without any reasonable factual basis. If the Ethics Board determines the complaint is without factual basis, it shall reduce that conclusion to writing and transmit a copy to the complainant and employee against whom the complaint is filed. Otherwise, it shall notify the government officer or employee against whom the complaint was filed of the nature of the complaint and

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facts and circumstances. The officer or employee has the opportunity to present the Ethics Board with any statement or information. A hearing will be conducted concerning the possible violation and a decision can be rendered as to whether such conduct was in conflict with the County Board of Ethics. This decision shall be made by no less than 2/3 of all the members of the Ethics Board. If the Board determines that a violation occurred, it may impose any penalties it deems appropriate. A final decision of the Ethics Board may be appealed within 30 days of the decision to the Local Finance Board of the New Jersey Department of Community Affairs.

ARTICLE XVIII  
**Constitutional Officers**

**§ 5-119. Enumeration of constitutional officers.**

The constitutional officers are the County Clerk, Register, Sheriff, Surrogate and County Prosecutor. In accordance with the Charter, the code is not intended to change the powers or duties of these officers, unless specifically authorized herein.

**§ 5-120. Department heads.**

The officers, employees, property and activities under the jurisdiction of each of the constitutional officers, as provided by law, shall respectively constitute a department with the constitutional officer as its head.

**§ 5-121. Direction and supervision.**

Each of the constitutional officers shall be subject to such direction and supervision with respect to programs, functions, powers and duties as may be otherwise provided by law and shall be subject to the requirements of the Charter and code as to budgetary matters, financial controls, personnel management and purchasing.

**§ 5-122. Additional duties of Sheriff's office.**

- A. Pursuant to N.J.S.A. 40A:9-117.6, and any and all applicable laws, the Sheriff shall be responsible for:
- (1) Providing security services for all County buildings and facilities, whether same are leased or owned by the County.
  - (2) Provide police services in those County parks designated by the County Executive, pursuant to his/her executive order.
  - (3) Have, exercise and discharge the functions, powers and duties of a County Superintendent of Weights and Measures as heretofore or hereafter authorized by general law, ordinance or resolution and exercise such other functions to protect consumers as the Board shall authorize by ordinance or resolution.

~~(4) Act a liaison between the County and the State Medical Examiner.~~

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~~(5)(4)~~ Operate and supervise the County's 911 program.

- B. In furtherance of the aforesaid, the Sheriff and any and all officers under his/her command are hereby duly authorized to enforce the ordinances, resolutions or executive orders of this County.

**§ 5-123. Vital statistics.**

The County Clerk shall also have all the duties and powers of a Board of Vital Statistics.

ARTICLE XIX  
**Judicial Functions**

**§ 5-124. Nonapplicability of Administrative Code.**

The Courts, Surrogate, Probation Officers and Jury Commissioners, being subject to the rule-making power of the Supreme Court and the administrative direction and supervision of the Chief Justice, are not intended to be subject to administrative direction or supervision within the chain of command established by the code.

**§ 5-125. Liaison officer.**

The County Counsel is hereby designated as the liaison officer of County government with the judicial system and the Assignment Judge.

ARTICLE XX  
**Adoption of Ordinances and Resolutions**

**§ 5-126. Resolutions.**

- A. Resolutions proposed by the executive branch shall be drafted and approved as to form and legality by the Department of Law. Resolutions proposed by the Commissioners shall be drafted and approved as to form and legality by the Counsel to the Board. Resolutions may be introduced by any member of the Board or proposed by the County Executive at any meeting, in the proper order of business. Each resolution shall thereupon be read in full by the Clerk, unless a copy thereof has been posted in a prominent place, reserved for such purpose or similar purpose, in the Administration Annex Building, at least 24 hours prior to the meeting and no member requests said reading, in which case it may be read by title.
- B. A consent agenda is hereby implemented and may be utilized by the Board on all resolutions unanimously acted upon by the Board at the preceding caucus.

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**§ 5-127. Ordinances.**

- A. Ordinances proposed by the executive branch shall be drafted and approved as to form and legality by the Department of Law. Ordinances proposed by the Commissioners shall be drafted and approved as to form and legality by the Counsel to the Board.
- B. An ordinance may be introduced by any member of the Board. The County Executive may propose to the Board any ordinance consistent with § 5-28. Ordinances shall be adopted strictly in accordance with the procedure set forth in N.J.S.A. 40:41A-101.
- C. Upon passage, every ordinance or its title, together with a notice of the date of passage or approval, or both, shall be published and distributed in the manner provided by the Charter.
- D. Upon passage of each ordinance, the Clerk of the Board shall promptly deliver it to the County Executive. If he/she approves, he/she shall sign and return it to the Clerk. If he/she disapproves, he/she shall return it to the Clerk within 10 days after its passage, together with a statement of the reasons for disapproval. If he/she does not sign the ordinance within 10 days from the date of its passage or does not return it with a veto message within said period, the ordinance shall not take effect and shall be considered vetoed.

**§ 5-128. Passage of ordinance over veto.**

The Board may reconsider any ordinance vetoed by the County Executive, pursuant to the Charter. If 2/3 of the full membership of the Board, upon reconsideration of the measure, shall vote for it, the Executive's veto shall be overridden, and the ordinance shall become law without the Executive's signature in accordance with the provisions of law.

**§ 5-129. Effective date of ordinances.**

No ordinance shall take effect less than 20 days after its final passage by the Board and approval by the County Executive, unless the Board shall adopt a resolution declaring an emergency and at least 2/3 of all members of the Board vote in favor of such resolution.

**§ 5-130. Recording of ordinances and resolutions in minutes.**

The Clerk of the Board shall maintain minutes of all meetings of the Board and shall record all ordinances and resolutions of the Board and make distribution of same as required by law.

ARTICLE XXI

**Budget and Fiscal Procedures**

**§ 5-131. Fiscal year.**

The fiscal year of the County shall begin on the first day of January and end on the 31st day of December in each year except as may otherwise be provided by law.

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**§ 5-132. Budget preparation.**

- A. The County Budget shall be prepared by the County Executive. On or before September 1, the County Executive shall establish the schedules and procedures to be followed by all County departments, offices and agencies for purposes of submitting budget requests for the next ensuing budget year.
- B. The County Executive shall, where practicable, provide for the establishment and operation of a system of work programs and quarterly allotments for operation of the budget. It shall be the duty of the County Executive to develop and report appropriate unit costs of budgeted expenditures.
- C. The budget requests submitted to the County Executive shall include a work program for the year showing all requested appropriations broken down into monthly or quarterly allotments, as may be required. The County Executive shall review requested allotments in light of the work program of the department, office or agency concerned and, if he/she deems it necessary, may revise, alter or change them before the same are submitted to the Board. The aggregate of such allotments shall not exceed the total appropriation available to each department, office or agency for the fiscal year.

**§ 5-133. The budget document.**

- A. On or before January 15, the County Executive, after such review, analysis and hearing as he/she deems necessary, shall submit to the Board a budget document consisting of the proposed County budget and a budget message.
- B. The budget shall be in such form as will comply with the Local Budget Law (N.J.S.A. 40A:4-1 et seq.), together with such additional schedules and analyses as the County Executive deems desirable or as may be requested by the Board. In addition to a current operating section, it shall include a capital section, including such capital projects and outlays as may be selected from the capital program, unless the County shall elect or be required to adopt a separate capital budget.
- C. The budget message shall explain the budget in terms of both fiscal proposals and work to be done. It shall outline the proposed financial policies of the County for the ensuing fiscal year, describe the important features of the budget plan and indicate its major objectives. It shall indicate any major changes in financial policies and in expenditures, appropriations and revenues as compared with the preceding fiscal year and shall set forth reasons for the changes.

