

**TOWN OF WEST NEW YORK
COUNTY OF HUDSON, STATE OF NEW JERSEY**

ORDINANCE #2/21

**AN ORDINANCE AMENDING CHAPTER 58 OF THE CODE OF THE TOWN OF
WEST NEW YORK ENTITLED “LIBRARY BOARD” REGARDING UNEXCUSED
ABSENCES**

WHEREAS, N.J.S.A. 40:54-9 provides that the Town of West New York (“Town”) may establish a Library Board of Trustees (“Library Board”); and

WHEREAS, the Town has established a Library Board; and

WHEREAS, the Library Board has requested that the Town as appointing authority of the Library Board, adopt an Ordinance pursuant to N.J.S.A. 40A:9-12.1(g) establishing an absentee threshold of only three unexcused absences before a seat on the Library Board may be deemed vacant; and

WHEREAS, the Town is of the opinion that same would foster the proper administration of the Library Board;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Commissioners of the Town of West New York, County of Hudson, State of New Jersey that the Code of the Town of West New York is hereby amended as follows:

SECTION I.

Chapter 58 “Library Board” of the Code of the Town of West New York is hereby amended to include the following additional section:

§ 58-5 Vacancy In Library Board Due to Unexcused Absences: In the case of a member Library Board, such member’s seat shall be deemed vacant whenever the member, without being excused by a majority of the authorized members of Library Board, fails to attend and participate at meetings of the Library Board for a period of at least six consecutive weeks, or for at least three consecutive regular meetings, whichever shall be of longer duration, at the conclusion of such period, provided that the Library Board shall notify the Town as appointing authority in writing of such determination; provided, further, that the Library Board may refuse to excuse only with respect to those failures to attend and participate which are not due to legitimate illness.

Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION II.

Repealer. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency.

SECTION III.

Codification. The Town Clerk shall have this Ordinance incorporated in the official copies of the Code of the Town of West New York. The Town Clerk and the Town Attorney be and are hereby authorized and directed to correct any typographical error in this Ordinance and change any heading, chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those headings and numbers and existing provisions of the Code of the Town of West New York, or as they may otherwise deem appropriate, even if the headings, chapter numbers, article numbers and section numbers thus modified are otherwise provided for in this Ordinance.

SECTION IV.

This Ordinance shall take effect upon passage and publication as required by law.

Summary of Ordinance

This Ordinance lowers the numbers of unexcused absences to three for members of the Library Board of trustees before a seat may be considered vacant due to such unexcused absences.

Introduced: January 19, 2021

Adopted: February 3, 2021