

BOARD OF CHOSEN FREEHOLDERS

COUNTY OF HUDSON

RESOLUTION

No. 73-2-1982

On motion of Freeholder Spinello

Seconded by Freeholder DiVincent

Adopt
By-Laws
Prescribing
Rules of
Procedure

WHEREAS, the Optional County Charter Law, N.J.S.A. 40:41A-100(a), requires this Board to adopt by resolution, a set of By-Laws prescribing the rules of procedure of this Board;

NOW, THEREFORE, BE IT RESOLVED by the Board of Chosen Freeholders of the County of Hudson that:

1. The By-Laws prescribing the rules of procedure of this Board which are attached hereto and made a part hereof, be and are hereby adopted as the official By-Laws of this Board.

2. These By-Laws, as they presently exist or as they may be amended, shall remain in full force and effect until such time as the Board of Chosen Freeholders shall adopt a new set of By-Laws pursuant to law.

3. This resolution shall take effect immediately.

It is hereby certified that at a regular meeting of the Board of Chosen Freeholders of the County of Hudson held on the 11th day of February A. D. 1982, the foregoing resolution was duly adopted 9 members voting in the affirmative and 0 in the negative.

..... Chairman

..... Clerk

The foregoing resolution having been duly presented to me, I hereby approve the same.

Dated: Feb. 16th A. D., 1982

.....

BOARD OF CHOSEN FREEHOLDERS
COUNTY OF HUDSON

Meeting date February 11, 1982

Motion by Freeholder Spinello

Seconded by Freeholder DiVincent

SUBJECT: Adopt By-Laws Prescribing Rules of Procedure

	YEAS	NAYS	ABSENT	ABSTAINED	EXCUSED	
DINARDO						
DIVINCENT						
KAYE						
MANZO						
MASSEY						
O'MALLEY						
SIMUNOVICH						
SPINELLO						
CHAIRMAN CAPPIELLO						

BY-LAWS OF THE BOARD OF CHOSEN FREEHOLDERS OF
THE COUNTY OF HUDSON

RULE.1 - ORGANIZATION

The Board shall meet for organization at the time and place fixed by resolution of the Board in January of each year.

The Board shall be called to order at the time and place so fixed, by the Clerk of the former Board, or, in his absence by the Deputy Clerk of the outgoing Board, or a member of the incoming Board, selected for that purpose by the other members of the Board (such member having taken and subscribed the oath provided by law).

- (a) The Presiding Officer of the annual organization meeting shall announce that the requirements of the Open Public Meetings Law have been complied with.
- (b) The roll of members shall be called.
- (c) The members shall elect by majority vote a Chairman to serve for one (1) year, who shall thereupon take and subscribe the oath provided by law, and immediately take the chair and assume the duties of his office.
- (d) The members shall elect by majority vote a Vice-Chairman to serve for one (1) year who shall thereupon take and subscribe the oath provided by law.
- (e) Rules for the government of the Board of Chosen Freeholders shall be adopted.
- (f) The Chairman of the Board shall appoint members to committees. The Chairman shall name and appoint one of them as Chairman of the Committee. The Chairman of the

Board of Chosen Freeholders and County Executive shall be ex officio members of each committee. The Chairman may, at any time, with the consent of a majority of the members of the Board, but not otherwise, discharge any members of any committee from further service thereon.

RULE 2 - MEETINGS

(a) The regular meetings of the Board of Chosen Freeholders shall be held at such times and places as the Board orders in annual notice of regular meetings.

(b) Special meetings of the Board may be called by the County Executive or the Chairman of this Board, and the Clerk of this Board shall call a special meeting upon the written request of a majority of the members of the Board.

The call for a special meeting shall designate the purpose of the special meeting and no other business shall be considered.

(c) A call for a special meeting shall be by written notice directed to the respective members of the Board, and left at their respective places of abode or mailed to the post office nearest thereto, at least five (5) days before the day of the meeting.

Said written notice to members of the Board may be waived by unanimous consent of the full Board on motion made and adopted.

