

## **BYLAWS OF THE TOWNSHIP COMMITTEE TOWNSHIP OF CRANFORD**

### **ARTICLE I GENERAL PROVISIONS**

#### **1.1 Meetings**

- A. Meetings of the Township Committee shall be held in accordance with §6- 1, et seq., of the Code of the Township of Cranford, and in compliance with the Open Public Meetings Act, NJSA 10:4-6 et. seq.
- B. All binding actions of the Township Committee shall be taken at regular meetings, including workshop and official meetings, special meetings, or emergency meetings
- C. Notice of all meetings shall be in accordance with the Open Public Meetings Act, and shall be given by the Township Clerk.
- D. Workshop meetings shall be held for the purpose of examining issues. Official action may be taken at workshop meetings.
- E. Special meetings may be scheduled at regular meetings or upon unanimous consent of the Township Committee as determined by the Township Clerk.
- F. Where permitted by the Open Public Meetings Act, if a matter is of such urgency and importance that a delay would be likely to result in substantial harm to the public interest, an emergency meeting for the sole purpose of discussing and acting on such matter may be called by the Mayor or the Township Administrator.

#### **1.2 Attendance**

Members of the Township Committee are expected to attend all scheduled meetings and shall make every effort to attend all special and emergency meetings.

#### **1.3 Duties of the Presiding Officer**

- A. The Chairman of the Township Committee shall also be known as the Mayor. The mayor shall possess the powers and perform the following duties:
  - 1. Preserve order and decorum and have general direction of the business of the Township Committee.
  - 2. Announce the business before the body in the order in which it is to be acted upon.
  - 3. Recognize the speakers entitled to the floor and guide and direct the proceedings of the body.
  - 4. Call for public input on agenda items.
  - 5. Decide all points of order, subject to appeal by a member of

Township Committee.

6. Put to vote all questions which are regularly moved or otherwise arise in the course of the proceedings.
- B. In the absence of the mayor, upon his inability to act, or upon the request of the mayor, the deputy mayor shall preside and shall have all the powers and authority of the mayor.

1.4 Adopted Rules

- A. Any matter not covered by these rules shall be governed by decision of the presiding officer, applying Robert's Rules of Order, Newly Revised Edition.
- B. Amendment of Rules. These rules or any part thereof may be amended, repealed, altered or rescinded by a vote of a majority of the Township Committee, after notice of intended proposal. Such notice shall be presented by resolution at a regular meeting of the Township Committee.
- C. Suspension of Rules. Except for statutory, or ordinance provisions, these rules, or any part thereof, may be temporarily suspended by a majority vote of Committee members present. When the suspension of a rule is requested, and no objection is offered, the presiding officer shall announce the rule suspended, and the Township Committee may proceed accordingly.
- D. Violation of Rules. Violation of these rules does not invalidate action of the Township Committee.

## **ARTICLE II PROCEDURES**

### **2.1     Preparation and Distribution of Agendas**

- A.     The Township Administrator, through the Township Clerk, shall prepare the agenda for all Township Committee meetings. The Mayor shall approve all agendas.
  - 1.     The Township Clerk may place matters not requiring public hearings and for which unanimous consent is anticipated on the consent agenda. Any matter shall be removed from the consent agenda and shall be voted on separately at the request of any member of the Township Committee.
  - 2.     The Township Clerk shall assure that scheduled public hearings have been duly noticed in accordance with the Open Public Meetings Act or other applicable law.
  - 3.     A Commissioner may present any item of business to the Township Administrator, who shall schedule same as an agenda item at a workshop meeting.
- B.     All material to be presented to the Township Committee shall be submitted to the Township Clerk not later than 4 P.M. on the Monday of the week prior to the meeting.
- C.     The agenda, along with related material, shall be available to each member of the Township Committee by 4 P.M. on the Thursday in advance of the meeting, except for special meetings. Special meeting agendas and materials shall be made available by 4 P.M. on the day before the special meeting.
- E.     The agenda shall be posted in the lobby of Township Hall at least 48 hours in advance of any meeting.

### **2.2     Minutes**

- A.     Minutes shall include at a minimum the date, time and place of the meeting, the names of members in attendance and those absent, the substance of the proposals considered and a record of any decisions and votes taken that show how each member voted.
- B.     Approval of the minutes shall be placed on the agenda. Unless a reading of the minutes is requested by a member, the minutes of previous meetings may be corrected and approved without reading.
- C.     Previously approved minutes may be corrected whenever an error is noticed, although the time to reconsider the vote has elapsed. Corrections require approval by vote of the Township Committee.