**§ 5-134. Capital program.**

- A. The County Executive shall annually prepare a capital program to consist of a capital improvement program of proposed and projected capital undertakings by the County during the ensuing six years.
- B. The capital program shall be in such form and content as may be required pursuant to law and, without limitation thereto, shall include:
  - (1) A clear summary of its contents.

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- (2) A list of all capital improvements which are proposed to be undertaken during the six fiscal years next ensuing with appropriate supporting information as to the necessity for such improvements.
- (3) Cost estimates, method of financing and recommended priorities and time schedule for each such improvement.
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

**§ 5-135. Board action.**

The Board shall consider and act upon the County Executive's recommended budget in accordance with the requirements of the Local Budget Law.

**§ 5-136. Budget operation.**

Budget appropriations shall be controlled by an encumbrance system which shall be prescribed by the County Executive. No payment shall be authorized or made and no obligation shall be incurred against the County except in accordance with appropriations duly made. No obligation shall be incurred against any allotment or appropriation unless the Director of the Department of Finance and Administration or his/her designee first certifies that there is a sufficient unencumbered balance in the allotment or appropriation and that sufficient funds therefrom will be available to meet the obligation as it becomes due and payable.

**§ 5-137. Vouchers and certification.**

No bill, demand or claim shall be paid unless it contains a detailed statement of the items or demand, specifying particularly how the bill or demand is made up and a certification of the party claiming payment that it is correct; nor shall any bill, claim or demand be paid unless the voucher on which it is presented carries a certification of the head of the department, office or agency, or of his/her duly designated representative, that the goods have been received by, or the services rendered to, the County.

**§ 5-138. Approval of claims; disbursement.**

- A. All bills, claims and demands against the County shall be deemed approved or disapproved for the purposes of N.J.S.A. 40A:5-17 in accordance with the action of the Director of the Department of Finance and Administration. A voucher on a form prescribed by the Director of the Department of Finance and Administration and approved by the County Executive shall be presented for each bill, claim or demand and shall be paid only upon the audit, warrant and approval of the Director of the Department of Finance and Administration.
- B. Disbursement shall be made by a combination warrant-bank check or draft warranted by the Director of the Department of Finance and Administration and countersigned by

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the County Executive or by electronic transfer or other generally accepted method of transfer. [Amended 2-26-1998 by Ord. No. 545-10-1998]

- C. The Director of the Department of Finance and Administration shall prepare for each regular meeting of the Board a list of all bills, claims and vouchers which have been paid through the close of business of the second day next preceding the meeting and since the last preceding list was compiled. Such list shall be filed with the Clerk of the Board as a public record.

**§ 5-139. Central payroll.**

Salaries, wages and other compensation of all officers and employees of the County shall be paid on a schedule as set by the County Executive. The head of each department, office or agency shall certify to the Director of the Department of Finance and Administration at such times and in such form as he/she shall prescribe the names and positions of all persons employed in or by the department who are entitled to be paid in the next ensuing payroll. The Director of the Department of Finance and Administration shall then complete a central payroll for the County and prepare the necessary checks for signature.

**§ 5-140. Post-audit.**

A registered municipal accountant of New Jersey shall be appointed pursuant to law to prepare and submit annually a post-audit of all County accounts and financial transactions in accordance with state laws and regulations.

ARTICLE XXII

**Contracts and Purchases**

**§ 5-141. Contract negotiation; document signing.**

Within the limits of available appropriations, the County Executive is authorized to negotiate contracts and other legally binding obligations of the County for approval by the Board. Any such document shall be signed by the County Executive, attested by the Clerk of the Board and approved by the County Counsel, or his/her designee, for legal form and sufficiency.

**§ 5-142. Award of contracts.**

Where contracts other than for improvements are let by public competitive bidding, the County Executive or his/her authorized representative, designated by him/her in writing prior to the opening of bids, shall act as the County's contracting agent for purposes of the Local Public Contracts Law. He/she shall award such contracts in the manner provided by law and shall report to the Board at its next meeting all such bids and awards. All proposed contracts for improvements shall be submitted to the Board for its approval prior to their execution.

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**§ 5-143. Purchasing procedure.**

- A. All purchases of any supplies, materials, equipment or contractual services, other than professional services, for any subdivision of County government shall be made by the County Purchasing Agent in the Division of Purchasing, in the Department of Finance and Administration, pursuant to a written requisition from the head of the department whose appropriation will be charged, or his/her designee, and the certification of the Director of the Department of Finance and Administration or his/her designee that a sufficient unencumbered balance of appropriation is available to pay therefor. All such purchases which require competitive bidding shall conform with applicable requirements of the Local Public Contracts Law.
- B. The Director of each department shall designate by writing filed with the Division of Purchasing the name or names of employees in the department authorized to receive supplies, materials and equipment. The designated personnel shall accept deliveries and sign for them only where the goods are in conformity with the order. Should there be any doubt as to quantity or quality, the receiving employee shall immediately notify the department head for appropriate action. If any supplies, materials or equipment are rejected, the department head shall immediately notify the Purchasing Agent in writing.
- C. Except in case of emergency, no purchase shall be made and no bill, claim or voucher shall be approved unless the procedures prescribed by or pursuant to the code have been followed.

**§ 5-144. Emergency purchases.**

The County Executive shall establish a procedure for the purchase of any item or items required for the immediate protection of the public health, safety or welfare which will permit such emergency purchases to be made for specific purposes.

**§ 5-145. Purchases by quotation.**

Where purchases in excess of the amount specified in N.J.S.A. 40A:11-6.1 for items which in the aggregate do not exceed the amount specified in N.J.S.A. 40A:11-3 in any one year are made without competitive bidding, the Purchasing Agent shall obtain, wherever possible, at least three informal price quotations for the item or items to be purchased and shall record and maintain such quotations in his/her office as a public record. Wherever circumstances permit, the purchase shall be made from the lowest of such quotations received from a responsible supplier.

**§ 5-146. Standards and tests.**

The Purchasing Agent shall establish or approve uniform standards for requisitions and purchases. The Division of Purchasing, in the Department of Finance and Administration, shall control the delivery of all supplies, materials and equipment and other items purchased and shall make or cause to be made proper test checks and inspections thereof. The division shall ascertain whether the said supplies, materials, equipment and other items purchased comply with the specifications and shall cause laboratory and other tests to be made



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whenever, in the opinion of the Purchasing Agent, it is necessary to determine whether the materials, supplies or equipment furnished are of the quality and standard required.

**§ 5-147. Confirmation of delivery.**

Immediately following each accepted delivery, the authorized department representative shall forward to the Purchasing Agent the accepted shipping invoice, advice, ticket or confirmation.

**§ 5-148. Minimum salary and benefit requirements.** ~~Added 1-28-1999 by Ord. No. 52-1-99; amended 2-28-2002 by Ord. No. 146-2-2002~~

All contractors providing food service workers, janitorial workers, health service workers and unarmed security guards to the County of Hudson shall, with respect to employees who work at least 20 hours per week, provide the following minimum salary and benefits:

- A. An hourly rate of pay of 150% of the federal minimum wage that is in effect at the time that the contract is bid or renewed or proposals received; and
- B. An annual paid vacation of five days after 12 months of employment; and
- C. Medical benefits, at the employer's expense, for each employee within 60 days of hiring said employee.