(d) All regular meetings of the Board shall be held at the County seat. Special meetings of the Board may, upon resolution of the Board, be held at such other times and places as the Board may deem fit.

(e) A majority of all the members elected, qualified, and serving shall constitute a quorum for the transaction of business, except-where otherwise provided by statute. Where no quorum is present, a smaller number may adjourn the meeting to such date and time as they shall think proper, provided the notice provisions of the Open Public Meetings Act are complied with.

(f) The order of business at the regular meetings shall be substantially as follows:

- (1) The Chairman or Vice-Chairman shall call the Board to order at the hour fixed. In their absence, any member may call the Board to order and the Board shall elect a Presiding Officer pro tempore.
- (2) The Presiding Officer shall publicly announce compliance with the provisions of the Open Public Meetings Act.
- (3) Roll call.
- (4) Bids (where appropriate).
- (5) Approval of the minutes of the previous meeting.
- (6) Communications.
- (7) Reports of Department Heads.
- (8) Resolutions and other business.
- (9) Unfinished business.
- (10) New Business.
- (11) Hearing to the general public.
- (12) Public hearing on ordinances.

(g) Conference meetings. Prior to each regular meeting and special meeting, where practical, the Board shall meet in conference, to discuss the Agenda of the regular or special meeting. The date, time and place for such Agenda-conference meetings shall be as set forth in annual or special notice of meetings. In the interest of permitting members to prepare themselves for voting on matters, items to be introduced at a regular or special meeting shall be revealed at conference meetings. Members of the public may not speak at the Agenda-conference meetings, unless they have previously submitted a written request to do so, which request is approved by a majority of the members of the Board.

(h) The Board shall request the County Executive to direct such statutory officers and Department Heads or their designates to be present at the public meetings.

(i) Pursuant to Rule II (f) (11), members of the public may address the Board at any regular or special meeting of this Board. However, the speaker shall be limited to five (5) minutes, except for public hearings on ordinances required by statute, at which time any citizen may address the Board for a reasonable time, provided that the discussion is in order and is confined to the subject for which the public hearing has been called. Requests to extend the time for more than five (5) minutes shall be submitted in writing to the Clerk of the Board of Chosen Freeholders prior to the Agenda meeting of the Board, which request may be granted by the Presiding Officer with the consent

of a majority of the Board.

(j) Public hearings on ordinances, as required by law, shall be confined to the subject matter of the ordinance.

(k) In all other matters, the hearing to the general public provided for in Rule II (f)(11) shall be limited and restricted to items listed on the official Agenda for said meeting. Requests to address the Board on any subject matter not on the Agenda shall be submitted in writing to the Clerk of the Board of Chosen Freeholders at least one (1) day prior to the regular meeting of the Board, which request may be granted by the Presiding Officer with the consent of a majority of the Board.

RULE 3 - PROCEDURE AT MEETINGS

(a) If the subject of a motion be a written resolution, or ordinance, the same shall be read aloud by the Clerk before it is put to the Board, or read by title if posted pursuant to Section 2.8 of the Hudson County Administrative Code. The reading and seconding of a resolution, or ordinance, shall place it in the possession of the Board for consideration. Any motion, resolution or ordinance, may be withdrawn before a vote has been taken or an amendment thereto has been offered. All resolutions, and ordinances, shall be put to a vote by the Presiding Officer on roll call by the Clerk of all members present.

(b) All resolutions, and ordinances, shall, before consideration for adoption, be approved as to legal form by the County Counsel or by Counsel to the Board.

(c) The following motions (and no others) shall be received when a question is under debate:

- (1) To adjourn.
- (2) To lay on the table.
- (3) To amend.

These several motions shall have precedence in their given order. The motion to adjourn shall be decided without debate.

(d) The affirmative vote of a majority of the members of the Board shall be sufficient to decide any question, except when otherwise required by statute.

(e) The Presiding Officer shall decide all questions of order subject to appeal to the Board when demanded by a member. On such appeal, only the appellant and Presiding Officer may speak.

(f) All questions of procedure, not controlled by statute or these rules, shall be determined in accordance with Roberts Rules of Order.