### **2.3     Order of Business**

The order of business for meetings of the Township Committee shall be as follows; provided, however that the presiding officer may, during a meeting,

rearrange items on the agenda to conduct the business before the Township committee more efficiently.

A. Official Meetings:

Call to Order

Roll Call Invocation Flag Salute

Mayoral Proclamations/Announcements Mayoral Remarks

Commissioner Reports

Board Reports

Professional Comments

Public Comments

Minute Approval

Payment of Bills

Ordinances and Resolutions

- a. Second Readings and public hearings
- b. First Readings
- a. Resolutions by Consent Agenda
- b. by Roll Call Vote

Commissioner Comments

Adjourn

B. Workshop Meetings:

Call to Order and Roll Call

Discussion

Public Comments

Closed Session

Adjournment

2.4 Ordinances and Resolutions

- A. Ordinances. An ordinance ranks highest in authority of all actions of the Township Committee. If duly enacted, an ordinance has the force of law within the municipality.
1. Ordinances shall be adopted in accordance with N.J.S.A. 40:49-1 et seq. and 40A:63-1 et seq.
  2. An ordinance is open to amendment on first reading or upon second reading, provided the amendment does not constitute substantive change. Amendments shall be in accordance with Article II, Section 2.9 of these rules.
  3. Substantive amendments offered at second reading shall require a new public hearing and adoption of the ordinance to be postponed to a subsequent meeting.
  4. A majority of all of the members of the Township Committee shall be required to vote in the affirmative to pass any ordinance, except where

otherwise provided by law.

- B. Resolutions. A resolution is a formal legislative act which is generally either a statement of policy or an action of a special or temporary character, or an action authorized by law to be taken by resolution.

1. Township Committee action shall be taken by resolution when required by law and in those instances where a formal expression of policy is desired.
2. Resolutions shall be adopted in accordance with N.J.S.A. 40A:63- 1, et seq., and shall remain in effect until rescinded or replaced by a subsequent resolution on the same subject.
3. A resolution may be passed by a majority of a quorum.

- C. Withdrawal of Ordinances and Resolutions

An ordinance or resolution which has been introduced is in the possession of the Township Committee and may be withdrawn only with the consent of the Township Committee.

## 2.5 Motions

- A. Presentation of Motions

1. A main motion presents an ordinance, resolution, or other proposition for the passage, adoption, approval, or rejection. The question is usually stated in the positive form, "to pass", "to adopt", "to approve" "to confirm", "to concur."
2. A main motion must be seconded before debate can take place and only one main motion may be on the floor at a time. A Commissioner may give brief explanatory comments before stating the motion, but must refrain from debate until the motion has been seconded. In the absence of a second, the motion fails. Main motions are debatable, amendable, and can be reconsidered after adoption.
3. Motions become the official recorded statement of an action taken by the Township Committee. A motion should therefore be worded in a concise, unambiguous, and complete form appropriate to such a purpose.

- B. Withdrawal and Modification of Motions. Until a motion is seconded and stated, the mover may withdraw or modify the motion without consent. When a motion is seconded, and stated, it is in the possession of the Township Committee and can, therefore be withdrawn or modified only by consent of the body.

## 2.6 Postponement of Action

- A. Postponement (to a definite time). The motion to postpone defers action on a pending question to some definite, day, or meeting. When a question has been postponed to a certain time, it becomes an order of the day for that time. When the time to which a question has been postponed arrives and the question is taken up, it can be postponed again if the additional delay will not interfere with the proper handling of the postponed question. The motion to postpone is debatable, amendable, and may be reconsidered.

- B. To Table (postpone to a definite or indefinite time). Any measure before the Township Committee may be tabled. The motion to table is not debatable, not amendable, and cannot be reconsidered.
- C. To Remove from the Table. (resume consideration) The purpose is to bring before the Township Committee for action a question that has previously been laid on the table. The motion to remove from the table is not debatable, not amendable and cannot be reconsidered.

## 2.7 Reconsideration of Action.

The purpose is to permit the Township Committee to reconsider a vote on previous action. The reconsideration of a negative vote on final action is as proper as reconsideration of a favorable vote.

### A. Right of Reconsideration

The motion to reconsider may be made at the same meeting or a subsequent meeting. However, certain rules apply as appropriate under the circumstances.

