BOROUGH OF UNION BEACH
MONMOUTH COUNTY, NEW JERSEY
PUBLIC NOTICE

The Following was introduced and passed upon first reading at a meeting of the governing body of the Borough of Union Beach, in the County of Monmouth, State of New Jersey, on May 21, 2026. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Municipal Building, 650 Poole Avenue, Union Beach on June 18, 2026 at 7:00 p.m.

ORDINANCE NO. 2026-379:

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE XI, §2-6 OF THE CODE OF THE BOROUGH OF UNION BEACH TO CREATE THE POSITION OF DIRECTOR OF PUBLIC SAFETY PURSUANT TO N.J.S.A. 40A:14-118 AND TO ESTABLISH THE ADMINISTRATIVE OVERSIGHT STRUCTURE OF THE POLICE DEPARTMENT

WHEREAS, pursuant to N.J.S.A. 40A:14-118, municipalities in the State of New Jersey are authorized to establish and maintain a police department and to provide for the appointment of a Director of Public Safety or other appropriate authority for the administration and oversight of such department; and

WHEREAS, the Mayor and Council of the Borough of Union Beach have determined that it is in the best interests of the Borough to establish the position of Director of Public Safety to provide administrative oversight, management coordination, policy development, and strategic planning for the Union Beach Police Department; and

WHEREAS, the Mayor and Council desire to establish an administrative structure consistent with N.J.S.A. 40A:14-118 and other applicable laws governing municipal police departments; and

WHEREAS, the Mayor and Council find that the establishment of a Director of Public Safety position will provide additional administrative oversight, continuity of leadership, succession planning, operational review, and long-range public safety planning for the Borough; and

WHEREAS, the position of Director of Public Safety shall be deemed an appointed, unclassified, policy-making position pursuant to applicable New Jersey law;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Union Beach, County of Monmouth, State of New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length herein.

Section 2. Chapter 2, Article XI, Section 1 of the Borough Code entitled "Definitions," shall be amended as set forth below (all additions are <u>underlined</u> and deletions are noted by ~~strikeouts~~):

> <u>"DIRECTOR OF PUBLIC SAFETY" shall mean the administrative official appointed by the Mayor and Council pursuant to N.J.S.A. 40A:14-118 to provide administrative oversight, supervision, policy coordination, management review, operational oversight, and strategic planning for the Police Department and related public safety functions</u>

consistent with applicable law, and as directed by the Mayor and Council, and the Appropriate Authority.

Section 3. Chapter 2, Article XI, Section 7 of the Borough Code entitled "Composition of Police Department" is amended as set forth below (all additions are underlined and deletions are noted by ~~strikeouts~~)

§2-6.7 Composition of Police Department.

a. The police department of the borough shall consist of a Director of Public Safety**,** a chief of police, a captain of police and such sergeants, patrol officers and other employees as shall be necessary and established by resolution of the Mayor and Council based upon the public safety, operational, and financial needs of the Borough.

Section 4. Chapter 2, Article XI is amended to add a new section entitled "Director of Public Safety," as set forth below (all additions are underlined and deletions are noted by ~~strikeouts~~):

§2-6. __ Director of Public Safety.

a. Creation.

There is hereby established the office of Director of Public Safety for the Borough of Union Beach pursuant to N.J.S.A. 40A:14-118.

The Director of Public Safety shall serve as an appointed, unclassified, policy-making position and shall provide administrative oversight, supervision, management coordination, operational review, policy development, and strategic planning for the Police Department consistent with N.J.S.A. 40A:14-118 and applicable law.

b. Appointment.

The Director of Public Safety shall be appointed by the Mayor with the advice and consent of the Council and shall serve at the pleasure of the governing body.

c. Qualifications.

The Director of Public Safety shall possess significant executive, administrative, governmental, legal, law enforcement, military, or public safety experience sufficient to perform the duties of the office as determined by the governing body.

d. Reporting Structure.

The Director of Public Safety shall report to the Appropriate Authority, the Public Safety Committee, and the Mayor and Council. The Director of Public Safety shall serve as the administrative liaison between the governing body and the Police Department. The

appointment of a Director of Public Safety shall not infringe upon the role and authority of the Appropriate Authority.

e. Powers and Duties.