**§ 5-149. Benefits for service workers.** ~~Added 8-11-2005 by Ord. No. 333-8-2005; amended 9-8-2005 by Ord. No. 360-9-2005~~

- A. Pursuant to the provision of Article XXII, Contracts and Purchases, the following minimum pay and benefit requirements must be complied with by vendors, contractors, and subcontractors who provide service workers by contract to the County of Hudson. For purposes relating to this section, a "service worker" is identified as an individual who provides services, as the term is commonly understood, as opposed to providing goods and/or commodities.
- B. For the purpose of this section, and to conform to the County of Hudson personnel practices, a service worker is a covered employee if he/she has worked 20 hours or more per week in the preceding 60 days. In the event that a covered employee works less than 20 hours per week for a thirty-day period, he/she shall be provided with notice of benefit termination to take effect 30 days thereafter. If the service worker, recommences working 20 hours or more during the thirty-day notice-of-termination period, his/her benefits shall resume.
- C. Such service workers who work at least 20 hours per week at various County of Hudson worksites under contract shall receive the following minimum pay and benefits:
  - (1) An hourly rate of pay of 150% of the federal minimum wage at the time the contract is bid or renewed or proposals received; and
  - (2) An annual paid vacation of five days after 12 months of employment.

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- (3) Medical benefits shall be provided by the employer at the employer's expense for each employee within 60 days of hiring. At a minimum the benefits provided shall be basic medical insurance coverage which shall include a hospital indemnity benefit and a doctor's office indemnity benefit.
- D. The terms and conditions of this section shall be prospective only and shall not apply to any contract authorized prior to the effective date of this section, nor shall this section apply during the period of any contract renewal included in a contract authorized prior to the effective date of this section.
- E. Compliance with the requirements of this section shall be waived for any vendor, contractor and subcontractor currently under contract with the County if the section provisions vary with the terms of an existing bona fide collective bargaining agreement in place at the date of the enactment of this section, provided that all parties to the existing bona fide collective bargaining agreement in place at the date of the enactment of this section agree to a waiver of the application of this section. However, upon expiration of the term of the collective bargaining agreement, all provisions of this section shall apply.

ARTICLE XXIII

**Intergovernmental Cooperation**

**§ 5-150. Municipal Advisory Council.**

There is hereby established a Municipal Advisory Council consisting of the Mayors of all of the municipalities in the County. The Board will meet periodically with the Advisory Council to discuss County and municipal problems, County-municipal relations, cooperation in service programs, coordination of operations and capital facilities development, regionalization, consolidation and other subjects of mutual interest in order to provide closer County-municipal liaison and cooperation. In addition, the Advisory Council may organize itself, appoint such officers, designate such committees and convene such meetings as it may deem advisable. It shall encourage cooperative action and solutions to area-wide problems and shall formulate and develop proposals for submission to the Board, on request of the Board or on its own motion.

**§ 5-151. Police authority.**

The municipal law enforcement authorities located within the County of Hudson are hereby authorized to enforce any and all of the criminal, quasi-criminal or traffic ordinances enacted by the Board of County Commissioners of this County.

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ARTICLE XXIV

**Officers and Employees**

**§ 5-152. Elective officers; benefits.** ~~Amended 2-26-1998 by Ord. No. 546-10-1998~~

Elected officials shall have such qualifications and shall be nominated and elected as required by the Charter at a general election or as otherwise provided by law. Said officials shall have the same benefits provided to the full time, nonunion, unclassified employees of the County.

**§ 5-153. Dual office holding.**

No elected or appointed County officer shall hold or retain any other incompatible office. Any person accepting an incompatible office shall be deemed thereby to have vacated any office previously held by him/her under the County government. For the purpose of this code it shall not be deemed incompatible for a person to serve as the head of two or more departments, as head of a division within his/her department or to serve as the head of two or more divisions within a department.

**§ 5-154. Temporary appointments to fill vacancies.**

Unless otherwise provided in the Charter or code, in the event of the temporary absence or disability of any appointive officer or employee, or in the event of a vacancy in any appointive office, the County Executive may designate a qualified County employee to serve in such office temporarily in an acting capacity. Any such appointee shall have all the functions, powers and duties of an incumbent until such absence or disability terminates or such vacancy is filled by permanent appointment.

**§ 5-155. Surety bonds.**

- A. Every officer or employee of the County who is entrusted with the receipt, custody or expenditure of public moneys or funds and any other officer or employee who may be required to do so by the Board shall, before entering upon the duties of his/her office or position, execute and deliver to the Clerk of the Board a surety bond, in such amount as may be fixed by resolution of the Board, binding him/her to the County in its corporate name and conditioned upon the true and faithful performance of his/her duty. Each officer or employee required by law to give bond shall execute such a bond with sufficient surety and deliver the same to the Clerk of the Board. The Clerk shall deliver copies of all bonds received by him/her and the original bond required of him/her to the County Executive, or his/her designee, before the officer or employee enters upon the discharge of his/her duties of his/her office or employment.
- B. If any officer or employee shall neglect to execute and deliver his/her bond as herein required within 30 days after due notification of his/her obligation to do so, his/her office may be declared vacant by the County Executive.
- C. In every case in which any person is required by the Charter, code, laws of the state or by any ordinance or resolution to give bond for the faithful performance of his/her duties, such bond shall be secured by a corporate surety authorized to do business in

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this state and the premium therefor shall be paid by the County. Each such bond shall be approved by the County Counsel as to legal form and sufficiency. Nothing in this code shall be construed to prevent the use of one or more blanket bonds when so approved.

**§ 5-156. Conflict of interest.**

- A. No officer or employee under the County government shall have any interest, direct or indirect, in any contract or transaction with the County, or with any agency or instrumentality therefor, whenever any such officer or employee, individually or as a member of a board or otherwise, may:
- (1) Prepare, authorize or approve the contract or transaction or authorize or approve payment or collection thereunder.
  - (2) Supervise the work, goods or services to be delivered or performed.
  - (3) Audit, pay or collect bills or claims under the contract or in connection with the transaction.
  - (4) Appoint or supervise an officer or employee, in connection with the contract or transaction, who has any of the powers or duties set forth in Subsection A(1), (2) or (3) above.
- B. Any officer or employee, having a whole or partial control of a contract or transaction, who has, or will have acquired an interest, direct or indirect, in any actual or proposed contract or transaction with the County shall disclose the nature and extent of such interest by notifying, in writing, the County Executive as soon as he/she has knowledge of such actual, past or prospective interest. Such written disclosure shall be maintained by the County Executive as a public record. Any officer or employee may elect to periodically file a list of his/her investments, business interests and sources of income as full compliance with the requirements of this section.
- C. Any contract with the County obtained, executed or performed in violation of this § 5-156 shall be voidable.
- D. No officer or employee under the County government shall:
- (1) Engage in any business or transaction or accept any private employment or commitment or have any financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties in the public interest or which would tend to influence his/her independence of judgment or action in the performance of his/her official duties;
  - (2) Accept, solicit, offer or deliver anything of value as consideration for, or in connection with, the discharge of any official duty other than the fee or compensation prescribed pursuant to law; or
  - (3) Accept any gift or gratuity, whether in the form of service, loan or promise, or in any other form, from any person, firm or corporation which would tend to influence him/her in the discharge of his/her duties.

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- E. Any County officer or employee who willfully and knowingly violates any provisions of this section shall be subject to forfeiture of his/her office or employment or other disciplinary action.

**§ 5-157. Code of Ethics. ~~Amended 10-22-1998 by Ord. No. 545-10-1998~~**

The County shall function under the Code of Ethics and regulation thereof as provided by N.J.S.A. 40A:9-22.1 et seq.