RULE 4 - COMMITTEES IN GENERAL

(a) The Chairman of the Board may designate committees thereof, define their duties and determine the number of members of which any committee shall be composed. This rule shall not be considered as a limitation of the right of a majority of the members of the Board to designate committees thereof.

(b) All committees shall keep a suitable record of their proceedings, open to inspection, by any member of the Board. Copies of all such proceedings shall be furnished to each member

of the Board and such other officers as is deemed advisable.

(c) Every committee shall report to the Board in writing signed by a majority of the members thereof, whenever required by the Board or the Chairman of the Board to do so or when the circumstances require it.

(d) Timely notice in writing of the time and place of the meetings of each committee shall be given by the Chairman of said committee, or Clerk, to each member thereof, and to the Chairman of this Board and the County Executive, and to such others as may be advisable.

(e) A majority of the committee shall be sufficient to transact the official business of the committee.

RULE 5 - CLAIMS

Payment of all claims that may require approval of this Board shall be made pursuant to law.

RULE 6 - OFFICIAL CHARGE OF SUBORDINATES

Each county official subordinate to the Board shall have immediate charge and direction of his subordinates, subject always to the Board or its committees having jurisdiction.

RULE 7 - COMMITTEE AUTHORITY

Each committee of the Board shall have such authority, powers and duties as permitted by law.

RULE 8 - CLOSED MEETINGS OF BOARD

This Board may conduct a meeting in a session closed to the public to discuss any matter permitted by N.J.S.A. 10:4-12 provided a resolution is duly adopted pursuant to N.J.S.A. 10:3-13 and provided further that all other terms and conditions of the Open Public Meetings Law are complied with.

RULE 9 - OPERATION OF RULES

The operation of each and any of these rules may be suspended, changed, altered or amended by a majority vote of the Board.

RULE 10 - SEVERABILITY

If any section or part of these rules are in conflict with the Optional County Charter Law or the Administrative Code of Hudson County, the Charter Law and/or the Administrative Code shall apply and take precedence. If any section or part of these rules shall be declared invalid or inoperative, the remaining sections or parts thereof, to the extent that they are not invalid or inoperative, shall remain in full force and effect.

Encyclopedias

County officers and agents; authority and powers, see C.J.S. Counties § 122.

WESTLAW Research

Counties cases: 104k[add key number].

C. FREEHOLDER BOARD

40:41A-66. Legislative power; exercise by ordinance; exceptions; exercise by resolution

The legislative power of the county shall be vested in the board of chosen freeholders. Such legislative power shall be exercised by ordinance, except for the exercise of the following powers which are required to be, or are permitted to be, exercised by resolution:

- a. The establishment of a municipal advisory council pursuant to section 29 of P.L.1972, c. 154 (C. 40:41A-29);
- b. The conduct of an inquiry or investigation pursuant to section 86 of such act (C. 40:41A-86);
- c. The expression of disapproval of the suspension or dismissal of officers or employees pursuant to section 87 of such act (C. 40:41A-87);
- d. The exercise of the power of advice and consent to actions of the supervisor pursuant to section 67c. of such act (C. 40:41A-67c.);
- e. The override of a veto of the county supervisor pursuant to section 67g. of such act (C. 40:41A-67g.);
- f. The adoption of rules for the board pursuant to section 100 of such act (C. 40:41A-100);
- g. The establishment of times and places for board meetings pursuant to section 99 of such act (C. 40:41A-99);
- h. The establishment of the board as a committee of the whole and the delegation of any number of its members as an ad hoc committee, both pursuant to section 86 of such act (C. 40:41A-86);
- i. The declaration of emergencies pursuant to section 101c. of such act (C. 40:41A-101c.);
- j. The identification of emergency situations pursuant to section 128 of such act (C. 40:41A-128);
- k. Application for a county department of civil service pursuant to section 130 of such act (C. 40:41A-130);
- l. Designation of qualified newspapers pursuant to section 142 of such act (C. 40:41A-142);

