

This document, provided courtesy of the New Jersey Libertarian Party, sets forth the changes that Ord. 1360-2007 would make to the rules of procedure of the Edgewater Borough (Bergen County) Borough Council. Text to be added is underlined, thus, and text to be deleted is enclosed in bold brackets, [thus].

Comments on the proposed revisions may be sent to the Mayor and Council and/or posted at a public forum on local issues.

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Chapter A311 (Amended by proposed Ord. 1360-2007)
BYLAWS OF MAYOR AND COUNCIL

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ARTICLE I Quorum

§ A311-1. Size of required quorum.

Three Council members and the Mayor, and, in the absence of the Mayor, four Council members, shall constitute a quorum for the transaction of business. A smaller number of members may meet and adjourn from time to time to address issues or problems and report their findings back to the full body. No official action will be taken at any meeting when a quorum is not present.

ARTICLE II Agenda

§ A311-2. Filing of matters prior to meetings.

All matters requiring the attention of the Mayor and Council at any regular meeting thereof shall be filed with the Borough Clerk not later than 12:00 noon on the Thursday preceding a regular Council meeting.

§ A311-3. Preparation of agenda; submission to Council members.

The Borough Clerk, with the assistance of the Borough Administrator and the express written or oral approval of the Mayor, shall prepare [an] the agenda of all such matters to be brought before [said] any Council meeting, including a list of all bills presented for payment. A copy of the agenda shall be caused to be delivered by said Borough Clerk to each member of the governing body 96 hours prior to the Council meeting except in the case of special meetings. If the Mayor is not available to approve the agenda within 96 hours of the Council meeting, then the presiding officer shall issue said approval.

§ A311-4. Introduction of business not on agenda.

[No item of business shall be introduced at a Council meeting which does not appear on the agenda, except by the unanimous consent of the members of the Council present, and no vote shall be taken except by unanimous consent; provided, however, that nothing herein shall be deemed to restrict the right of a citizen to bring a matter before the Council at a meeting of the Committee of the whole or a Council meeting.] The agenda may be modified by a majority vote of the governing body.

ARTICLE III Meetings

§ A311-5. Annual, regular and special meetings.

The Mayor and Council shall hold an annual meeting on the first Monday after January 1 at 7:00 p.m. and such other meetings, or adjourned meetings, at such time and place as it may by resolution direct, but all regular meetings shall be held within the borough. The Mayor shall, when

necessary, call special meetings of the Council; in case of his/her neglect or refusal, any four members of the Council may call such meeting at such time and place in the borough as they may direct, and in all cases of special meetings, notice shall be given to all members of the Council or left at their place of residence.

§ A311-6. Order of business.

The Order of business for regular meetings shall be as follows:

- A. Roll call.
- B. Open Public Meetings Act statement.
- C. Moment of silence.
- D. Salute to flag.
- E. Conference.
- F. Open meeting to public-comments shall be addressed to agenda items E, H and M only, and shall be limited to no more than five (5) minutes per speaker.
- G. Approval of minutes.
- H. Receipt of bids.
- I. Adoption/public hearing of ordinances.
- J. Communications/petitions.
- K. Introduction of ordinances.
- L. Committee reports.
- M. Resolutions.
- N. Old business.
- O. New business.
- P. Attorney reports.
- Q. Council requests.
- R. Borough Clerk
- S. Administrator reports.
- T. Open meeting to the public-general comments, which shall be limited to no more than three (3) minutes per speaker.

§ A311-7. Rules of order.

A. Meetings of the Mayor and Council shall be governed by Robert's Rules of Order, Revised Edition, unless they are in conflict this Chapter A311. [sic]

B. The Mayor shall preside at all meetings. In the absence of the Mayor, the Council President shall preside at the meeting. In the absence of the Council President, the most senior Council member shall preside at the meeting, unless a specific Council member was appointed to chair the meeting.

