

RESOLUTION OF THE BOROUGH OF LAVALLETTE, COUNTY OF OCEAN, STATE OF NEW JERSEY ADOPTING THE RULES OF ORDER FOR THE MAYOR AND COUNCIL FOR THE YEAR 2022

Resolution Number: 2022-16

Date: January 4, 2022

BE IT RESOLVED by the Borough Council of the Borough of Lavallette, County of Ocean, State of New Jersey, that the Rules for the Mayor and Council, per Schedule A attached, are hereby adopted for the year 2022.

CERTIFICATION

I, **Donnelly Amico**, Municipal Clerk of the Borough of Lavallette, County of Ocean, State of New Jersey do hereby certify that the foregoing is a true copy of a resolution adopted by the Mayor and Council of the Borough of Lavallette at their Reorganization Meeting held on the 4th day of **January 2022**.


Donnelly Amico
Municipal Clerk

LaCicero	Movad	Second	Aye	Nay	Abstain	Absent
BorowsM			✓			
Filippone			✓			
Zalou			✓			
Ciccioli		✓	✓			
Finar	✓		✓			
Lamb						✓

**RULES OF ORDER FOR THE MAYOR AND
COUNCIL OF THE BOROUGH OF
LAVALLETTE FOR YEAR 2022**

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Rule #

1. Mayor to maintain peace and good order

The Mayor shall, on all occasions, preserve order and decorum amongst the Council and the public attending any meeting of the Council. He/She shall cause the removal of any and all persons other than Council members who interrupt the orderly proceedings of the Council if, after first having issued a warning to said person or persons to cease said conduct, the said conduct continue.

2. Mayor to serve on committees

The Mayor shall serve as an ex-officio member of all committees with the privilege of taking part in all committee discussions. He/She shall be informed in advance of all meetings of such committees. He/She shall have no vote as a member of the committee; he/she shall have no right to move or second motions and his/her attendance shall have no bearing on whether a quorum is present or not. If the Mayor intends to attend a committee meeting and his/her attendance causes a quorum of the Council to be present, the Mayor shall notify the chairperson of the committee and the Clerk in sufficient time so that the provisions of the Open Public Meetings Act are followed.

3. Mayor to act as Presiding Officer

The Mayor shall preside at all meetings of the Council. The Mayor shall name which Council Member is entitled to the floor when two (2) or more Council Members request the right to be recognized/speak at the same time. The Mayor shall hear all questions of order without debate and the Borough Attorney shall rule on such as per Rule 30.

4. Election of Council President

At its annual reorganization meeting, the Council shall, by a vote of the majority of its members, elect from amongst its members a President of the Council (Council President) who shall hold office for one (1) year and until the next annual Reorganization meeting. The Council President shall preside at all Council meetings, or portions thereof, when the Mayor does not preside for any reason. The Council President shall have the right to debate, vote, move and second motions on all questions before the Council. If the Council fails to elect a Council President at the Reorganization annual meeting, the Mayor shall appoint a Council President from the members of Council and, in that case, no confirmation by the Council shall be necessary. The Council Member so named Council President shall serve as Council President for the balance of the one (1) year term or until such time as the Council, by a majority vote of all of its members, elects a member of the Council as Council President. In the event the President of the Council can not or does not preside at any Council meeting, or portions thereof, when the Mayor does not preside for any reason, then the Council Member with the most continuous years of service on the Council shall act in said capacity. If there be more than one (1) Council Member so qualifying, the Municipal Clerk shall call for the election of a President Pro Tempore who shall preside only for that meeting. If the Council can not agree upon a President Pro

Tempore for that meeting, the Municipal Clerk shall preside, with no Council rights or authority other than to chair the meeting. The Council President or any person acting in the place of the Mayor or Council President shall relinquish chairing of the meeting to the Mayor or Council President upon his or her (the Mayor or Council President) arrival, after first having concluded the item of business immediately before the Council.