1. The motion must be made by a member who voted on the prevailing side.
2. The motion to reconsider is inappropriate after the action taken has gone into effect or after it is too late for any reason, to reverse the action taken, as when an election or appointment has been made.
3. The determination of reconsideration is dependent on the passage or failure of the motion for reconsideration.
4. Should the motion for reconsideration pass, the item is immediately before the Township Committee to be acted upon or scheduled for hearing at a subsequent meeting.
5. Should the motion for reconsideration fail, the item remains as adopted.

reconsideration and not the merits of the question to be reconsidered.

E. Vote.

The passage of the motion to reconsider requires a majority vote, even if the measure to be reconsidered requires a greater vote.

2.8 Appeal a decision of the presiding officer. A ruling of the presiding officer may be appealed. An appeal must be made promptly before any debate or other business has intervened. When an appeal is taken, the presiding officer should clearly state the decision being appealed and may state his reasons for his decision. If there is no debate, or when debate is concluded, the presiding officer may put the question to the Township Committee. A majority vote of those present sustains a decision of the presiding officer.

2.9 Amendments

- A. Every amendment proposed must be relevant to the subject of the proposition.
- B. A proposed amendment takes precedence over the original motion out of which it arises and must be voted upon before the original motion.
- C. After an amendment is adopted, the question as amended must be put to a vote.
- D. Rejection of an amendment leaves the pending question worded as it was before the amendment was offered.
- E. Form of amendments
  - 1. Amendments should be offered in a concise, unambiguous and in a complete form of a motion.
  - 2. In form, amendments may be divided into the following types:
    - a. To add (that is to place at the end)
    - b. To insert
    - c. To strike out
    - d. To strike out and insert
- F. Decision on amendments
  - 1. An amendment, once adopted, may not thereafter at the same meeting be changed or modified, except upon reconsideration of the vote by which it was adopted.
  - 2. When a proposed amendment has been defeated, the same amendment may not be proposed again without first reconsidering the vote by which the amendment lost.
- G. The presiding officer may require amendments to be submitted in writing.
- H. Withdrawing Amendments and Accepting Modification
  - 1. Amendments may be withdrawn before being seconded and stated by the presiding officer. After it is seconded and stated it is in the possession of the Township Committee and may be withdrawn only with the consent of the Township Committee.
  - 2. A member may modify an amendment before it is seconded and stated by the presiding officer. After it is seconded and stated, it is in the possession of the Township Committee and can be modified

only with the consent of the body. The presiding officer may put the question of modification without waiting for a motion, if there is no objection.

## **ARTICLE III RULES OF ORDER**

- 3.1 Rules of Debate. Debate is the essential feature of a legislative body. It is the means by which the opinions of members are exchanged, questions deliberated and conclusions reached on the business before the body.
- A. To permit debate:
    - 1. There must be a debatable question before the body, and one member must have been recognized as entitled to speak.
    - 2. All debate must be addressed to the presiding officer, and not to the members.
    - 3. Debate must be confined to the question before the body.
  - B. Time Limits. The presiding officer may set time limits in debate.
  - C. Call the Question (Previous Question). Debate may be closed immediately by calling the question. The motion for the call for the question may motivate unanimous consent to ending debate. Before such a motion has been seconded, the chair may ask if there is any objection to closing debate. If there is no objection, the presiding officer shall immediately call the question. If one member objects, the presiding officer shall ask if there is a second to the motion. If there is a second to the call, he must immediately take a vote on whether to order the call for the question. The call for the question requires a majority vote before the vote on the question to which applied. The call for the questions is neither amendable nor debatable and cannot be reconsidered.
- 3.2 Rules of Voting
- A. Each Commissioner in attendance has a duty to vote for or against all measures before the Township Committee, unless there is a conflict of interest, for which abstention is recognized. Such conflict of interest disclosure shall be recorded in the minutes.
  - B. A member shall not explain his vote during voting, which would be the same as debate at such a time.
  - C. Except for procedural matters, voting shall be by roll call and each Commissioner's vote shall be recorded in the minutes. Roll call votes shall be at random. Actions declared as procedural by the presiding officer may be decided by a show of hands.
- 3.3 Decorum
- A. Members must address all remarks through the presiding officer.
  - B. Members of the Township Committee shall confine their remarks to the question under discussion or debate, avoiding personal attacks on fellow members, staff members or members of the public. No member of the Township Committee shall engage in private discourse or commit any other act tending to distract the attention of the Township Committee from the business before it.

