

ORDINANCE 2360

AN ORDINANCE OF THE BOROUGH OF SOUTH PLAINFIELD AMENDING CHAPTER 17 TITLED BOARDS, COMMITTEES AND COMMISSIONS

BE IT ORDAINED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey that Chapter 17 titled Boards, Committees and Commissions be amended to add the following:

Section 17-59, Removal

Any member of a board, committee or commission created and established in this Chapter shall be subject to removal by the Governing Body for inefficiency or misconduct.

Section 17-60, Grounds for Removal

Service as a member of a board, committee or commission is a privilege and a member does not have a right to any position on such board, committee or commission. A member may be removed from a position for any of the following reasons:

- A. Incompetency or inefficiency - Demonstrably failing to perform duties as required.
- B. Insubordination - Refusal to follow directions or instructions of Council members or appropriate Borough official(s).
- C. Misconduct - Acting in violation of municipal rules, regulations or professional standards.
- D. Lack of Civility - Engaging in conduct constituting harassment of officials or other members; interference with the performance of duties by officials or other members; or attempting to exercise authority or control over any officials or other members which has not been vested in the member.
- E. Criminal Activity - Engaging in illegal activities, even if not resulting in conviction.
- F. Absenteeism - Members are expected to attend meetings of their board, committee or commission. Absence from three consecutive meetings shall be deemed grounds for removal of the member from the board, committee or commission unless the member has provided in writing before the meeting the basis for the absence which has been accepted by the chairperson as an excused absence.
- G. Miscellaneous - Engaging in any other activity which the Council, in its sole discretion, deems to be detrimental to the performance of the board, committee or commission.

Section 17-61, Procedure for Removal

The Council on its own initiative, or upon receipt of a signed written complaint alleging conduct of any member of a board, committee or commission alleged to have engaged in inefficient or inappropriate conduct as described herein shall determine the facts and circumstances and, if it finds sufficient grounds, shall notify the member of the nature of the complaint and the facts and circumstances set forth therein. The member shall have an opportunity to present the Council with any statement of information concerning the allegations. It shall be within the sole discretion of the Council as to whether a hearing may be held. The Council shall render a decision as to whether the conduct of the member warrants removal from the board, committee or commission. The decision to remove shall require the vote by two thirds (2/3) of the members of the Council. Such decision shall be final.

Section 17-62, Vacancy

In the event a member has been found to have engaged in conduct warranting removal, such member shall be removed from the board, committee or commission by the Council which shall thereafter fill such position in accordance with the terms for filling a vacancy for such board, committee or commission.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.