- m. The appointment and removal of such officers and employees as the board is permitted by law;
 - n. Approval of contracts presented by the county administrator;
 - o. Actions specified as resolutions in the "Local Budget Law" (N.J.S. 40A:4-1 et seq.);
 - p. Consent to municipal ordinances or resolutions regulating traffic or parking on county roads pursuant to section 1 of P.L.1957, c. 69 (C. 39:4-197.2), except that the resolution of consent shall be subject to the approval or veto of the county supervisor, as provided for in the case of ordinances by subsection f. of section 65 of P.L.1972, c. 154 (C. 40:41A-65f.), and to the requirements set forth therein for overriding a veto; and
 - q. The expression of such board policies or opinions as require no formal action by the governing body.
- L.1972, c. 154, § 66, eff. Sept. 19, 1972. Amended by L.1978, c. 141, § 9, eff. Nov. 13, 1978; L.1983, c. 199, § 3, eff. May 31, 1983.

Historical and Statutory Notes

Amendments

L.1978, c. 141, § 9, revised first undesignated par. which previously read "The legislative power of the county shall be vested in the board of chosen freeholders."

L.1983, c. 199, § 3, in subsec. p., allowed by resolution consent to municipal

ordinances or resolutions regulating traffic or parking on county roads, subject to approval or veto of county supervisor, and redesignated former subsec. p. as subsec. q.

Statement: Introductory statement to Assembly, No. 1751/1823—L.1983, c. 199, see § 40:41A-38.

Library References

American Digest System

Nature and constitution of county boards in general, see Counties ¶38.

Encyclopedias

Creation, abolition, nature, and constitution of county boards in general, see C.J.S. Counties § 63.

WESTLAW Research

Counties cases: 104k[add key number].

40:41A-67. Board powers

The board of freeholders:

- a. Shall pass in accordance with this act whatever ordinances and resolutions it deems necessary and proper for the good governance of the county;

FORMS OF COUNTY GOVERNMENT

40:41A-67

- b. Shall appoint and remove the county administrative officer by a majority vote and may create the office of, appoint and remove, a deputy administrative officer by a majority vote;
 - c. Shall advise and consent to all appointments by the supervisor;
 - d. Shall appoint a clerk to the board who shall keep the records and minutes of the board, and who shall serve at the pleasure of the board or for such term, not to exceed 3 years, as may be provided by the administrative code; provided, however, that an ordinance providing for the adoption of any such term shall not be enacted between October 1 of any year and January 1 of the succeeding year;
 - e. Shall appoint the county counsel, who shall head the county's legal department, and who shall serve at the pleasure of the board or for such term, not to exceed 4 years, as may be provided by the administrative code; provided, however, that an ordinance providing for the adoption of any such term shall not be enacted between October 1 of any year and January 1 of the succeeding year. The administrative code may also establish a term, not to exceed 3 years, for the position of assistant county counsel;
 - f. May pass a resolution of disapproval of a suspension or dismissal, subject to the provisions of section 87b. of this act;¹
 - g. May override a veto of the county supervisor by a two-thirds vote of its full membership;
 - h. Shall approve the annual operating and capital budgets.
- L.1972, c. 154, § 67, eff. Sept. 19, 1972. Amended by L.1975, c. 84, § 24, eff. May 5, 1975; L.1978, c. 141, § 10, eff. Nov. 13, 1978.

¹Section 40:41A-87b.

Historical and Statutory Notes

Amendments

L.1975, c. 84, § 24, substituted "administrative officer" for "administrator" and "administrator or" in subsec. b; deleted "and administrator for which board confirmation is specified under this article" at end of subsec. c; substituted "Shall" for "May" at beginning of subsecs. d and e; substituted "and" for ". The counsel shall" in former provision of subsec. e; and substituted "by a two-thirds vote of

its full membership" for "by two-thirds vote".

L.1978, c. 141, § 10, in subsec. d., provided clerk could also serve for a term not to exceed 3 years and provided time-period for enactment, in subsec. e., provided county counsel could also serve for a term not to exceed 4 years and provided time-period for enactment, and provided term could also be established for assistant county counsel.

Library References

American Digest System

County board; powers and functions in general, see Counties ◊47.