**§ 5-158. Forfeiture of office or employment for certain fraudulent practices.**

Subject to applicable civil service requirements:

- A. Any officer or employee of the County who shall wilfully violate or evade any provision of law relating to the County or his/her office or employment; commit any fraud upon the County; convert any of the public property to his/her own use; knowingly permit any other person to do such things; or who shall by gross or culpable neglect of duty allow such things or occurrences, shall, in addition to the penalties imposed by law, forfeit his/her office or employment; and
- B. Any officer or employee of the County who shall, after lawful notice or process, wilfully refuse or fail to appear before any court, judge, legislative committee, officer, board or body authorized to conduct any official hearing or inquiry; or any officer or employee of the County having appeared, who shall refuse to testify or to answer any question regarding the property, government or affairs of the County or regarding the nomination, election, appointment or official conduct of any officer or employee of the County, on the ground that his/her answer would tend to incriminate him/her; or any officer or employee of the County who shall refuse to waive immunity from prosecution on account of any such official hearing or inquiry, shall forfeit his/her office or employment.

**§ 5-159. Delivery of funds and records.**

Upon the termination of the term of office or the employment of any officer or employee, he/she shall forthwith deliver to his/her successor, or if there be no successor, to the County Executive, or his/her designee, all moneys, papers, books, memoranda, accounts, data or property of any nature whatever pertaining to his/her office or to the County.

**§ 5-160. Political activity.**

A County officer or employee shall not:

- A. Use his/her official authority or influence for the purpose of unlawful with or affecting the result of an election or a nomination for office; or
- B. Directly or indirectly coerce, attempt to coerce, command or pressure a County officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes.

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ARTICLE XXV

**Transitional Provisions**

**§ 5-161. Transfer of functions.**

The functions, powers and duties of the County government as of the effective date of the code, as amended, are allocated and assigned among and within the departments established by the code. The offices, boards, commissions, agencies and their personnel are continued or transferred, respectively, as provided for in the text of the code.

**§ 5-162. Civil service.**

All officers and employees who were in the classified service of the civil service on the effective date of this code, as amended, are transferred to the appropriate department, division or agency to which their respective functions, powers and duties are allocated and assigned by the code, and they shall not, by such transfer, be adversely affected in tenure, pension, seniority or promotional rights.

**§ 5-163. Transfer of continued or reestablished positions and offices.**

All officers, positions and employments which are continued or reestablished by this code, as amended, are transferred to the respective departments, offices and agencies to which their functions are allocated and assigned by this code.

**§ 5-164. Transfers of personnel, records and property.**

As of the effective date of this code, except as otherwise provided herein, all personnel and all records and property of the County are transferred to their respective departments, offices and agencies to which their administrative functions, powers and duties are allocated and assigned by the code. In any case where the appropriate depository is unclear or in doubt the said property shall be delivered to the County Executive, or his/her designee. All documents, when filed under the Administrative Code, shall constitute public records, subject to appropriate provisions of law.

**§ 5-165. Salaries and wages.**

Pursuant to N.J.S.A. 40:41A-34 and N.J.S.A. 40:41A-100(d), maximum rates of compensation, established for persons holding office or employment on the effective date of the code, as amended, shall be continued with respect to the office, position, or employment which they hold; and beginning in the calendar year 1987, and in each an every year thereafter, the limits of the aforesaid maximum rates of compensation shall be increased by a percentage rate which is equal to the average percentage of the increases given to the nonuniform union employees of the County in said year.

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**§ 5-166. Pension rights.**

Pension Fund membership and rights of any officer or employee shall not, without his/her consent, be adversely affected by any transfer pursuant to the code. The County Executive shall provide, by appropriate regulation for necessary records, contribution controls and other procedures for the further protection of the Pension Fund membership and the rights of officers and employees in accordance with this section, as the need appears.

**§ 5-167. Transfer of appropriation.**

The various appropriations, in the budget of the County for the fiscal year in which this code takes effect, are hereby transferred to the department, office or agency of the County government to which the functions, powers and duties, for which such appropriations were made, are transferred; such appropriations shall continue to be available for the objects and purposes for which they respectively were made in said budget as adopted. As soon as practicable, the County Executive shall transmit to the Board an appropriate resolution, in the form required by the Division of Local Government Services pursuant to N.J.S.A. 40A:4-85, to make such corrections of the title, text or amount of any item or appropriation appearing in the County budget, as adopted, as may be necessary to make any or all of such items of appropriation conform with the organization of the County government; the allocation of functions, powers, and duties prescribed by or pursuant to the code; however, the available overall total of budgeted expenditures shall not be increased thereby; nor shall any item or appropriation required for debt service, contingent expenses, deferred charges, statutory expenditures, judgments or reserves be reduced or limited thereby.

**§ 5-168. Ordinances and resolutions saved or repealed.**

All ordinances and resolutions heretofore adopted and in force and effect on the effective date of this code shall remain in full force and effect to the extent that they are not inconsistent with the Charter or this code. All ordinances and resolutions and parts thereof heretofore enacted, which are inconsistent with any provision of the Charter or this code, to the extent of such inconsistency, are hereby repealed. All boards, commissions, authorities of County government existing prior to the adoption of this code, and all ordinances and resolutions relating thereto, whose functions or powers are superseded or exercised or otherwise provided for in this code are hereby abolished and repealed.

**§ 5-169. County indebtedness.**

The adoption of the code shall not in any way impair the obligation of the County with respect to indebtedness or the debt service thereon heretofore unlawfully incurred by the County or any of its autonomous agencies.

**§ 5-170. Severability.**

If any article, section or part of this code shall be declared to be unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such article, section or part shall, to the extent that it is not unconstitutional, invalid or inoperative, remain in full

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force and effect; no such determination shall be deemed to invalidate the remaining articles, sections or parts of this code.

**§ 5-171. When effective.**

This code, as amended, shall take effect in the manner provided by law, in the discretion of the County Executive.



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# **DISPOSITION LIST**

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APPENDICES

**APPENDIX A: Rules and Regulations in the County Parks**

**Rules and regulations.** ~~{Amended 10 7 2015 by Ord. No. 566 10 2015; 2 11 2016 by Ord. No. 96 2 2016}~~

- A. Rules and regulations. The Chief of the Division of Parks may adopt reasonable rules and regulations for the safety and conduct of persons using parks and recreational facilities and for the preservation of the public peace and order at the public events, and any person who shall violate any such rule or regulation may be prosecuted for a violation of this section or any other appropriate statute as provided by law.
- B. Permits process. The Chief of the Division of Parks upon consultation with the County Counsel, and appropriate County officials, and consistent with all provisions of Hudson County Ordinance No. 213-5-1982 and amendments thereto which address the use, care and protection of County parks, shall create a standard permit application for events proposed to take place in any County park either in outdoor areas, and/or inside available structures within any County park.
- C. The Chief of the Division of Parks or his/her authorized representative, following consultation with the directors of appropriate County Departments and the Hudson

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County Sheriff, is hereby authorized to close any section or part of any park or all or any part of the roadways located within any County park, and for such time period in his/her discretion, providing such closing shall be in the best interest of the public using said parks and the security of the park system.

C-D. Discretion of Division Chief and guidelines. The following guidelines for the exercise of discretion by said Division Chief, or his/her authorized representative, shall include, but shall not be limited to, the following:

- (1) At such time and for such periods as may be required to enable runners and persons engaged in any other type of athletic activity to more safely pursue such activities.
- (2) At such time and for such periods as may be required for various other public activities to take place within the confines of the park.
- (3) At such times and for such periods as may be required to preserve the health, safety and general welfare of persons using the park and the security of the park system.
- (4) Other provisions of any ordinance notwithstanding, when it is evident by way of pending application and/or by way of past experience, whenever an event is reasonably expected to draw 200 or more people, whether indoors or outdoors, the Division Chief may, if recommended by the office of the Sheriff, require the presence of at least two Sheriff's officers at all times during the event to be assigned by the Sheriff or his/her designee and prepaid for by the event sponsor pursuant to this section.