The Director of Public Safety shall have the authority and responsibility to:

1. Exercise administrative oversight and supervision of the Police Department as permitted by law;
2. Assist the Appropriate Authority and Public Safety Committee in policy development, administrative oversight, operational review, and strategic planning for the Police Department;
3. Review, oversee, and make recommendations concerning departmental budgets, grant opportunities, shared services opportunities, staffing levels, equipment acquisition, technology improvements, and capital planning initiatives;
4. Coordinate interdepartmental and intergovernmental administrative matters involving the Police Department;
5. Receive periodic administrative summary reports concerning Internal Affairs activity, policy compliance, training, departmental operations, accreditation matters, and risk management practices consistent with Attorney General Guidelines, confidentiality requirements, and applicable law; provided, however, that nothing herein shall authorize the Director of Public Safety to direct, supervise, interfere with, or participate in specific Internal Affairs investigations or disciplinary determinations except as otherwise permitted by law;
6. Assist in planning, organizing, developing, coordinating, and evaluating programs, initiatives, and administrative functions of the Police Department;
7. Evaluate the effectiveness of departmental programs, procedures, policies, and operational efficiency and make recommendations for improvements to the governing body;
8. Coordinate planning and public safety initiatives with municipal departments, county agencies, school districts, emergency management officials, neighboring law enforcement agencies, and other governmental entities;
9. Establish and maintain cooperative working relationships with civic organizations, business organizations, schools, court offices, public safety agencies, and other entities involved in the maintenance of public safety and law enforcement services;
10. Prepare reports, findings, analyses, recommendations, and long-range planning documents concerning Police Department operations, staffing, budgeting, equipment needs, public safety initiatives, and administrative performance;
11. Oversee the establishment and maintenance of departmental administrative records, files, reporting systems, and information management systems consistent with law and Attorney General Guidelines;
12. Assist in the development, review, implementation, and updating of departmental policies, procedures, rules, regulations, and standard operating procedures authorized pursuant to N.J.S.A. 40A:14-118;
13. Require periodic administrative and operational reports concerning departmental efficiency, operations, manpower, budgeting, crime statistics, grant compliance, training, and public safety initiatives;
14. Submit periodic reports and recommendations to the Mayor and Council concerning the operation, efficiency, and long-term planning of the Police Department;

15. Undertake special studies, investigations, and administrative reviews pertaining to public safety functions, departmental operations, efficiency, and risk management;
16. Coordinate with the Chief of Police concerning administrative planning, staffing analysis, organizational structure, and operational efficiency reviews consistent with N.J.S.A. 40A:14-118;
17. Perform such additional administrative duties as may be assigned by the Mayor and Council consistent with law.

f. Oversight Authority.

In the absence of a duly appointed Chief of Police, the Director of Public Safety may coordinate administrative oversight functions of the Police Department through the highest-ranking sworn law enforcement officer, consistent with N.J.S.A. 40A:14-118 and applicable Attorney General Guidelines.

The Director of Public Safety shall oversee administrative, budgeting, planning, policy coordination, and management review functions of the Police Department in accordance with applicable law, Attorney General Guidelines, departmental policies, collective bargaining agreements, and Civil Service requirements where applicable.

The Director of Public Safety may coordinate and oversee the administrative functions of the Police Department and provide direction concerning policy implementation, organizational efficiency, budgeting, planning, grants administration, accreditation, reporting requirements, and other lawful administrative matters.

Nothing herein shall authorize the Director of Public Safety to exercise powers contrary to New Jersey law or applicable Attorney General directives.

If a Chief of Police is appointed in the future, the Chief shall serve as the executive head of the Police Department pursuant to N.J.S.A. 40A:14-118 and shall retain authority over the day-to-day operations of the Police Department as provided by law. The Chief shall report to the Appropriate Authority, and may provide administrative updates to the Director of Public Safety consistent with law

g. Emergency Authority.

Nothing contained herein shall infringe upon or limit the authority of the highest-ranking law enforcement officer on duty to act in emergency situations to protect the health, safety, and welfare of the public pursuant to applicable law.

Section 5. Chapter 2, Article XI, section 8 entitled "Public Safety Committee" is amended as set forth below (all additions are underlined and deletions are noted by ~~strikeouts~~):

§2-6.8 Public Safety Committee.

a. The public safety committee established in the bylaws of the Mayor and Council of the Borough of Union Beach shall have primary responsibility for the administration,

practices, procedures, and records of the Police Department, but it shall not relieve the Public Safety Director and/or the Chief of Police and/or the highest ranking law enforcement officer of the police department to perform their respective duties and responsibilities over the police department.

b. The line of authority for Police Department shall be as follows:

i. ~~shall be from~~ the mayor and council;
ii. ~~to~~ The public safety committee;
iii. ~~to~~ The appropriate authority;
iv. ~~to~~ The Chief of Police (if one is appointed);
v. ~~to~~ The department chain of command.