C. While the meeting is in session, each member of the governing body shall cooperate with the presiding officer to preserve order and decorum, and no member shall, by conversation[, by leaving their seat without advising the presiding officer or otherwise delay or interrupt

the proceedings of the governing body, nor shall they disturb any member while that member is speaking, or fail to abide by the orders of the presiding officer, except as otherwise provided for in Robert's Rules of Order] or otherwise, delay or interrupt the proceedings of the Council, nor disturb and member while speaking, nor refuse to obey the orders of the Mayor or presiding officer.

D. The presiding officer shall:

(1) Recognize members of the governing body that wish to comment on a subject or address the members of the governing body. A member, once recognized, shall not be interrupted when speaking unless they are called to order by the presiding officer, as herein otherwise provided. If a member, while speaking, is called to order, he or she shall cease speaking until the question of order be determined, and, if in order, he or she shall be permitted to proceed;

(2) Rule on all questions of order with advice from the [Attorney and Borough Clerk] Borough Attorney;

(3) Set time limits for discussion on an issue by the governing body and/or the public, if not otherwise set forth in this Section;

(4) Change the order of business with consent of the Council in order to expedite the completion of business on the agenda;

(5) Move an issue for further discussion, information, or additional data to a committee of the members to investigate and report back to the full governing body; and

(6) Have all questions and comments from the public addressed to the chair, and the presiding officer will respond to the public or authorize a response to be provided.

E. While citizens are addressing the chair during the period the meeting is open to the public, members of the governing body shall be attentive and courteous and hold their comments until the close of the public session or until authorized to respond by the presiding officer.

F. Members of the public wishing to address the governing body must be recognized by the presiding officer. All questions, comments, or remarks are to be addressed to the presiding officer. Members of the public who shall disturb the peace of the meeting, make offensive or abusive remarks [on] or conduct his or herself in a boisterous manner while addressing the governing body shall be forthwith barred by the presiding officer from further audience before the governing body, except that if the speaker shall submit to proper order under these rules.

G. Meetings of the governing body shall be conducted in a courteous manner Citizens and members of the governing body will be allowed to

state their positions in an atmosphere free of slander and threats of violence.

(1) In order that all citizens have a reasonable opportunity to speak, all speakers, including members of the governing body, will limit their remarks to a five minute duration, unless otherwise limited in this Chapter.

(2) Only one member of the public shall be allowed to speak at one time. All statements shall be addressed to the chair and not to any one Council member.

§ A311-7.1 Disorderly conduct; removal from meeting; Sergeant at Arms.

A. Any person(s) making personal, defamatory or profane remarks, or who willfully utters loud, threatening or abusive language or engages in any disorderly behavior which disturbs or disrupts the orderly conduct of any meeting shall be called to order by the Mayor. If such conduct continues, then the Mayor, in his/her discretion, may order such person removed from that meeting by the Sergeant at Arms.

B. The Chief of Police, or such member of the Police Department as the Mayor may designate, shall be Sergeant at Arms at all Borough Council meetings. The Sergeant at Arms shall carry out all orders given by the Mayor or presiding officer, for the purpose of maintaining order and decorum at the Borough Council meetings. On instruction of the Mayor or presiding officer, the Sergeant at Arms shall remove from the meeting any person, including any member of the governing body, who disturbs the proceedings of the Council. No member of the governing body shall be removed from a meeting unless a majority of the its members vote in favor of the member's removal from the meeting.

C. Any person who resists removal by the Sergeant at Arms shall be charged with violating N.J.S.A. 2C:33-8, entitled "Disrupting meetings and processions".

D. No person, except town officers or their representatives, shall be permitted upon the dais of the Council or be permitted to disturb any member of the governing body while on the dais, during any meeting, without the express permission of the Mayor or presiding officer.

ARTICLE IV Committees

§ A311-8. Appointment.

The Mayor shall appoint all committees with advice and consent of the Council.

§ A311-9. Enumeration of standing committees.