D-E. Permit application contents. A person or group seeking issuance of a permit shall file an application with the appropriate park's office. The application shall include responses to the inquiries stated below:

- (1) Name and address of individual applicant and working telephone numbers and e-mail address.
- (2) Name and address of the person, persons, corporation or association sponsoring the activity.
- (3) The day and hours for which the permit is desired.
- (4) The park or a portion thereof for which such permit is sought.
- (5) Estimate of anticipated attendance.
- (6) Any other information necessary to determine whether or not a permit is to be issued, at the discretion of the Division Chief of Parks.

E-F. The permit is to issue if:

- (1) When the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
- (2) When the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.

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- (3) When the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
- (4) When the proposed activity will not entail unusual, extraordinary or burdensome expense to be incurred by the County.
- (5) When the park facilities desired have not been reserved for some other use at the day and hour requested in the application.
- (6) When a certificate of insurance (COI) is submitted in a form and amount acceptable to the County Office of Risk Management upon consideration of the risk, history, if any, and totality of circumstances relative to the permit.
- (7) When the proposed activity will require the employment of additional County staff, and the applicant agrees to prepay to the County the costs for the additional staffing by Sheriff's officers.

F.G. Miscellaneous provisions.

- (1) The permittee shall be bound by all park rules and regulations and all ordinances as though the same were fully set forth in the permit, and shall exhibit the same upon request of any authorized person.
- (2) The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whomever by reason of the negligence of the person or persons to whom such permit shall have been issued. The County of Hudson shall not be liable in such instances.
- (3) The County of Hudson shall have the authority to revoke a permit upon a finding of any violation of any rule or ordinance, or upon good cause.
- (4) No person who is issued a permit to use the park as described herein shall disturb or interfere unreasonably with any other person or party occupying any area, or participating in any activity under authority of a valid permit or any other party simply making valid use of park facilities.

G.H. Security.

- (1) The provisions of this section shall be applicable to all events which occur within County parks, whether the event occurs outdoors or within any structure subject to any applicable lease authorized by the Board of County Commissioners.
- (2) Any time it is reasonably anticipated by anyone who will conduct or allow to be conducted an event within a County park or a facility located within a County park that the number of attendees shall exceed 200 people then prior to the event being conducted an application shall be made to the Division Chief for the issuance of a security permit. This permit shall be in addition to any other permit which may be required for the event.
- (3) Event security is the responsibility of the applicant for the permit.
- (4) The Division Chief shall review the permit application and consult with the applicant and appropriate personnel from the office of the Hudson County Sheriff

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in order to assess the requirement for the provision of Sheriff's officers at the event.



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- (5) Depending upon the nature of the event, the number of people expected, any history of previous similar events then available, and advice of the Sheriff or his/her designee, the applicant may be required to have Hudson County Sheriffs' officers present before, during and after an event in appropriate numbers, and at the expense of the permittee.
- (6) The applicant shall agree to prepay the County for personnel costs related to the provisions of County Sheriff's officers assigned to the event, including, but not limited to, the number and title of personnel assigned to be determined by the County, and reduced to writing to be signed by the applicant. The applicant shall reimburse the County at prevailing off-duty rates of pay for the assigned officer(s), plus an administrative fee of 20%.

H.I. Penalties. A violation of this article for which no other sanction is provided shall be punishable by:

- (1) A fine in an amount not to exceed \$500; and/or
- (2) Reimbursement to the County for costs, including cost of Sheriff's officers; and/or
- (3) The debarment from receiving an event permit or security permit from the County for a period of one year from the date of the imposition of the penalty, as well as being barred from conducting an event in a County park or facility located within a County park for a period of one year.

**J. Prohibition and regulation of smoking in County parks.** ~~[Added 3-14-2013 by Ord. No. 140-3-2013]~~

A. Definitions. As used in this section, the following terms shall have the meaning indicated:

**BUILDINGS** — Any structure of whatever nature used for whatever purpose so long as the structure has a roof. Open-sided structures shall be considered buildings. All buildings whether owned, leased to or leased by the County are included in this section, including temporary structures such as tents or trailers as may be from time to time permitted by the County.

**CIGARETTES** — Non-tobacco products based cigarettes and like devices shall be considered as cigarettes.

**RECREATIONAL FACILITIES** — Those areas used as the term is commonly understood and shall include but not be limited to those areas in County parks in which the following activities take place either in the normal course or by special permit.

- (1) Picnic and/or barbecue areas.
- (2) Concession areas, including those permanently affixed to sites or portable concession wagons, trucks or vehicles.
- (3) Ball fields and sports areas, tennis courts, volleyball courts, basketball court or any other venue reserved for sports usage, including but not limited to any and all "artificial turf" fields and areas.
- (4) Track and field facilities and those seating and observation areas appurtenant thereto.
- (5) Dog runs.
- (6) "Playgrounds" as that term is commonly understood.
- (7) Designated nature walks/bird-watching areas.

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- (8) Any location permanently or temporarily designed as a place for recreational purposes as may be from time to time identified and posted as a no-smoking area by appropriate County personnel.

SMOKING — The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking the use of device cigars and pipes shall be considered smoking under this section.

- B. Prohibition against smoking. Smoking in any form as it is commonly recognized is hereby prohibited within 50 feet of the recreational facilities and within 50 feet of the entrance and exit of buildings described hereinabove.

C. Exceptions.

- (1) Notwithstanding any other prohibitions of this section, the lessee or permittee of any buildings within the various parks, whether permanent or permitted temporary structures, may, subject to all applicable state law and regulation, reduce the area in which smoking is prohibited to a radius of 25 feet from the entrances and exits of such buildings.

- (2) Temporary structures, including tents, shelters and the like permitted by the County shall be governed by those provisions, and conform to all applicable guidelines under the New Jersey Smoke-Free Air Act,<sup>7</sup> and its related regulations as from time to time they may be amended.

- (3) All areas and buildings described herein are covered by the no-smoking prohibition; and, provided, however, that such prohibition shall not apply to:

- (a) The sidewalks immediately adjoining parks, squares and public places;  
(b) Any pedestrian route through any park strip, median or mall that is adjacent to vehicular traffic; and  
(c) Parking lots.

- D. Signs. Proper and appropriate signs, which comply with applicable state statutes and regulations, shall be prominently displayed at all nonsmoking locations.

Penalties. A violation of this section or any ordinance, for which no penal sanction is otherwise provided, shall be punishable by a fine not exceeding \$100 for the first offense; \$250 for the second offense; and \$500 for all subsequent offenses.

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**Carnivals and festivals in County parks; beer gardens.** ~~[Added 9-13-2018 by Ord. No. 530 9-2018; amended 4-25-2019 by Ord. No. 264 4-2019; 5-8-2019 by Ord. No. 288 5-2019]~~

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No person shall drink, take, sell, buy, use, or have possession of or be under the influence of any intoxicating liquors while within the limits of the parks, except as stated in Subsection B below. This section shall not apply to leased concession properly licensed by law.

A. Carnivals and festivals in County parks.

- (1) Definitions. As used in this Subsection A, the following terms shall have the meanings indicated:

CARNIVAL — An amusement show including rides, games and sideshows.