In an emergency the mayor may receive reports from and issue orders or instructions to the appropriate authority, to the Public Safety Director, to the chief of police and the department chain of command, and in the absence of the mayor, the president of the council, or in the absence of the president of the council, the chairman of the public safety committee may act in that capacity.

The Director of Public Safety, if appointed, shall serve in an administrative advisory and policy coordination capacity to the Appropriate Authority and governing body and shall not supplant the statutory authority of the Chief of Police under N.J.S.A. 40A:14-118.

c. The appointment of a Public Safety Director shall not infringe upon the obligation for the obligation of the Chief and/or the chief law enforcement authority to report to the Appropriate Authority, as provided by law, by ordinance, or by agreement. ~~The appropriate authority to receive regular communications from the chief of police shall be the public safety committee subject to the line of authority.~~

d. The public safety committee may recommend to the council that certain orders or instructions be issued to the Public Safety Director and/or the chief of police (or in the absence of a Director or Chief, to the highest-ranking law enforcement officer or Officer in Charge), which shall be disseminated ~~and through the chief of police~~ to all members of the department. Upon concurrence of the council with said recommendations, the chairman of the public safety committee shall forthwith issue the orders or instructions to the Public Safety Director and/or the chief of police (or in the absence of a Director or Chief, to the highest-ranking law enforcement officer or Officer in Charge), which shall be disseminated. All orders and instructions to members of the police department shall be made and transmitted through the Public Safety Director and/or the chief of police (or in the absence of a Director or Chief, to the highest-ranking law enforcement officer or Officer in Charge)., ~~which shall be disseminated~~ chief of police, ~~or in his absence, through the next ranking officer to the entire department.~~

e. No changes.

Section 6. Chapter 2, Article XI, Section 9 of the Borough Code entitled "Powers and Duties of Chief of Police," shall be amended as set forth below (all additions are underlined and deletions are noted

by ~~strikeouts~~):

§ 2-6.9 Powers and Duties of Chief of Police.

a. The chief of police shall be the executive head of the police department and shall be responsible for the conduct, efficiency, policy, operations, discipline and management of the department, subject at all times to the rules, regulations, instructions and orders of the council and the Appropriate Authority. The chief of police ~~He~~ shall cause to be made personnel investigations and make recommendations on applicants for employment and promotions in the department to the public safety committee, with the understanding that all final decision-making authority rests with the governing body. ~~He shall be a resident of the Borough of Union Beach.~~

b. Responsibility: Through the chief of police, the department is responsible for the enforcement of all laws and ordinances coming within its legal jurisdiction. The chief of police ~~He~~ is responsible for planning, directing, coordinating, controlling and staffing all activities of the department, for its continued and efficient operation, for the enforcement of rules and regulations within the department, for the completion and forwarding of such reports as may be required by competent authority and for the department's relations with the citizens of the borough, the borough government and other agencies. The chief of police ~~He~~ is responsible for the assignment of personnel to any section or position he deems necessary for the efficient operation of the department.

c. Reporting Responsibilities: The Chief of Police shall report to the Appropriate Authority on a regular basis, which shall mean at least monthly, in such form as directed by the Appropriate Authority. If there is a Director of Public Safety in place, the Chief of Police may provide periodic administrative briefings or reports to the Director consistent with law and Attorney General Guidelines.

Section 7. Chapter 2, Article XI of the Borough Code shall be amended to include a new section entitled "Appropriate Authority" as set forth below (all additions are underlined and deletions are noted by ~~strikeouts~~):

The Borough Administrator shall serve as the Appropriate Authority of Borough of Union Beach Police Department pursuant to N.J.S.A. 40A:14-118, unless otherwise designated by ordinance. If there is a Director of Public Safety in place, the Director shall serve in an administrative and policy coordination capacity to the Police Department on behalf of the Appropriate Authority, and shall always act that the direction of the Appropriate Authority and the governing body. Nothing contained herein shall be construed to diminish, transfer, supersede, or interfere with the statutory authority and responsibilities of the Chief of Police under N.J.S.A. 40A:14-118, including authority over the day-to-day operations of the Police Department.

Section 8. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of any inconsistency.

Section 9. If any section, subsection, sentence, clause, or phrase of this Ordinance is held invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Section 10. This Ordinance shall take effect upon final passage and publication according to law.

Ordinance No. 2026-379 was introduced on First Reading by Councilman Lewandowski and seconded by Councilwoman Woodruff and approved by the Roll Call Vote.