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OFFICE OF MAYOR WILDES

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BY HAND TO CITY CLERK'S OFFICE

Charlotte Schoen, Council President
City of Englewood
Englewood, New Jersey 07631

December 16, 2007

MAYOR'S VETO OF ORDINANCE 07-33

I am returning the attached Ordinance No. 07-33 (calling for the provision of exorbitant benefits) with my veto. Please accept this communication as my unconditional Veto of the above-referenced Ordinance, No. 07-33, pursuant to my authority under our City Charter.

The reason for this Veto is that I find this Ordinance to be an unacceptable raid on the public trust. In this Ordinance, the City Council, with the exception of Councilman Jack Drakeford, has proposed a lavish and unnecessary "golden parachute" for an incoming City Manager by providing that he or she may be entitled to twelve (12) months' salary and medical benefits whether or not he or she leaves within the first five (5) years of his or her employment. I am confident that no Englewood citizen has such an extravagant provision at his place of employment.

We can not afford this golden parachute. At a time when our City government should be tightening its belt, the City Council is loosening theirs, reaching further into the pockets of our community to offer this excessive benefit. The state permits a provision for three (3) months. To offer this inflated benefit, which represents an exorbitant compensation package, prior to even negotiating with a City Manager candidate shows total disregard by the Council for Englewood's taxpayers. It sends the wrong message that our City is prepared to give away extravagant benefits, rather than bargain hard with applicants for this position.

My veto is also based on the poor fiscal judgment it exhibits, particularly after a number of these Council members (Rosenzweig, Schoen, Reddin and Johnson) previously criticized health benefits extended to our prior City Manager. Here, the council turns that criticism on its head by offering this grossly excessive benefit package in which a City Manager would not even have to have served five (5) years to receive a full year's salary with full medical benefits after leaving the job. Council Members Rosenzweig, Schoen, Reddin and Johnson crafted and passed this Ordinance in an effort to fill the City Manager's post, which remains open for nearly a year now. The Ordinance is more a reflection of their faulty fiscal judgment, internal political agenda and their poor governance. I will not stand by while they bleed our City Treasury unnecessarily.

Accordingly, I Veto this Ordinance because the City simply cannot afford it. It sends the wrong message in these times when our residents are being stressed by the profligate spending of this Council. Our citizens watch their taxes go up while they experience significant financial hardship, many finding it difficult to meet their obligations. I Veto this spending Ordinance and ask that the Council set a better example by approving ordinances that demonstrate fiscal responsibility rather than wasteful spending.

MICHAEL J. WILDES
MAYOR

DAVID LAZAAR
Notary Public, State of New York
No. 31-4929781
Qualified in New York County
Commission Expires May 2, 2010

PRESIDENT SCHOEN : Consideration will now be given to Ordinance No. 07-33.

Will the City Clerk please read the ordinance by title.

CITY CLERK: (Read titles under consideration at this time.)

AN ORDINANCE SUPPLEMENTING CHAPTER 2, ADMINISTRATION AND ORGANIZATION, ARTICLE 3, THE CITY MANAGER, PROVIDING FOR THE TERMS AND CONDITIONS OF EMPLOYMENT FOR THE POSITION OF CITY MANAGER

PRESIDENT SCHOEN : I declare that the public hearing on this ordinance is now open. If there is any one who desires to be heard concerning this ordinance, or to ask questions concerning this ordinance, he or she will be heard at this time. Please come forward to the microphone and give your name and address for the record.

If no one else wishes to be heard, I will now close the public hearing.

MR. REDDIN : I move that the ordinance pass on final reading and be adopted, and that the ordinance be published once, by title only, with the usual legal notice, in the Press Journal.

MR. JOHNSON : I second the motion.

ROLL CALL

PRESIDENT SCHOEN : I declare the motion carried and the ordinance duly adopted.

ORDINANCE NO. 07-33

AN ORDINANCE SUPPLEMENTING CHAPTER 2, ADMINISTRATION AND ORGANIZATION, ARTICLE 3, THE CITY MANAGER, PROVIDING FOR THE TERMS AND CONDITIONS OF EMPLOYMENT FOR THE POSITION OF CITY MANAGER

WHEREAS, the City Council of the City of Emeryville finds it to be in the best interests of the community and, upon the basis of the foregoing, it is its policy to provide for the best interests of the community, protection for key positions; and

WHEREAS, the City Council desires to set guidelines for a salary and benefits package for the position of City Manager which it deems to be competitive and appropriate; and

WHEREAS, M.S.A. 40b.9, (b) requires that the terms and conditions of employment for municipal officials and employees be fixed by Ordinance;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Emeryville that Article 3, Chapter 2, of the City Charter and Title 10 of the City Manager's Handbook be amended as follows:

Section 1. Stipend structure. In addition to salary, medical and other benefits set forth in the City Salary Ordinance, City Charter and State Law, the City Council in its discretion may award the employee to whom a City Manager is entitled as follows:


(i) If the City Manager is terminated for reason other than just cause within the last five (5) years of his or her employment with the City of Emeryville, he or she may receive up to an additional year (1) of his or her salary and medical benefits.

(ii) If the City Manager is terminated for reason other than just cause after five (5) years of service for the City of Emeryville, he or she will be entitled to receive a lump sum payment of the amount of his or her salary and medical benefits he or she will be entitled to receive as shall be governed by the City Charter and State Law.

Section 2. If any salaries, awards, stipend, or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be held invalid by a court of competent jurisdiction, the ordinance shall nevertheless remain in full force and effect for the remainder of the Ordinance.

Section 3. All Ordinances or parts thereof amended herein are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect upon passage and publication as required by law.

VETO of ORDINANCE NO.: 07-33
on December 17th, 2007

MICHAEL J. WILDES
MAYOR