

**BOROUGH OF BOGOTA  
RESOLUTION**

COUNCIL	YES	NO	ABSENT	ABSTAIN
E. Burdick	/			
C. Kelemen	/			
L. Kohles	/			
J. Mitchell	/			
J. Nunez	/			
R. Robbins	/			

DATE: 8-12-14  
 RESOLUTION #: 14-160  
 MOTION BY: Mitchell  
 SECOND BY: Robbins

County of Bergen, New Jersey

Resolution Establishing Memorandum of Agreement Between  
The Borough of Bogota and Division of Local Government Services

Resolution Number 2014-160

WHEREAS, the Borough of Bogota has made application to the Local Finance Board for an appropriation "CAP" Waiver in the amount of \$339,655 utilizing the sale of municipal assets in it's 2014 municipal budget pursuant to N.J.S.A. 40A:4-45.3(dd), and

WHEREAS, the Local Finance Board has approved said appropriation "CAP" waiver for a reduced amount of \$175,000 subject to certain conditions, and

WHEREAS, those conditions include 1) restrictions on hiring, 2) restrictions on longevity pay, Assignment of Individuals in Acting Capacities, Overtime, Salary Increases, Promotions and Transfers, as outlined in an attachment to this resolution, and 3) direct involvement with all open collective bargaining agreement negotiations;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

(1) This Memorandum of Understanding (the "Memorandum") sets forth the minimum conditions, requirements, orders, and oversight required as a condition of receiving an appropriation "CAP" waiver; and

(2) The Municipality shall comply with the conditions set forth below in addition to all laws, regulations, Local Finance Notices, and any government, administrative and operational efficiency, and oversight measures necessary for the fiscal recovery of the Municipality as the Director may order from time to time pursuant to the State Budget or any other law.

I hereby certify that this is a true copy of an Resolution adopted by the Mayor and Council of the Borough of Bogota at a Public Meeting held on the 12 day of August, 2014

\_\_\_\_\_  
Borough Clerk

Restrictions on Hiring

1. Hiring Employees Requiring Governing Body Advice and Consent. A "Request to Hire Employees Requiring Governing Body Advice and Consent Waiver Form" (Attachment A) shall be completed and submitted to the Director prior to the Municipality advancing any candidate to the governing body for advice and consent. The Municipality shall not submit the candidate to the governing body for advice and consent until the Division has indicated it has completed a preliminary review of the candidate. Thereafter, the governing body may hold a meeting to consider its advice and consent. The Municipal Clerk shall return the waiver form indicating the results of said meeting. Upon its receipt of the waiver form, the Division will make a final determination concerning approval or disapproval of the candidate. The Municipality shall not hire the candidate until it receives the Division's written final approval.

2. Hiring Senior Level and Confidential Employees Not Requiring Governing Body Advice and Consent. A "Request to Hire Senior Level and Confidential Employees Not Requiring Governing Body Advice and Consent Waiver Form" (Attachment B) shall be completed and submitted to the Director prior to the Municipality hiring any such candidate for employment. Senior Level and Confidential Employees shall include, but not be limited to: the City Manager, Business Administrator, Chief of Staff, Chief Financial Officer, Tax Collector, Chief of Police, Chief of Fire, Department Head, Division Director, and any aides to the mayor or governing body, regardless of job title. Any such senior level and confidential employees requiring advice and consent shall be subject to the approval process in #1, above. Nothing herein shall alter any State or Municipal laws governing the necessity to obtain advice and consent. The Municipality shall not hire the candidate until it receives the Division's written final approval.

3. Hiring all employees other than Employees Requiring Governing Body Advice and Consent or Senior Level and Confidential Employees. A "Request to Hire Employee Waiver Form" (Attachment C) shall be completed and submitted to the Director prior to the Municipality hiring any person who is not covered by either of the two processes described in the preceding paragraphs.

Restrictions on Longevity Pay, Assignment of Individuals in Acting Capacities, Overtime, Salary Increases, Promotions and Transfers

1. Elimination of Ordinances Allowing for Future Increases in Longevity Pay or other Forms of Increases for Elected Officials and Non-Contractual Employees: The Municipality shall immediately freeze supplemental pay provided to elected officials and non-contractual employees, including but not limited to "longevity pay," at the rates or levels that existed prior to the effective date of this Memorandum (or in the case of a Municipality that received Transition Aid or a State Loan from the Division in CY 2012, prior to the effective date of the 2011 Memorandum). Stated differently, supplemental pay for elected officials and non-contractual employees shall not be increased on or after the effective date of this Memorandum (or the 2011 Memorandum if applicable). Any applicable ordinances and policies shall be amended accordingly.

2. Assignment of Individuals to Acting Positions: The Municipality shall not assign any person to work in an "acting capacity" in regard to positions permanently vacated through death, retirement, termination or resignation if the vacant position is covered by the process for either a "Request to Hire Employees Requiring Governing Body Advice and Consent Waiver Form" or a "Request to Hire Senior and Confidential Employees Not Requiring Governing Body Advice and Consent Waiver Form." In such cases, the process for assigning a person to work in an "acting capacity" shall follow the process for permanently filling the vacancy.

3. Salary Restraints for Elected Officials and Non-contractual Employees: On and after the effective date of this Memorandum, the Municipality shall not increase the salaries or compensation of elected officials, non-contractual employees, and contractual employees who are not otherwise entitled to increases under the terms of their contracts.

4. Overtime Compensation: The Municipality shall not authorize any employee, including but not limited to any management employee, to earn or be paid for overtime unless Federal or State law expressly requires overtime to be earned or paid. Any applicable ordinances and policies shall be amended accordingly.

5. Renewal, Extensions, and Changes to Individual Employment Contracts: No new or renewed individual employment contracts, extension of terms of an individual employment contract, or

any other change to an individual employment contract shall be executed without the prior written approval of the Director.

6. Promotions, Transfers, and Title Changes: The Municipality shall not approve any promotions, transfers, and title changes resulting in a salary increase unless required to do so by contractual obligations.

7. Exceptions for Good Cause: The Director may authorize salary increases or promotions for good cause upon the Municipality's written request. Good cause may include salary increases or promotions that are part of a plan to restructure personnel or service delivery in a manner that is intended to achieve cost reductions.