FESTIVAL — An annual or anticipated reoccurring event which allows for the attendance of all members of the general public, as opposed to being limited to select individuals, and which is held for one of the following purposes:

- (a) The celebration of the cultural arts, such as paintings, movies, plays or music; and/or

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- (b) The celebration of the culinary arts and the consumption of food products; and/or
- (c) The celebration of cultural heritage.
- (2) General guidelines.
- (a) Anyone seeking a permit for a carnival or festival should refer to Section 7 of Ordinance No. 710-11-2016 for permit guidelines.
- (b) Anyone seeking a permit for a carnival or festival must be a legally formed not-for-profit holding a 501(c)(3) designation by the Internal Revenue Service.
- (c) Any carnival must be temporary in nature and not exceed 15 days either consecutively or intermittently.
- (d) Any festival must be temporary in nature and not exceed two days.
- (e) Carnivals and festivals in County parks must be open to the general public and must not have any residency requirements.
- (f) Carnivals and festivals in County parks must not displace any current recreational uses.

**B. County Park Beer Garden Regulations.**

- (1) A person or group seeking issuance of a permit for a carnival pursuant to Ordinance No. 710-11-2016 or festival will also be able to file an application for a beer garden to take place during the carnival or festival. For the purposes of this Subsection B, a "beer garden" shall be defined as a limited, defined, and cordoned area where beer may be sold and consumed. The following rules and procedures shall apply to any carnival operator or festival organizer seeking to include a beer garden:
  - (a) Approval by the Chief of Police of the municipality where the carnival/ festival and beer garden will take place.
  - (b) Approval by the Hudson County Sheriff's Department.
  - (c) If the park being used for a carnival or festival is located in a special improvement district, as defined in N.J.S.A. 40:56-65 et seq., the festival organizer will also need a letter of support from the special improvement district management corporation.
  - (d) Carnival operator/festival organizer must secure the proper license and/or permit from the appropriate government entity for the sale and consumption of alcohol.
  - (e) Proper insurance must be provided in the limits determined by the Hudson County Risk Management Department.
- [1] At a minimum the insurance will entail general liability insurance and liquor liability insurance in amounts determined by Hudson County Risk Management.
- (f) The carnival operator/festival organizer will be required to provide adequate security, at their own expense, as determined by the Hudson County Sheriff's Department in addition to the security required for the carnival/ festival (if needed).
- (g) The area where beer will be sold and consumed must be limited, defined and cordoned off. Beer cannot be sold or consumed outside of the designated area.
- (h) Only beer purchased at the beer garden can be consumed in the beer garden.
- (i) The area designated for the sale and consumption of beer shall have a buffer of completely vacant land of at least 100 feet on all sides.
- (j) Any individual found outside the area who is either selling or consuming beer will be fined according to Section 7.13 Penalties in Ordinance No. 710-11-2016.
- (k) Only individuals who are wearing appropriate identification tags, as issued by the Department of Parks, shall be permitted to be inside an area designated as a "beer garden."
- (l) Any other violation of this section will also be subject to fines under Section 7 of Ordinance No. 710-11-2016.
- (m) The applicant for a beer garden permit must be a legally formed not-for-profit holding a 501(c)(3) designation by the Internal Revenue Service.
- (n) Not more than one permit shall be issued to the same applicant/organization in any twelve-month period.

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- (o) No admission shall be charged to any individual entry for entry; however, a charge may be imposed for the consumption of any food product, the viewing of any movies or plays, the listening to any music or the acquisition of any artwork.

[1] Any charge for the viewing of plays, movies, or the listening of music should be minimal.

Beer gardens will only be permitted on weekends and/or state and federal legal holidays.

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## **APPENDIX B: Set Aside Ordinance**

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Set-aside programs. [Added 4-28-2016 by Ord. No. 243-4-2016]

A. Title. The title of this section shall be "An Ordinance Establishing a Qualified Minority-, Women-, Veteran-Owned Business, or Small Business Set-Aside Program" (hereinafter collectively referred to the "set-aside program"). This section is being enacted pursuant to and in accordance with the provisions of N.J.S.A. 40A:11-40 et seq.

B. Definitions. For the purposes of this section, the following definitions shall apply:

CONSTRUCTION CONTRACT — Any agreement for the erection, repair or alteration of any building, structure, bridge, roadway or other improvement to real property.

CONTRACT — Any agreement for the sale of goods or for the provision of services to the County of Hudson.

COUNTY — The County of Hudson.

MINORITY GROUP MEMBERS — Persons who are African-American, Hispanic, Portuguese, Asian Americans, American Indians or Alaskan natives.

NJSAMI — New Jersey Selective Assistance Vendor Information, a database that identifies businesses that are registered as a small business enterprise and/or certified as a minority/women/veteran-owned business enterprise with the State of New Jersey, through the Division of Revenue.

QUALIFIED BUSINESS — A minority-owned enterprise, or a women-owned enterprise, or veteran-owned enterprise, or small business enterprise as defined herein and qualified under N.J.S.A. 40A:11-25, or a general contractor who hires as a subcontractor, a minority-owned, woman-owned, veteran-owned, and/or small-business enterprise, as part of a contract award by the County.

QUALIFIED MINORITY BUSINESS ENTERPRISE — A business which has its principal place of business in this state, is independently owned and operated, is at least fifty-one-percent owned and controlled by minority group members and is qualified pursuant to N.J.S.A. 40A:11-25.

QUALIFIED VETERAN BUSINESS ENTERPRISE — A business which has its principal place of business in this state, is independently owned and operated, is at least fifty-one-percent owned and controlled by a veteran.

QUALIFIED WOMEN'S BUSINESS ENTERPRISE — A business which has its principal place of business in this state, is independently owned and operated, is at least fifty-one-percent owned and controlled by women and is qualified pursuant to N.J.S.A. 40A:11-25.

SET-ASIDE CONTRACTS —

- (1) A contract for goods, equipment, construction, or services, inclusive of subcontracts, which is designated as a contract for which bids are invited and accepted only from qualified small business enterprises, qualified veteran business enterprises, qualified minority business enterprises or qualified women's business enterprises, as appropriate;
- (2) A portion of a contract when that portion has been so designated; or
- (3) Any other purchase or procurement so designated.

SUBCONTRACT — A contract by which one agrees to render services or to provide materials necessary for the performance of another contract.

THOSE PROCUREMENTS — All purchases, contracts, or acquisitions by the County which are permitted by law.

VETERAN — Any citizen and resident of this state now or hereafter honorably discharged or released under honorable circumstances who served in any branch of the Armed Forces of the United States or a reserve component thereof for at least 90 days and shall include disabled veterans.

WOMEN'S BUSINESS ENTERPRISE — A business which has its principal place of business in this state, is independently owned and operated, is at least fifty-one-percent owned and controlled by women and is qualified pursuant to N.J.S.A. 40A:11-25.

C. Applicability. These provisions concerning qualified businesses' participation in the County of Hudson's purchasing set-aside program shall apply to contracts for goods, services and/or construction awarded by or through Hudson County's Purchasing Department.

D. Purpose. The purpose of this program of implementing the provisions of the County of Hudson's qualified business set-aside program is to set aside or otherwise allocate 10% of the dollar value of all of the County's goods, services and construction contracts to be utilized for qualified business enterprises.

E. Goals; revisions.

- (1) For the fiscal year beginning January 1, 2017, and for every fiscal year thereafter, the following goals for qualified business participation shall serve as the initial goals for the County of Hudson to pursue. Of the 10%, there shall be:
  - (a) Twenty-five-percent County contract participation for qualified minority- owned businesses.

