

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 003-2017

**RE: AN ORDINANCE AMENDING REVISED GENERAL ORDINANCE
CHAPTER II (ADMINISTRATION) OF THE CODE OF UPPER TOWNSHIP TO
ESTABLISH AN ECONOMIC DEVELOPMENT ADVISORY COMMISSION**

WHEREAS, the Township Committee of the Township of Upper, in order to promote and encourage appropriate and sufficient economic development throughout the Township, has determined that it is in the best interest of the Township to amend Chapter II (Administration) of the Code of Upper Township to establish an Economic Development Advisory Commission; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee, in the Township of Upper, County of Cape May and State of New Jersey, as follows:

SECTION 1. Chapter II of the Revised General Ordinances of the Township of Upper, also known as the Code of Upper Township, shall be amended and supplemented as hereinafter provided:

Section 2-3.5 is hereby created as follows:

2-3.5 Economic Development Advisory Commission.

a. **Commission Established.** The Township hereby establishes the Upper Township Economic Development Advisory Commission (hereinafter "Commission").

b. **Authority, Functions and Objectives.**

1. The primary functions and objectives of the Commission shall be:

(a) To discuss, investigate, study and give written advice and recommendations to the Township Committee as determined by the Commission and/or as may be requested by the Township Committee regarding economic and business conditions and circumstances best suited for the Township, and the manner and methods by which development of business conditions and circumstances best suited for the Township may evolve and be encouraged.

(b) Promotion of the Township:

- (i) To recommend marketing and promotion of the Township's economic and business strengths; and
- (ii) To devise methods and propose programs to promote economic investment, commercial development and tourism.

(c) To recommend, in writing, to the Township Committee the means by which stability, growth and increased commercial rates can best take place.

(d) To work together cooperatively with the State, the County and other local regional and state organizations, divisions or departments having similar goals, in order to be able to recommend to the Township Committee the best and most desirable planning, implementation and courses of action by which the primary functions and objectives of the Township's economic and business interests can be most effectively and efficiently merged and cooperated with those other organizations, divisions or departments having similar goals in furtherance of increased commercial rates, tourism, business creation and retention and promoting the Township as an attractive place in which to live, work or visit.

2. The Commission shall serve as the liaison between the Township and the business community including coordinating meetings and dialogue between the Township and the Business or Civic Associations and Chamber of Commerce and assisting the Township in promoting the many advantages to opening and operating a business in the Township.
3. Working in combination with other municipal commissions, committees and in conjunction with public/private partnerships, the Commission shall propose, organize, sponsor, promote and advertise events to improve tourism, merchant trade and commerce in Township business areas and sponsor educational symposiums to improve business knowledge of commercial owners as permitted by budgetary constraints and as authorized by the Township Committee.

4. The Commission shall identify and recommend to the Township Committee the retention of professionals and other experts which the Commission deems necessary or desirable to effectuate the objectives of the Commission, subject to approval of the Township Committee and budgetary constraints.
5. The Commission shall establish annual goals and measurement techniques to gauge success, monitor progress and determine need for adjustments to the plan of action which shall be submitted to the Township Committee for approval. The Commission shall report to the Township Committee at least on a semi-annual basis, or more frequently at the request of the Township Committee, to provide a report on the progress of the objectives and the achievements accomplished and to receive input from the Township Committee and the public.
6. From time to time, but not less than annually, the Commission shall submit to the Township Committee for review and approval, by resolution, the mission statement adopted by the Commission and the methods by which the Commission's objectives will be achieved. No such mission statement shall be amended except upon approval by the Township Committee through a resolution.
7. The Commission shall have such additional primary and lesser authority, functions, purposes and objectives as the Commission may from time to time submit to the Township Committee, subject to the Township Committee's selection and approval, and/or as may, from time to time, be determined by the Township Committee by way of amendments to this ordinance.

c. Membership, terms, appointments, privileges and duties.

1. The Commission shall consist of five (5) regular members and two (2) alternates, all appointed by the Township Committee and all members shall have a term of office of three (3) calendar years, or such lesser period of time as may be caused by the date of appointment, with terms expiring at 11:59 p.m., December 31 of each calendar year. Appointments shall be

staggered such that two (2) appointments expire in each of the first two calendar years of the Commission and one (1) appointment expires the third initial calendar year of the Commission.

