

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

ORDINANCE NO. 11-2024

**AN ORDINANCE AMENDING CHAPTER 38
OF THE CODE OF THE BOROUGH OF
MENDHAM, ENTITLED "POLICE
DEPARTMENT"**

WHEREAS, the Chief of Police has filed for retirement effective September 1, 2024, which leaves the Mayor and Borough Council with the need to fill this public safety leadership position; and

WHEREAS, the Borough Council Safety Committee has reviewed and recommend a Public Safety Director position; and

WHEREAS, the Borough Council seeks to have a Public Safety Director position created and established; and

WHEREAS, the Public Safety Director shall provide a new objective perspective in the operations and management in the police department and assist with succession planning and training for the future, and enable continued policing excellence for the citizens of the Borough of Mendham; and

WHEREAS, the Borough of Mendham (the "Borough") desires to amend Chapter 38 of the Borough Code to include the position of Public Safety Director; and

NOW, THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Mendham, Morris County, New Jersey, that Chapter 38 of the Borough Code entitled "Police Department" is hereby amended as follows (additions underscored, deletions struck-through) (any subsection not enumerated herein remains unchanged):

POLICE DEPARTMENT

§38-2 Members.

A. The Police Department of the Borough of Mendham is established and consists of one Public Safety Director, not more than one (1) Police Captain, not more than one (1) Police Lieutenant, not more than four (4) Police Sergeants and not more than seven (7) police patrol officers. The actual numbers of incumbents, if any, in each position at any particular time shall be determined solely by the Borough Council based upon what it deems necessary to properly preserve peace and good order in the Borough of Mendham and may be less than the maximum herein established. The maximum numbers herein established for Sergeants and patrolmen may include investigators.

§38-3 Rules and regulations.

The Borough Council may, from time to time, establish, amend or repeal such rules and regulations as it may deem necessary to establish efficient operation of the Police Department and to secure proper and capable law enforcement for the protection, health, safety, and welfare of the Borough of Mendham and its citizens. The Borough Council shall serve as the appropriate authority, as the same defined in N.J.S.A. 40A:14-118, to whom the Public Safety Director shall be directly responsible for the efficiency and routine day-to-day operations of the Police Department.

§38-22 Public Safety Director.

A. Appointment

- (1) The Mayor shall appoint, with the advice and consent of the Borough Council a Public Safety Director who shall serve at the pleasure of the Mayor and Borough Council and who shall be directly responsible to the Appropriate Authority for the overall performance of the Police Department. The Public Safety Director shall serve as the administrative and executive head of the Police Department and shall establish, administer and enforce rules, regulations and policies, for the daily operation of the Department and the discipline of its members.

B. Powers and Duties.

- (1) In addition to supervising the general requirements for police department prescribed by state statute and the rules and regulations established by the Borough Council, the Public Safety Director duties shall include but not be limited to:
 - a. Serve as the administrative and executive head of the Police Department and shall establish, administer and enforce the rules, regulations and policies for the daily operation of the Department and the discipline of the force and its officers and personnel.
 - b. Delegate to members of the police department his or her duties, functions, assignments and powers as he or she deems appropriate.
 - c. Establishing by policy, rule and regulation, the procedures to be followed by police officers for the purchase of equipment and supplies. Such procedures may include the requirement that the Public Safety Director approve all expenditures with regard to the equipment and supplies.

- d. Keeping a record of all business transacted by the Police Department and approving all bills for the expense of the Police Department.
- e. Keeping and maintaining all records, reports, documents and other data required to be kept and maintained by the federal and/or state government and/or any of their respective subdivisions not including any records that are not permitted to be maintained by a civilian Public Safety Director.
- f. Developing the annual budget for the Police Department and overseeing any all expenditures of the Police Department.
- g. Evaluating the effectiveness of work program and procedures of all units and bureaus within the Police Department and developing effective work methods for subordinates.
- h. Reporting at least monthly to the Borough Council in such form as shall be prescribed by the Borough Council on the operation of the Department during the preceding month, and make such other reports as may be requested by the Borough Council.
- i. All such other duties not specifically reserved to the Chief of Police pursuant to N.J.S.A. 40A:14-118.
- j. Provide the Borough Council with recommendations related to conditions of the Police Department and its improvements and needs.
- k. Establish performance criteria for the Police Department as a whole as well as its individual members and conduct periodic evaluations to assure compliance with those criteria.
- l. Plan and implement an ongoing program of training and education, subject to the approval of the Borough Council for all members of the Police Department, so that they will be fully apprised of current developments in law enforcement.

C. Nothing herein contained shall prevent the Borough Council from examining at any time the operations of the Police Department or the performance of any officer or member thereof. In addition, nothing herein contained shall infringe on

or limit the power or duty of the appropriate authority to act to provide for the health, safety or welfare of the Borough in an emergency situation through special emergency directives.

D. The Public Safety Director shall serve as the liaison for the Mayor and Borough Council with the Fire Department, Rescue Squad and Office of Emergency Management.

BE IT FURTHER ORDINANED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDINANED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDINANED, that this ordinance shall take effect upon passage and publication in accordance with applicable law.

INTRODUCED: July 22, 2024

ADOPTED: August 26, 2024

BOROUGH OF MENDHAM,
COUNTY OF MORRIS,
STATE OF NEW JERSEY

ATTEST

BOROUGH OF MENDHAM

Lauren McBride, Acting Borough Clerk

Christine Serrano Glassner, Mayor