

Notice Number
Date**LOCAL FINANCE NOTICE****Municipal Clerk's Certification Law Update**

On January 6, 1998, P.L. 1997, c. 279 amended the "Municipal Clerks Certification Law" (N.J.S.A. 40A:9-133 et seq.). Those amendments substantially changed the original law to include Continuing Education requirements, a new Financial Administration course, and restricted Certifications. The amendments also provided that, commencing **January 1, 2002**, no one may be appointed or reappointed as Municipal Clerk unless they possess a Registered Municipal Clerk (RMC) certification.

This means that any non-RMC Municipal Clerk appointed prior to January 1, 2002, may complete their three-year term. However, upon completion of the term, the municipality will then be required to appoint a RMC as the Municipal Clerk. For example, a non-RMC individual appointed as Municipal Clerk on December 12, 2001, would be permitted to complete the 3-year term. However, in order to be re-appointed on December 12, 2004, the individual must possess a RMC certification or another individual who possesses a RMC must be appointed as Municipal Clerk.

Vacancy Provision

If a RMC has been previously appointed to the position of Municipal Clerk and a vacancy occurs in the office, a governing body may appoint a non-RMC to serve as Acting Municipal Clerk for one year from the date of the vacancy. With permission of the Director of the Division, the municipality may appoint such a person for two subsequent one-year terms as Acting Municipal Clerk. This provision does not expire on January 1, 2002; however, it may only be utilized upon vacancy of the Office of Municipal Clerk if the vacancy was created by someone who holds a RMC certificate.

Finally, this means that if a term of a non-RMC individual as Municipal Clerk expires and that individual fails to obtain the RMC certificate, the Acting provision cannot be used and only a RMC may be appointed to the position of Municipal Clerk.

As a reminder, time served as Acting Municipal Clerk may not be credited as time served for the purpose of acquiring tenure. A governing body **may not** appoint someone who holds a RMC as an Acting Municipal Clerk.

Anthony Cancro, Acting Director
Division of Local Government Services

Distribution: Municipal Clerks to distribute to current and incoming governing body members as appropriate

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