2. The members of the Commission shall be residents or taxpayers of the Township, or his/her designee. In addition, one member shall be a member of the Township Committee.
 3. All five (5) regular members of the Commission shall have full voting privileges. Alternate members shall participate in all meetings and discussions but shall only vote in the absence of a regular member.
 4. The appointments of members of the Commission shall be made by the Township Committee by resolution as soon as practicable after the establishment of the Commission in this calendar year of its establishment, and in succeeding years at the annual Township Committee reorganization meeting or any subsequent regular meeting of the Township Committee in January of each calendar year.
 5. The appointment of any member of the Commission may be rescinded or terminated by the Township Committee with or without cause.
 6. Any vacancy created by any resignation of any member of the Commission during any calendar year may be filled by appointment by the Township Committee by resolution for the remainder of that member's term of office.
- d. **First meeting.** The members of the Commission shall meet within thirty (30) days of their appointment.
- e. **Organization and administration.**
1. At the first meeting in each calendar year the Commission shall:
 - (a) Elect a Chairperson, Vice Chairperson and a Secretary.
 - (b) Establish a schedule of meeting dates for the remainder of the calendar year.
 - (c) Establish a list of primary and lesser objectives and a mission statement for the calendar year.

- (d) Establish a schedule of performance due dates for reports of any investigation or study to be undertaken by the Commission during the calendar year.
2. All meetings shall be accurate and sufficient written minutes which shall be promptly prepared, approved and forwarded to the Township Committee. A member shall be elected by the Commission each calendar year to perform the duties of minute taking and preparation and such other clerical tasks as may be necessary or desired, and that member shall be the Secretary.
3. The product and minutes of the first meeting of the Commission in each calendar year shall promptly be forwarded to the Township Committee, and all products and minutes of every meeting thereafter shall be promptly prepared and approved by the Commission, and then forwarded to the Township Committee.
4. The Commission may organize its activities, investigations, studies and reports by committee, but no committee action or recommendation shall have status as an action or report by the Commission unless adopted by a majority vote of the Commission and at a meeting on reasonable advance notice to the membership of the Commission.
5. Any and all investigations, studies, calls for action, reports or recommendations for action adopted by a majority vote of the Commission shall be promptly forwarded to the Township Committee and they shall not be published or disseminated in any way whatsoever until that is accomplished and until and unless reviewed, accepted and approved by the Township Committee. Any Commission member violating this section or subsection 6 or 7 may have his/her appointment rescinded and terminated for cause by the Township Committee.
6. No implementation of any call for action, or any report and recommendation by the Commission to the Township Committee shall take place or have any status as action by the Township, or a report of the Township, or a policy of the Township, unless and until accepted and approved by the Township

Committee by resolution, and the Township Committee in its discretion may decline to act, accept or approve, or may act upon, accept or approve any portion, or the whole, as it desires and determines.

7. The Commission being an advisory commission of the Township Committee, and being subordinate to the Township Committee and subject to the oversight of the Township Committee, shall conduct its activities and meetings in accord with all applicable state law, which shall include, may not be limited to, the Open Public Meetings Act and the Open Public Records Act.
8. The Commission's meetings and deliberations shall proceed in accordance with the latest version of Robert's Rules of Order.

SECTION 2: EFFECTIVE DATE: This ordinance shall take effect immediately upon adoption and publication as required by law.

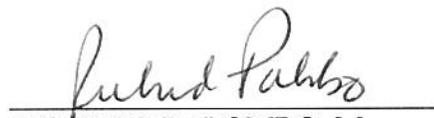
SECTION 3: REPEALER: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

SECTION 4: SEVERABILITY: If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 5: CODIFICATION: This Ordinance shall be codified as indicated in Chapter 2 of the Upper Township Code.

ATTEST:


BARBARA L. YOUNG, Township Clerk


RICHARD PALOMBO, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 23rd DAY OF JANUARY, 2017 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 27th DAY OF FEBRUARY, 2017 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

Legislative History:

Introduced: January 23, 2017

Publication: January 27, 2017

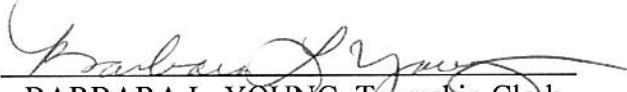
Newspaper(s): The Press of Atlantic City

Second Reading and Public Hearing: February 27, 2017

Final Adoption: February 27, 2017

Final Publication Date: March 2, 2017

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on February 27, 2017 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on March 2, 2017.


BARBARA L. YOUNG, Township Clerk