5. Council President to preside at Council Meeting in absence of Mayor

On any occasion when the Mayor is not present by the hour stated in any published regular or special notice or agenda for the call of any meeting, the Council President shall immediately call the meeting to order and commence with the agenda. If neither the Mayor nor the Council President is present by the stated hour of the call of the meeting, the Council Member present with the most continuous years of service immediately shall call the meeting to order and commence with the agenda. If there be more than one (1) Council Member so qualifying, the Clerk shall immediately call the meeting to order and commence with the agenda. Upon the arrival of the appropriate presiding officer, the person temporarily presiding shall immediately relinquish the chair to the presiding officer upon the conclusion of the item of business before the Council. The Mayor and/or any Council Member who will not be present by the stated hour of the call of any meeting shall contact the Borough Clerk or Deputy Borough Clerk before the call and advise the Borough Clerk or Deputy Borough Clerk of the reason for absence at the stated hour of the call; provided however, that in the event of an absence for legitimate illness, the particulars thereof shall not be discussed in open session but shall be referred to only as "reason of legitimate illness" on the record for purposes of recording said vote pursuant to N.J.S.A. 40A:16-3(g).

6. Scheduling of Regular, Special and Emergency Meetings of Council

At the aforesaid annual reorganization meeting, the Council shall fix the times, dates and places for holding regularly scheduled meetings, both agenda-setting / caucus meetings and the regular business meetings of the Council, during the ensuing year, which times, dates, and places shall not be changed, except by a resolution adopted at a regularly scheduled meeting of the Council or by a vote of the Council at a regularly scheduled meeting or pursuant to Rule 7. The Mayor, when necessary, shall call special meetings of the Council. In addition, any four (4) duly constituted and sitting members of the Council may call for such a meeting at such time and place in the Borough as they may designate in writing if the Mayor neglects and/or refuses to do so. In all cases of special meetings, reasonable advance notice, considered to be of forty-eight (48) hours, except in cases of emergency, shall be caused to be given in writing in person under the authority of the Municipal Clerk, to all members of the Council and Mayor or left at their places of residence. Said notice shall include the topics for the special meeting agenda.

7. Cancelling of meetings of Council

The Mayor may cancel, reschedule and/or postpone any meeting of the Mayor and Council. Upon such determination to cancel, reschedule and/or postpone a meeting, the Municipal Clerk shall immediately notify the Council President and Members of Council

of said determination. The Municipal Clerk shall then immediately undertake the measures required under law for notification of the cancellation, rescheduling and/or postponement of said meeting(s). The Municipal Clerk shall see that a sign shall be conspicuously posted at the exterior entry to the Municipal Building alerting all persons as to the cancellation, rescheduling or postponement of the meeting and the time, date and place to which it has been rescheduled or postponed and if none having been determined, then the date of the next Council meeting.

8. Meeting called to order

As soon as any meeting is called to order, the Clerk or Deputy Clerk shall call the roll of the Mayor and Council Members and the names of those present shall be entered into the minutes. The Council Members present shall then vote upon motion and second of the motion to approve any absence of the Mayor or any Council Member not present at the call of the role; provided, however, that the Council Members present may not refuse to excuse any absence for legitimate illness for purposes of recording said vote pursuant to N.J.S.A. 40A:16-3(g).

9. Quorum

A quorum shall consist, unless otherwise specified by law, of either three (3) Council Members and the Mayor, or, in the absence of the Mayor or upon an issue for which the Mayor abstains or is otherwise prohibited by law from voting, four (4) Council Members shall constitute a quorum for transacting business. If there is no quorum present within fifteen (15) minutes of the scheduled hour of the call of the meeting, those members of the Mayor and Council assembled shall have the power and are hereby authorized to request the Mayor for a new meeting date.

10. Introduction of Ordinances and Resolutions

All ordinances for introduction and resolutions shall endeavor to be offered in writing and presented to the Mayor and Council seventy-two (72) hours prior to the regularly scheduled meeting and forty-eight (48) hours prior to a special meeting or a reasonable time before an emergency meeting. This does not prevent the submission of such materials for consideration at a meeting in a shorter time or during the meeting for consideration and possible action of the Mayor and Council. The mere submission of materials does not require an action of the Mayor and Council at the meeting in which the ordinance/resolution(s) is (are) to be introduced/discussed.