- C. A member who resorts to persistent irrelevance or persistent repetition may be directed to discontinue his speech by the presiding officer.
- D. Point of Order. A Commissioner may call attention to the violation of the rules or a mistake in procedure by rising to a point of order. The presiding officer may permit a full explanation before ruling on the claim and may submit the question to the Township Committee for decision by a majority vote. The presiding officer is not required to decide any point of order not directly presented in the proceedings of the body. Such an assertion does not require a second, is not debatable nor amendable and cannot be reconsidered.
- E. Question of Privilege. Questions of privilege do not relate to pending business, but have to do with special matters of immediate and overriding importance which, without debate, should be allowed to interrupt the consideration of anything else. The presiding officer makes a ruling as to whether it is admitted as a question of privilege and whether it requires consideration before the pending business is resumed.

#### 3.4 Public Hearing Procedures

- A. Notice of all public hearings shall be given by the Municipal Clerk as required by law. Notice of public hearings shall state the subject, the time and place of the public hearing.
- B. A meeting of the Township Committee is called to order and business, if any, is considered until the public hearing comes on the agenda.
- C. Recognition of each person desiring to be heard shall be determined by the presiding officer.
- D. The presiding officer may change the order of speakers so that testimony is heard in the most logical groupings, e.g., proponents, opponents, adjacent owners, vested interests, etc.
- F. Interested persons shall have the opportunity to submit data, views or arguments orally or in writing.
- G. The presiding officer may establish reasonable speaker time limits and otherwise control presentations to avoid repetition or the introduction of incompetent evidence. Additional time may be granted if appropriate and necessary to secure a full and fair presentation of factual or opinion testimony or of legal argument.
- H. After the Township Committee has completed the public hearing, the presiding officer closes the public hearing and entertains a motion. Following the motion and its second, discussion occurs among the body. The presiding officer calls the question.

#### 3.5 Public Comment Policy for Governing Body Meetings

The Mayor and Township Committee welcome public participation in Township meetings. To ensure that meetings run fairly, efficiently, and respectfully for everyone, the following rules apply to public comment periods. These rules are designed to comply with state law and the United States Constitution, and apply equally to all speakers.

A. Purpose

The purpose of this policy is to establish reasonable, content-neutral rules governing public participation at meetings of the Township Committee. These rules are intended to provide an opportunity for all members of the public to participate in meetings of the governing body while ensuring orderly, efficient, and safe meetings in compliance with all relevant Federal, State, and local laws and regulations.

B. Public Comment Periods

Public comment shall be permitted at those times provided on a public meeting agenda, which may include a general public comment period and/or public comment periods designated for discussion of particular agenda items.

The public comment portions of municipal meetings constitute a limited public forum. Comments must relate to matters that the speaker feels may be of concern to the residents of the municipality.

The presiding officer, usually the Mayor or his or her designee, will announce when public comment is open and when it has closed.

C. Speaker Eligibility and Recognition, Time

Speakers must be recognized by the presiding officer and may be asked to identify themselves by name and town of residence. A speaker may not speak more than once during the same public comment period. Groups are asked to select a spokesperson to speak on their behalf.

Each speaker is allotted five minutes to speak during each public comment period. The time will begin when the speaker reaches the designated podium or begins their remarks. The speaker will be directed to conclude their remarks once the speaker's time has expired. At Official Meetings, the Township will provide a timer visible to the speaker providing the speaker's remaining time.

Speakers may not reserve time or yield time to other speakers.

Members of the public are also permitted to submit written comments in lieu of speaking at a meeting. Written comments will be referenced in the meeting minutes and kept on file by the Township Clerk.

D. Place and Manner

Speakers must speak at the podium or other designated speaking area for the duration of their comment. If the recognized speaker leaves the podium prior to the expiry of their allotted time, and the Chairperson calls for the next speaker, the speaker will not have the opportunity to return to speak again.

Speakers must refrain from abusive or threatening conduct, and are asked to address comments to the presiding officer or to the Township Committee as a whole.

Township Committee members are not obligated to answer impromptu questions or address

remarks from members of the public during the public comment period. Speakers should expect the Township Committee to refrain from engaging in a dialogue, except to the extent necessary to clarify the speaker's comment. The allotted time for speaking from the podium is the method to address the Township Committee during the public comment period. When appropriate, inquiries and items brought up during public comment may be referred to municipal professionals for follow up or clarification.

The Township Committee will not entertain questions or comments called out from the audience.

Amplifiers, bullhorns, megaphones, noisemakers, whistles, and similar sound-producing devices are prohibited.

Signs, props and other personal effects must be kept in the possession of the speaker. Signs, visual materials, and other personal items that create a hazard, obstruct the public's view, or otherwise impede the meeting may be removed. Speakers are required to remove signs, props, and other effects from the podium upon the completion of their public comment.