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- (b) Twenty-five-percent County contract participation for women-owned businesses.
- (c) Twenty-five-percent County contract participation for veteran-owned business.
- (d) Twenty-five-percent County contract participation for small businesses.
- (2) The County Executive and the Board of County Commissioners may revise the goals established herein by subsequent ordinance.
- (3) The above-stated percentages relate to the total dollar value of all County contracting departments and contracting agencies to be set aside for qualified businesses, as appropriate, as goals for County departments and contracting agencies to achieve by the end of each fiscal year.
- (4) The monetary value of subcontracts awarded pursuant to this section shall be taken into account when reviewing whether the goals established by this section have been achieved.
- F. Good-faith efforts.
  - (1) Efforts which are merely pro forma shall not be deemed the good-faith efforts necessary to generate a level of qualified business participation sufficient to meet the goals' requirements of the program.
  - (2) Actions that demonstrate a good-faith effort on the part of the County's contracting departments and agencies may include but are not limited to:
    - (a) Notices to qualified businesses soliciting their participation in the set-aside program.
    - (b) The purchasing agent's provision of plans, specifications and requirements of the contract(s) to interested qualified businesses.
    - (c) The purchasing agent's provision of an annual list of anticipated County purchases (approximate) by item category, dollar amount and month of bid.
- G. Effect on provisions. If a County contract for goods, services, or construction, which would otherwise be subject to the provisions of this chapter, is or becomes subject to federal or state laws which conflict with this program or actions thereof, federal or state law shall apply, and the contract shall be interpreted and enforced accordingly.
- H. Role of purchasing agent. In the implementation of Hudson County's minority-, women-, and veteran-owned business enterprise, and small business enterprise set-aside program and pursuant to the provisions of N.J.S.A. 40A:11-49:
  - (1) The purchasing agent shall make a good-faith effort to attain the goals established by the County's governing body pursuant to this program.
  - (2) The purchasing agent shall designate a contract, subcontract or other means of procurement as a set-aside contract if it is likely to receive bids from at least two qualified businesses at a fair and reasonable price.
  - (3) If it is determined by the purchasing agent that two bids cannot be obtained or that acceptance of the low responsible bid will result in the payment of an unreasonable price, the purchasing agent may recommend to the County Administrator that the bids be resolicited on an unrestricted basis.
  - (4) Designation(s) of contracts and/or subcontracts as set-aside contracts shall be made by the purchasing agent prior to advertisement, and notice of such designation shall be included in the advertisement.
- I. Certification and Compliance Officer. The Department of Parks and Community Services, Office of Minority- and Women-Owned Business Enterprises shall designate a Certification and Compliance Officer to realize the intent of this section as set forth herein. With respect to all contracts and procurements, it shall be the Certification and Compliance Officer's authority and responsibility to:
  - (1) Maintain a list of eligible businesses; interact with the Department of Finance and Administration's Division of Purchasing to determine which County contracts should be set aside for participation herein; oversee outreach to the qualified business enterprises; and to oversee and coordinate seminars for qualified business enterprises to expand the number of qualified businesses eligible to participate in this set-aside program.
  - (2) Maintain a listing of qualified businesses in the Hudson County area for use by the County's departments and offices.
  - (3) Submit semiannual reports to the County Administrator to document the percentage of set-aside contracts which have been awarded to qualified businesses pursuant to the County's set-aside program.
  - (4) Have access to all records and files of all County contracting agencies and departments that relate to construction, goods and services contracts in order to monitor and review compliance.
  - (5) Make a written annual report to the County Administrator indicating the good- faith effort made by the County's contracting agencies to attain the set-aside goals set forth in this program. Such report shall be submitted to the County Executive and the Board of County Commissioners not later than January 31 of each year, of the previous year's activity. The County shall publish a list of the County's contracting agencies' attainments (goals) for the immediate preceding local fiscal year, in two newspapers circulating in the County, by March 1 of each year pursuant to N.J.S.A. 40A:11-48.
  - (6) Ascertain, with the assistance of the purchasing agent, the identity of qualified businesses in the Hudson County area.
  - (7) Classify each business according to contract types in which the business represents itself to have capabilities, place all classified businesses on a solicitation list and distribute the list to County departments and the Purchasing agent. This list shall also include businesses within the County's area.
  - (8) Survey all businesses placed on the solicitation list to determine their past and current participation level in County contracts. The results may be used to ascertain the contracting agency's good-faith effort to attain the goals as established by the County.
- J. Implementation.
  - (1) The County's Certification and Compliance Officer shall make such findings, recommendations and proposals as are

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necessary and appropriate to the implementation of the County's set-aside program. If, as a result of his/her monitoring activities, the Certification and Compliance Officer determines that the goals set forth in this chapter are not being met by the County's contracting agency or agencies, the Certification and Compliance Officer may recommend any or all of the following actions listed in Subsection J(2)(a) through (c).

- (2) The Certification and Compliance Officer shall submit a report to the County Administrator setting forth the nature of the problem(s) and any suggestions for better implementation of the program. If the County Administrator concludes that the County's qualified minority-, women-, and veteran-owned business enterprise, and small business enterprise set-aside plan is unlikely to produce the participation goals, he or she may recommend that the Certification and Compliance Officer revise the County's plan to provide additional opportunities for qualified business participation, such as, but shall not be limited to, the following:
  - (a) Recommendations as to stronger solicitation efforts to identify more qualified minority-, women-, and veteran-owned businesses and small businesses as potential sources of supply.
  - (b) Recommendations as to the elimination of extended experience or capitalization requirements, when programmatically feasible, to permit participation of qualified businesses in the set-aside program.
  - (c) Recommendations as to publication of advertisements for bids in more than one newspaper, e.g., County minority-oriented newspapers.

K. Certification.

- (1) To ensure that only qualified businesses that are owned and controlled in both form and substance by minorities, women and veterans, and small businesses, which are counted towards the goals' requirements set forth in this chapter and Hudson County's minority business enterprise/women's business enterprise/ veteran's business enterprise/small business enterprise program(s), any minority- or women-, or veteran-owned business, or small business, including a joint venture, desiring to participate in Hudson County's set-aside program must be certified as a legitimate minority business enterprise/women's business enterprise/ veteran business enterprise, or small business enterprise. Such certification shall

follow the State of New Jersey's rules for being included in the NJSAVI database, and/or any other New Jersey governmental entity or agency (including, but not limited to, the Port Authority of New York and New Jersey) that has qualified and certified a business as a qualified business enterprise described herein and throughout using the same criteria for determining a business' qualifications, and registration therein shall constitute certification for the purposes of the County of Hudson's set-aside program.

- (2) Each qualified business owner shall submit a fully executed certification affirming that his/her business meets all the requirements to be a qualified business by January 1 of each year.
- (3) The Certification and Compliance Officer will evaluate the submitted information to determine whether the applicant meets the criteria for qualified minority-, women-, and/or veteran-owned business enterprises. Prior to making a certification recommendation to the County's County Administrator, the Certification and Compliance Officer may, in his/her discretion, request an interview with the applicant. Failure of an applicant to comply with requests for information or documentation may result in a determination of certification status based on the information supplied or a suspension of the application for certification.
- (4) Following certification, the Certification and Compliance Officer may require the business to furnish additional information from time to time in order to establish its continued eligibility for certification.
- (5) Upon becoming certified, a business shall notify the Certification and Compliance Officer of affirmative action if there is a change in the business that affects its status as a qualified business, including changes in the business that affect its status as a qualified business, including changes in ownership, control or management.
- (6) If a business is denied certification, the County Administrator or his/her designee shall notify the business, in writing, of the reasons for its determination. The business may appeal to the denial to the County, which shall conduct a hearing at which the business shall have the opportunity to present witnesses and documents in support of its application for certification. The business must file its request for a hearing with the County. No appeals will be considered if filed later than 15 days from the date of the notice. Businesses that are denied certification may not reapply for certification for a period of six months from the date of denial.
- (7) Businesses that have been previously certified through programs considered by the Certification and Compliance Officer to be similar or in concert with the County's goals and objectives for qualified business contractors may be granted certifications pursuant to this plan upon approval by the County Administrator.
- (8) The right of the Director of Finance to evaluate a bidder or contractor's ability to satisfy financial, technical or other criteria, separate and apart from the certification process provided for in this program, is not altered by this chapter.
- (9) The certification granted pursuant to this section shall entitle a business to participate in any category of contract or procurement for which it qualifies. The

certification shall not be considered contract- or project-specific. The County may, but shall not be required to, delay the award of any contract pending the appeal of the County Administrator's decision to deny certification.