The following Committees, composed of one member each, shall be appointed at the organization meeting of the Council each year, viz., Committees on Finance, Police, Fire, First Aid, Public Works, Buildings and Grounds, Health and Welfare, Recreation, Senior Citizens, Building Department, Municipal Court and Tax Collection and Assessment.

§ A311-10. Duties of standing committees.

A. The Committee on Finance shall examine and report upon all bills or demands referred to it and from time to time shall report on the financial condition of the Borough. This Committee shall also report upon all transactions in connection with the disposal of Borough-owned real estate.

B. The Committee on Police shall recommend applicants for appointment to the police force and shall report on matters connected with the Police Department and the preservation of the peace and good order.

C. The Committee on Fire shall recommend applicants for appointment to the Fire Department and shall report upon the condition of the local Fire Department and all matters pertaining to said Department.

D. The Committee on Public Works shall report to the Council upon the condition of the streets and sidewalks, recycling and any and all other matters pertaining to the Department of Public Works.

E. The Committee on Buildings and Grounds shall report on the conditions of all municipal buildings and the condition of playgrounds.

F. The Committee on Health and Welfare shall report on all activities of the Board of Health and Welfare Department.

G. The Committee on Recreation shall report on all activities of the Recreation Department.

H. The Committee on Senior Citizens shall report on all activities of the senior citizens.

I. The Committee on the Building Department shall report on all activities of the Building Department.

J. The Committee on Tax Collection and Assessment shall report on all activities of the Tax Collection and Assessment Departments.

K. The Committee on the Municipal Court shall report on all activities of the Municipal Court.

L. The Committee on the Volunteer First Aid Squad shall report on all activities of the Volunteer First Aid Squad.

M. The standing committees shall consider and act upon all matters specifically referred to them by order of the Council.

§ A311-11. Special committees.

Special committees may be appointed for purposes other than those embraced in the duties of the standing committees.

§ A311-12. Reports.

All committees, both standing and special, shall make oral reports of their activities at regular meetings during the year and an annual report in writing at the end of the year.

ARTICLE V Ordinances

§ A311-13. Introduction.

All proposed ordinances shall be introduced by any Council member.

§ A311-14. Procedure for approval.

The Clerk shall endorse on said ordinance the date of passage thereof and present said ordinance to the Mayor for his approval within five days from the passage thereof.

§ A311-15. Recording procedure.

After the passage of an ordinance, it shall be properly numbered and recorded at length by the Borough Council in the ordinance book and the proof of publication of the same shall be attached to the original ordinance.

§ A311-16. Reference to be included in minutes.

The title of the ordinance and reference to amendments and parts amended only shall be entered in the minutes.

§ A311-17. Designation of placement in codification.

The Borough Attorney shall designate by a marginal notation the appropriate section number where such section shall appear in the codification of ordinances.

ARTICLE VI Purchases

§ A311-18. Presentation of proposal for purchase of replacement equipment.

All proposals for the purchase or replacement of equipment may be presented to the Council for approval by the chairman of the committee of the Council having authority over the subject matter of the proposal or by any Council member before a final commitment is made for the purchase of the same.

§ A311-19. Applicability of article.

The provisions of § A311-18 of this article shall not apply to materials, supplies or equipment purchased under a contract awarded on bid, after public advertising or as may be otherwise provided for by the Local Public Contracts Law.

§ A311-20. Requisition required.

Prior to the making of a final commitment for the purchase of any materials, supplies or equipment, a requisition, signed by the department head of the department requiring the same, shall be presented to the Borough Clerk.

ARTICLE VII Votes

§ A311-21. Recording of ayes and nays; voting requirements.

Upon every vote of the Council on resolutions and motions, the ayes and nays shall be taken and recorded. No member shall be permitted to vote unless present when his name shall be called in regular order.

ARTICLE VIII Amendments

§ A311-22. Two-thirds vote required; exception.

These bylaws shall not be altered or amended except at a regular meeting of the Council by a 2/3 aye and nay vote, but any part may be suspended temporarily by unanimous consent.