

Bond Case Briefs

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VOTER INITIATIVE - NEW JERSEY

Redd v. Bowman

Supreme Court of New Jersey - August 11, 2015 - A.3d - 2015 WL 4726557

Mayor and city council president brought action to declare invalid a petition submitted by city voters for adoption of proposed ordinance that would prohibit city from disbanding its municipal police department and joining newly-formed county police force. The Superior Court ruled that proposed ordinance created undue restraint on future exercise of municipal legislative power. Voters appealed. The Superior Court, Appellate Division, reversed and remanded. Mayor and council president filed petition for certification, and voters filed cross-petition for certification, which were granted.

The Supreme Court of New Jersey held that:

- Appeal was not moot;
- Proposed ordinance did not constitute improper divestment of municipal governing body's legislative power;
- Proposed ordinance was not invalid by virtue of preemption; and
- Proposed ordinance was prohibited from being submitted to voters.

Proposed ordinance, initiated by city voters under Faulkner Act, to prohibit city from disbanding its municipal police department and joining newly-formed county police force was prohibited from being submitted to voters, since ordinance was out of date, inaccurate, and misleading. City had already disbanded its police force and contracted to receive its police services from county, voters who signed petition did so at time when police reorganization was in planning stage, and nothing suggested that those voters would have supported petition after city police force was disbanded, such that submission of ordinance to voters would have undermined objectives of Act.