L. Decertification.

- (1) Any qualified business enterprise may be decertified for failure the following reasons:
  - (a) For providing false or misleading information to the Certification and Compliance Officer during the certification process.
  - (b) If the qualified business enterprise is no longer an ongoing business entity.
  - (c) If the business entity has changed to the extent that it is no longer owned and controlled by minorities, or women, or veterans pursuant to the requirements of this program.

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- (d) For failure to report to the County of Hudson, within 10 days, any determination of the federal government or any state government, municipality or school board, or any department, subdivision, agency or authority of the federal government or any state government, municipality or school board denying or revoking the certification of the business as a minority-, or women-, or veteran-owned business enterprise.
- (e) For failure to maintain registration with the State of New Jersey's SAVI database, or any other accepted certifier.
- (2) Upon review of the documentation concerning decertification, the Certification and Compliance Officer shall make a recommendation promptly to the County Administrator concerning decertification, whereby the County Administrator shall determine whether the business shall be decertified, and shall notify the business of such decision in writing. The business may appeal the decision to the Affirmative Action Review Board in accordance with the provisions above. Reasons for decertifying a business shall be expressed by certified mail. The decertified business may not reapply for certification for a period of time to be determined by the County Administrator and/or his/her designee, but in no event longer than a period of one year.
- M. Re-certification. On a yearly basis, a qualified business shall submit any information requested by the Certification and Compliance Officer annually to ascertain whether such business is still a qualified business pursuant to this program. If it is determined that the annual submission of information has changed to such an extent that the qualified business' status has changed, affecting the certified status, the Certification and Compliance Officer may recommend that the business be required to reapply for certification.
- N. Certification standards. The Certification and Compliance Officer shall undertake the efforts necessary to educate businesses that wish to be certified as a minority-, women-, veteran-owned business or small business that in order to be certified the business must be able to comply with the following conditions:
  - (1) Eligible minority business enterprises/women's business enterprises, veteran business enterprises, or small business enterprises under this program shall be independent businesses. There shall be conclusive evidence that the ownership and control of such business is real, substantial and continuing and shall go beyond the pro forma ownership of the business as reflected in its ownership documents. The minority business enterprise/women business enterprise/veteran business enterprise/small business enterprise owners shall enjoy the customary interests of ownership. They shall share in the risks and profits commensurate with their interest of ownership. Recognition of the business as a separate entity for tax or corporate purposes is not necessarily sufficient for recognition as a minority business enterprise/women's business enterprise/veteran's business enterprise, or small business enterprise. To determine the legitimacy of an independent minority business enterprise/women's business enterprise/veteran business enterprise, or small business enterprise, the Certification and Compliance Officer shall consider all relevant factors concerning ownership and control of business assets, including but not limited to the date the business was established, whether its resources for the work of the contract are adequate and the degree to which financial, equipment-leasing and other relationships with non-minority firms vary from industry practice.
  - (2) The minority business enterprise/women's business enterprise/veteran business enterprise/small business enterprise owners shall have the power to direct or cause management and policy directions of the firm/business as well as make major decisions on matters of management, policy and operations. The firm shall not be subject to any restrictions limiting the customary discretions of the minority or women or veteran owners. This shall include provisions in bylaws, partnership agreements or charter requirements for cumulative voting rights or otherwise that prevent the minority or women or veteran owners, without the cooperation or vote of any owner who is not a minority or woman or veteran, from making a business decision of the firm.
  - (3) Where non-minority owners of the firm are disproportionately responsible for the firm's operation, then, by the standards of this program, the firm is not controlled by minorities or women or veterans and shall not be considered a qualified business within the program's meaning.
  - (4) In establishing a status of a legitimate minority- and/or women-owned and or veteran-owned business, and or small business all securities which constitute ownership and/or control of a corporation shall be held directly by minorities or women or veterans. Securities held in trust or by any guardian for a minor shall not be considered as held by a minority and/or woman and/or veteran in determining the ownership and/or control of a corporation.
  - (5) Capital or expertise contributed by minority and/or women and/or veteran owners to acquire their interest in the firm shall be real and substantial. A promise to contribute capital, a note payable to the firm or its owners who are not minorities, or the mere participation as an employee, rather than as a manager, shall be examples of insufficient contributions.
  - (6) In determining eligibility as a minority business enterprise/women's business enterprise/veteran business enterprise/small business enterprise business, in addition to the above standards, the Certification and Compliance Officer shall give special consideration to the following circumstances:
    - (a) Minority business enterprises/women's business enterprises/veteran business enterprises/small business enterprises which are newly formed and whose ownership and/or control have changed since the date and/or time of the advertisement of the contract shall be closely monitored to determine the reasons and the relationship between the timing, formation and/or change in the firm.
    - (b) Careful scrutiny and review of previous and/or continuing employer/ employees relationships between or among present owners shall be conducted to ensure that the employer/owner has the management responsibilities pursuant to this program.
    - (c) Any relationship between a minority business enterprise/women's business enterprise/veteran business enterprise or small business enterprise and a non-minority-owned business having interest in the minority/women/ veteran-owned business shall be carefully monitored to determine if the interest of the minority/women/veteran-owned/small

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business enterprise conflicts with the ownership and control requirements of this program.

- (7) Joint ventures may be eligible to compete as minority/women's/veteran-owned/ small business enterprises under this program, provided that the qualified business enterprise partner of the joint venture meets the eligibility standards of a minority/women's/veteran-owned/small business enterprise set forth herein and the qualified partner shares in the ownership, control and management responsibilities, the risks and profits of the joint venture and the qualified business enterprise partner is responsible for a clearly defined portion of the work to be performed.
- O. Violations and penalties. When the County determines, after hearing, that a business has been classified as a qualified business enterprise on the basis of false information knowingly supplied by the business and has been awarded a contract to which it would not otherwise have been entitled under this section, the County may, in accordance with the provisions afforded to it by N.J.S.A. 40A:11-47:
  - (1) Assess against the business any difference between the contract and what the County's cost would have been if the contract had not been awarded in accordance with the provisions of this section;
  - (2) In addition to the amount due under Subsection O(1), assess against the business a penalty in an amount of not more than 10% of the amount of the contract involved; and
  - (3) Order the business ineligible to transact any business with the County for a period to be determined by the County, which shall not exceed five years, N.J.S.A. 40A:11-4. Prior to any final determination, assessment or order under this section, the County shall afford the business an opportunity for a hearing on the reasons for the imposition of the penalties set forth in Subsection O(1), (2) or (3) of this section.
  - (4) File an action to enforce a civil penalty imposed by this section providing for its collection or enforcement by a civil proceeding, which action shall be brought as a summary action in the Law Division pursuant to Rule 4:67.
- P. Legality. This section shall take effect in the manner provided by law and shall remain in full force and effect unless modified or rescinded. In the event that any portion of this section is invalidated by an order of a court of competent jurisdiction, that order shall not in any way affect the validity of the remainder of this section.