#### E. Disruptions

The Township Committee respects free speech, including criticism of officials. In order to maintain an orderly meeting, speakers may not disrupt the meeting in a way that prevents other speakers from being heard. Members of the public may not speak while another person has the floor. Speakers may not refuse to stop their comment when their time has expired. Speakers may not engage in physical threats or disorderly conduct.

#### F. Recording and Accessibility

~~Members of the public may record or broadcast meetings in a nondisruptive manner and in compliance with all State and local laws and regulations.~~

Members of the general public have the right to record, videotape, film, and take pictures of open public meetings of the governing body, excluding closed or executive session discussions. These guidelines are intended to ensure that the right of the public to record, videotape, film or take pictures and record meetings of the governing body does not interfere with the business of the governing body or other citizens' right of access to the proceedings.

To minimize the possibility of disrupting the public meeting of the governing body, any member of the public who wishes to videotape, photograph, or record portions or all of the public meeting must do so in accordance with the following guidelines:

- A. All cameras and related audio or video recording equipment must be in place before the commencement of an Official Meeting. If a member of the public chooses to cease videotaping or taking photographs at any time during the public meeting, they may do so, provided that the citizen may not commence removal, except for a handheld videotape recorder or camera, or begin to disassemble any recorder or associated equipment until after the adjournment of the proceedings or during a recess.
- B. All cameras and related audio or video recording equipment at Official Meetings must

- be situated either behind the last row of benches or against the far wall of the room, opposite the entrances. Handheld camera equipment may be held while seated.
- C. Any microphones, audio recorders, or other sound recording equipment placed on or near the microphone provided for public comment must be left there for the duration of the public comment period.
  - D. No member of the public is permitted to use any equipment that makes any beeping sounds or other noises, or which interferes with the operation of the audio or video equipment provided by the Township.
  - E. Members of the public may not set up or use videotape recorders or similar equipment in such a way as to block or obstruct the view of other members of the public of the governing body proceedings.
  - F. If the meeting is held in a location other than the Council Chambers, the Council President or the President of the Board in question shall designate the location where those seeking to tape the Council meeting shall occupy.
  - G. The Mayor, in their capacity as Chair at the meeting, may relax the above guidelines during ceremonial proceedings, such as the annual reorganization, the administration of oath of office, proclamations or dedications, or otherwise.

The municipality shall provide reasonable accommodations for individuals with disabilities seeking to participate.

The Township shall provide translation services for those individuals needing them, provided that sufficient notice of the request is provided to the Township Clerk.

## **ARTICLE IV GENERAL PROCEDURES**

### **4.1 Commissioners' Responsibilities**

- A. Initiation of Proposals for Action
  - 1. Requests for initiation of legislation or action shall be directed through the Township Administrator. The Township Administrator shall make all such requests known to the Mayor.
  - 2. The Mayor shall approve of all agendas prepared in accordance with Article II and shall determine at which meeting any proposal for action shall be taken up.
  - 3. The Township Committee, by majority vote, may determine to take up any matter at any regularly scheduled meeting for which annual notice has been given.
- B. In addition to other duties, responsibilities and rights, Township Committee members shall:
  - 1. In all public statements, make clear that they speak only for themselves unless authorized by a majority of the Committee to speak for the Township Committee as a whole.
  - 2. Refrain from negotiating contracts on behalf of the Township, without authority from a majority of the Township Committee. Otherwise, only the Township Administrator or designee can negotiate a contract on behalf of the Township.
  - 3. Refrain from acting individually in directing and supervising officers and employees of the township.
- C. The Mayor shall designate Commissioner assignments to departments. The Commissioners shall be designated:
  - 1. Commissioner of Public Safety
  - 2. Commissioner of Finance
  - 3. Commissioner of Engineering and Public Works
  - 4. Commissioner of Recreation and Parks
- D. Each designated Commissioner shall, acting through the Township Administrator, be the liaison between the assigned Departments and the Township Committee.
- E. Each designated Commissioner shall determine if and when a conflict of interest exists pursuant to State of New Jersey law and regulations. If a conflict of interest exists, the Commissioner shall disclose the conflict of interest to the Township Commissioners and Township Attorney. The Commissioner shall remove him or herself from any discussion or debate in public or private session and shall abstain from voting on any matter relating to the subject matter which raised the conflict of interest.

- F. Commissioners have the right to endorse candidates for Township Committee seats or other elected offices. It is inappropriate for Commissioners to mention endorsements during Township Committee meetings or other official Township meetings.

ADOPTED: