

**CITY COUNCIL**

**The City of Orange Township, New Jersey**

DATE January 2, 2024

NUMBER 6-2024

**TITLE: A RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF ORANGE TOWNSHIP, ESSEX COUNTY, NEW JERSEY, APPOINTING NILE CLEMENTS AS CHIEF MUNICIPAL FINANCIAL OFFICER FOR THE CITY OF ORANGE TOWNSHIP**

**WHEREAS**, pursuant to *N.J.S.A. 40A:9-140.10*, Nile Clements has served as Chief Municipal Financial Officer for the City of Orange Township ("City") for a minimum of 4 consecutive years from January 1, 2020 pursuant to City Council Resolution 114-2020, adopted March 3, 2020; and,

**WHEREAS**, the City's Mayor and Municipal Council desire to reappoint Nile Clements to an additional term; and,

**WHEREAS**, pursuant to *N.J.S.A. 40A:9-140.10*, the City's Mayor and Municipal Council understand that reappointing Nile Clements will trigger tenure protection for Mr. Clements; and,

**WHEREAS**, the City's Mayor and Municipal Council believe that Mr. Clements has satisfactorily performed his duties as Chief Municipal Financial Officer during his prior term and are confident that he will continue to do so moving forward; and,

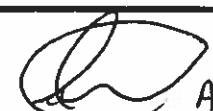
**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Municipal Council agree that Nile Clements should be re-appointed to the position of City of Orange Township Chief Municipal Financial Officer, effective January 1, 2024, and that this reappointment will trigger tenure protection for Mr. Clements during his continued term of office; and,

**BE IT FURTHER RESOLVED** that City officials are hereby authorized to take whatever ministerial actions may be required to effectuate the intent of this Resolution.

Adopted: **January 2, 2024**

\_\_\_\_\_  
Joyce L. Lanier  
City Clerk

\_\_\_\_\_  
Tency A. Eason  
Council President

  
A. MIZRAHI

**CITY COUNCIL**

**The City of Orange Township, New Jersey**

DATE March 3, 2020

NUMBER 114-2020(FC)

**TITLE:**

**A RESOLUTION AUTHORIZING THE FOUR (4) YEAR APPOINTMENT OF NILE CLEMENTS AS THE CHIEF MUNICIPAL FINANCIAL OFFICER FROM JANUARY 1, 2020 TO DECEMBER 31, 2023.**

**WHEREAS, N.J.S.A. 40A:9-140.10 provides for the appointment and the term of office of the Chief Municipal Financial Officer (CMFO) the appointment to be designated by the governing body of the City of Orange Township (the City); and**


**WHEREAS, the position of Chief Municipal Financial Officer has been held by a temporary CMFO since April 1, 2019; and**

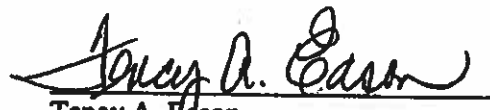
**WHEREAS, the City desires to appoint Nile Clements as Chief Municipal Financial Officer of the City effective January 1, 2020 through December 31, 2023; and**

**WHEREAS, Nile Clements is qualified for the position of Chief Municipal Financial Officer under the laws of the State of New Jersey, where he became certified as a CMFO as of December 4, 2019.**

**NOW THEREFORE, BE IT RESOLVED; that the Mayor and Council of the City of Orange Township hereby authorize the appointment of Nile Clements as Chief Municipal Financial Officer for the City of Orange Township from January 1, 2020 to December 31, 2023.**

Adopted: **March 3, 2020**

  
Joyce D. Danier  
City Clerk

  
Tency A. Eason  
Council President

*Vaughn Parchment on behalf of the City Attorney*  


**RESOLUTION NO. 114-2020**

**OFF CONSENT AGENDA**

**REGULAR MEETING- MARCH 3, 2020**

**MOTION TO WALK ON: Coley**

**SECOND: Jackson**

**YEAS: Coley, Jackson, Johnson, Jr., Summers-Johnson, Williams & Council President Eason**

**NAYS: None**

**ABSTENTIONS: None**

**ABSENCES: Wooten**

**MOTION TO ADOPT: Williams**

**SECOND: Jackson**

**YEAS: Coley, Jackson, Johnson, Jr., Summers-Johnson, Williams & Council President Eason**

**NAYS: None**

**ABSTENTIONS: None**

**ABSENCES: Wooten**



**State of New Jersey**  
**DEPARTMENT OF COMMUNITY AFFAIRS**  
 101 SOUTH BROAD STREET  
 PO Box 803  
 TRENTON, NJ 08625-0803

**PHILIP D. MURPHY**  
*Governor*

**LT. GOVERNOR SHEILA Y. OLIVER**  
*Commissioner*

February 7, 2020

Nile S. Clements  
 328 Myrtle Avenue  
 Irvington, NJ 07111

Dear Mr. Clements:

Congratulations on having successfully completed the examination for a Municipal Finance Officer Certificate that was administered on December 4, 2019. Your grade(s) for each section of the exam are as follows:

Part I - Practical/Accounting	89
Part II - Theory	82

Upon receipt of a check in the amount of \$50 drawn to the order of the State Treasurer and forwarded to the Certification Unit at the Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625, your Municipal Finance Officer Certificate will be issued. Unless you instruct otherwise, your name will appear on the Certificate as it does in the heading of this letter.

As you are aware, your Municipal Finance Officer Certification is subject to renewal every two years. Renewal requires completion of 30 contact hours of continuing education credit. Enclosed is a "Record of Continuing Education/Certification Renewal" form to be used for tracking your continuing education credits. Subject areas and minimum hours required are noted on the form. **The first renewal of your certificate is due December 31, 2021. This will be the only notice you will receive from the Division as to when you are due for renewal.**

Upon completion of a seminar, or shortly thereafter, the sponsor will issue you some proof of attendance that you must retain as your personal record. The information required on the record and renewal form will be noted on the proof of attendance. As you complete a course/seminar, transfer the information to the form. Once you have completed all necessary credits, total the columns, complete the bottom portion and mail with the requisite renewal fee to the Division. Upon receipt, your certification will be renewed. Do not send any proofs of attendance with your form.

## **Title 40A - MUNICIPALITIES AND COUNTIES**

### **Section 40A:9-140.10 - Municipality required to have chief financial officer**

#### **40A:9-140.10 Municipality required to have chief financial officer; exceptions.**

5. a. Notwithstanding the provisions of any law to the contrary, in every municipality there shall be a chief financial officer appointed by the governing body of the municipality. The requirement that every municipality shall have a chief financial officer may be fulfilled by the sharing of a chief financial officer with another municipality or municipalities under a shared service agreement entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.). Any such shared service agreement shall be subject to the provisions of section 4 of P.L.2007, c.63 (C.40A:65-4) and, with respect to pilot municipalities, section 3 of P.L.2013, c.166 (C.40A:65-4.2). The term of office shall be four years, which shall run from January 1 in the year in which the chief financial officer is appointed. The compensation for the chief financial officer shall be separately set forth in a municipal salary ordinance.

If a governing body fails or refuses to comply with this section, and has received an order from the director to do so, the members of a governing body who willfully fail or refuse to comply shall each be subject to a personal penalty of \$25 for each day after the date fixed for final action that failure or refusal to comply continues. The amount of the penalty may be recovered by the director in the name of the State as a personal debt of the member of the governing body, and shall be paid, upon receipt, into the State Treasury.

In the case of a pilot municipality, a tenured chief financial officer may be dismissed to effectuate the sharing of a service entered into pursuant to the provisions of P.L.2007, c.63 (C.40A:65-1 et seq.) and such dismissal shall be deemed to be in the interest of the economy or efficiency of the participants in the shared service agreement. The removal of a chief financial officer under this section shall not require the pilot municipality to fulfill the requirements of section 2 of P.L.1977, c.39 (C.40A:9-140.8). Instead, the pilot municipality shall provide the chief financial officer with a written copy of the shared service agreement entered into by the pilot municipality, and a letter stating that the position of chief financial officer in the pilot municipality is being eliminated for reasons of economy or efficiency as the result of the shared service agreement.

b. The requirement that every municipality shall have a chief financial officer may be temporarily fulfilled by the appointment of a private entity to perform the duties of a chief financial officer. A municipality shall not appoint a private entity to fulfill the duties of a chief financial officer for more than two consecutive one-year terms. A municipality shall not make such appointment or reappointment unless approved by the Director of the Division of Local Government Services in the Department of Community Affairs. Such approval shall only be granted if the municipality demonstrates that it has made a good faith effort to hire an individual who holds a municipal finance officer certificate issued pursuant to the provisions of P.L.1971, c.413 (C.40A:9-140.1 et seq.). The term of office of a private entity appointed pursuant to this subsection shall not exceed two consecutive years. Any work performed by such private entity on behalf of the municipality shall be supervised by at least one employee who holds a municipal finance officer certificate issued pursuant to the provisions of P.L.1971, c.413 (C.40A:9-

P.L.1971, c.413 (C.40A:9-140.1 et seq.) or this act. However, any such individual shall not be entitled to be appointed as the chief financial officer of that municipality unless he possesses a municipal finance officer certificate.

f. When a vacancy occurs in the office of chief financial officer following the appointment of a certified municipal finance officer to that office, the governing body or chief executive officer, as appropriate, may appoint, for a period not to exceed one year and commencing on the date of the vacancy, a person who does not hold a municipal finance officer certificate to serve as a temporary chief financial officer. Any person so appointed may, with the approval of the director, be reappointed as chief financial officer following the termination of the temporary appointment for one additional year. No local unit shall have a temporary chief financial officer for more than two consecutive years.

g. Upon application by a municipal governing body to the director, an individual without a municipal finance officer certificate may, with the approval of the director, be appointed to serve as the chief financial officer in a municipality in which he is presently employed if that individual meets all of the requirements established under subsection a. of section 2 of P.L.1971, c.413 (C.40A:9-140.2) and further has completed four of the seven training courses identified in subsection b. of section 2 of P.L.1971, c.413 (C.40A:9-140.2), at least two of which shall be accounting courses. If any individual appointed as a chief financial officer pursuant to this subsection fails to obtain a municipal finance officer certificate prior to January 1, 1992, his appointment as chief financial officer shall lapse and the municipal governing body shall appoint a certified municipal finance officer as the municipality's chief financial officer.

L.1988,c.110,s.8; amended 1991,c.175,s.11.



**Department of Community Affairs  
Division of Local Government Services**

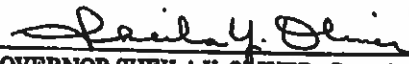

*This certifies that  
Nile S. Clements*

Has successfully completed the education and experience requirements established by Chapter 413, Laws of 1971 and is hereby officially recognized as a

**Certified Municipal Finance Officer**

  
PHILIP D. MURPHY, Governor  
STATE OF NEW JERSEY

December 4, 2019  
ISSUE DATE  
N-1754  
CERTIFICATION NUMBER

  
LT. GOVERNOR SHEILA Y. OLIVER, Commissioner  
DEPARTMENT OF COMMUNITY AFFAIRS  
  
TIMOTHY J. CUNNINGHAM, Director  
DIVISION OF LOCAL GOVERNMENT SERVICES