



TOWN OF DOVER

MAYOR & TOWN COUNCIL

ORDINANCE NO. 03-2024

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DOVER, COUNTY OF MORRIS AND THE STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 2 OF THE CODE OF THE TOWN OF DOVER TO CREATE THE OFFICE OF PROFESSIONAL STANDARDS, ACCOUNTABILITY AND SECURITY.

WHEREAS, the Mayor and the Town Council of the Town of Dover (the “Town”) desire to establish the Office of Professional Standards, Accountability and Security (“OPSAS”) to promote and defend the integrity, efficiency and accountability of the Town and its operations; and

WHEREAS, the Mayor pursuant to §2-11 of the Town’s Code (the “Code”) proposed an amendment to Chapter 2 of the Code to establish OPSAS; and

WHEREAS, the Mayor duly appointed a special committee (the “Committee”) of the Town Council (the “Council”) to consider the proposed amendment and to submit any other suggested changes; and

WHEREAS, the Committee has considered the amendment and provided its suggested changes; and

WHEREAS, upon consideration of the Committee report and proposed changes, the Mayor and the Council desires to amend and supplement the language of the Code of the Town of Dover, Chapter 2 Administration of Government (the “Code”) to establish OPSAS; and

WHEREAS, the Mayor and the Council hereby finds and declares that it is in the best interest of the Town and its residents to amend and supplement the language of the Code, Chapter 2 and adopt the amendments to same; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and the Town Council of the Town of Dover, County of Morris, State of New Jersey, that Chapter 2 of the Town Code entitled, Administration of Government is hereby amended and readopted as follows:

Section 1.

Chapter 2 of the Code of the Town of Dover is hereby amended and added to as follows:

§2-27. Office of Professional Standards, Accountability and Security.

- A. **Office established.** There shall be an Office of Professional Standards, Accountability and Security that shall be under the authority of the Town Administrator as delegated by the governing body of the Town of Dover and shall provide such services to include but not be limited to: (i) identifying and investigating allegations of waste, fraud and abuse by Town employees and vendors; (ii) examine all Town operations; (iii) oversee cyber security and security operations for the Town; (iv) conduct financial and operational investigations

and/or audits of Town departments; (v) provide assistance to the Town's Human Resources Department in connection with employment investigations; and (vi) provide assistance to the Town's legal counsel in connection to sensitive matters.

B. Definitions.

For the purpose of this section:

"OPSAS" shall mean the Office of Professional Standards, Accountability and Security.

"Director" shall mean the municipal department head of OPSAS. The Director prior to his/her appointment shall be qualified by education, training and at least five (5) years' experience for the duties of his/her office. The Director shall receive an annual salary as set forth in the employment agreement and confirmed by the Salary Ordinance, to be paid as all other salaries are paid.

C. Mission.

The mission of OPSAS shall be to promote and defend the integrity, efficiency and accountability of the Town and its operations. OPSAS shall promote an atmosphere of honesty and integrity within local government.

D. Function.

1. OPSAS shall identify and investigate allegations of waste, fraud and abuse by Town employees; in addition to outside vendors conducting business with the Town.
2. OPSAS has the ability to examine all Town operations independently and report its findings to law enforcement, when necessary.
3. All cyber security and security operations for the Town will be overseen by OPSAS. OPSAS shall also have oversight of all information technology contractors, personnel, security personnel and court security personnel. Security related operations includes, but is not limited to:
 - a. Cyber-security;
 - b. Camera systems; and
 - c. Lock and key control.
4. OPSAS shall proactively conduct financial and operational investigations and/or audits of Town departments. Recommendations shall be provided to improve accountability and efficiency in connection with OPSAS' findings. An annual report shall be prepared for the Mayor, Business Administrator and elected officials with details of OPSAS' activities as required and/or requested.
5. OPSAS shall provide assistance to the Town's Human Resources Department in connection with employment investigations.

6. Assistance shall also be provided to the Town's legal counsel in connection to sensitive matters.
7. OPSAS shall be accessible to all Town employees and residents.

E. Duties and Responsibilities of Director.

The Director has the authority to conduct investigations, interview witnesses and assist labor counsel. Further, the Director has the authority to review, amend and promulgate policy and procedures; while also imposing discipline when required and/or necessary for any violation. Such violations shall include but not be limited to:

1. Theft or misappropriation of Town of Dover resources
2. Falsification of official documents or reports
3. Corruption or official misconduct, including misuse of Town information, conflicts of interest, or offering or accepting bribes
4. Misuse of Town owned vehicles, equipment or supplies
5. Violations of Town policy and procedures
6. Violations of Town procurement policy or contract fraud
7. Tampering with government records
8. Obstructing, retaliating against or tampering with a public servant
9. EEO Investigations
10. Work Place and Sexual Harassment Investigations
11. Security Breaches and Cyber Security Violations
12. Violations of Conscientious Employee Protection Act ("CEPA"), New Jersey Law Against Discrimination ("LAD"), the New Jersey Wage & Hour Law ("NJWHL") and the New Jersey Family Leave Act ("NJFLA").

F. Exemptions for Law Enforcement

Notwithstanding anything to the contrary contained herein, this Ordinance shall not be applicable in any way to the Dover Police Department. Specifically, the Director shall not participate in or conduct any internal affairs investigations or any other investigations of any employees of the Dover Police Department. Any issues related to the Dover Police Department will be referred to the Chief of Police of the Dover Police Department to be handled in accordance with Internal Procedures and the Attorney's General's Guidelines.

Further, nothing contained in this Ordinance shall allow the Director access to Dover Police Department cameras.

Section 2. Severability.

If any portion of this ordinance shall be deemed invalid by any court of competent jurisdiction, the remainder shall survive in full force and effect.

Section 3. Repealer.

All ordinances and parts of ordinances or resolutions inconsistent herewith are hereby repealed.

Section 4. When Effective.

This ordinance shall be effective immediately upon adoption and publication in accordance with law.

§ 2-278

Repealer; severability.

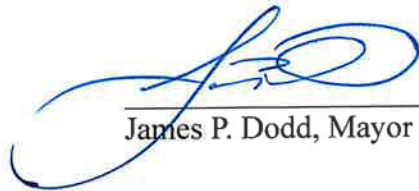
A. All ordinances, resolutions and regulations, or parts of ordinances, resolutions and regulations, inconsistent herewith are hereby repealed to the extent of such inconsistency.

B. If any section, paragraph, article, subdivision, clause or provision of this chapter shall be judged invalid, such adjudication shall apply only to the section, paragraph, article, subdivision, clause or provision so adjudged, and the remainder of this chapter shall be deemed valid and effective.

Attest:



Tara M. Pettoni, Municipal Clerk



James P. Dodd, Mayor

INTRODUCED: 1/30/2024

ADOPTED: 2/27/2024