11. Introducing Business (Making Motions)

Any member of the governing body, including the Council President but excluding the Mayor, may move and/or second an ordinance, resolution and/or motion.

12. Voting on Resolutions

A resolution shall, unless otherwise specified by law, be adopted upon a majority vote of those Council Members present, the Mayor voting in the case of a tie. The budget

resolution, when adopted pursuant to N.J.S.A. 40A:4-10 must be approved by not less than a majority of the full membership of the Council, the Mayor voting in the case of a tie.

13. Voting on Ordinances

No ordinances shall be adopted, except upon a majority vote of the members of the Council present at the meeting, unless otherwise specified by law, provided that at least three (3) affirmative votes shall be required for such purpose or where State law applies a different requirement, the Mayor voting only in the case of a tie.

14. Voting - pass

The Municipal Clerk, or his/or designee, shall call the vote when a vote is taken. A Council Member may pass, instead of voting, on the first occasion that his or her name is called to vote on any matter. Upon conclusion of a roll call, any Council Member so passing shall be afforded a second opportunity to vote by calling their names alphabetically. The vote of any Council Member who shall pass on the second occasion his or her name is called to vote on a given manner shall be treated as an abstention.

15. Voting - silence or abstentions

Silence or abstentions from voting shall be construed as a non vote and shall not be counted in the affirmative or the negative, but will be counted for purposes of maintaining or having a quorum.

16. Voting – Call of Roll

Once the call of the roll and/or the taking of a voice vote has commenced, there shall be no further debate, discussion and/or interruption by the public, any member of the Council and/or the Mayor.

17. Voting – Responses

No member of the Council shall be permitted to explain any votes taken during voting roll call. The only responses permitted during the call of the roll or a request to vote by the presiding officer shall be Yes, No, Abstain, Pass and/or Silence (as set forth in Rules 14 & 15). This by-law shall not prevent a member of the Council from engaging in debate on the subject of the vote or responding to questions from any member of the public during the regular public portion of any discussion, debate or vote.

18. Announcing a Vote

At the conclusion of any vote and before the official announcement of any vote of the Council is recorded, any Council Member may ask for a count of where the vote stands and how his/her vote and that of the others will be recorded. If that Council Member or any Council Member(s) wished (wish) to change how their vote or votes are to be officially

recorded, then they may state that their vote has been changed. Said request to change ones vote shall be honored when announcing the official record of the vote. The presiding officer shall not rush the official announcement of the vote so as to preclude any member of the Council from changing his/her vote.

19. Addressing the Chair

The Mayor and Council Member(s), while speaking, shall address the chair, remaining in his or her place, except where the Mayor and/or Council Member is being photographed or making a presentation to the assembled as a whole.

20. Motion on the floor

When a question is under consideration following a motion and second, no motion shall be entertained, except to adjourn, to table, to move the question, to postpone indefinitely, to postpone to a stated time, to continue to a stated time, to refer to a committee or to amend, which motions shall take place in the order in which they are herein mentioned.

21. Council discussions on matters of questions

No Council Member shall speak more than twice (2x) on the same question without leave of the Presiding Officer or the Council, no more than once (1x) until every Council Member desiring to speak shall have spoken at least once (1x).

22. Departure from regular order of business or suspension of rule

No departure from the regular order of business, or suspension of any rule, shall be allowed, except by affirmative vote of the majority of Council Members present. Such departure or suspension shall be for not longer than the Council Meeting then in session. In the case of a tie, the Mayor may cast a vote to affirm/deny the departure from the regular order of business or the suspension of any rule.

23. Reconsideration of a question

Any Council Member having voted with the majority on any question may move for a reconsideration thereof at the same meeting; but no motion for a reconsideration shall be taken a second time on the same question, except by unanimous consent.

24. Standard Agenda

The Mayor and Council's order of business shall be as provided below. The Clerk may remove from the agenda any of the orders of business when no matters for consideration on that item of business are available.

1. Call to order

2. Roll call
3. Reading of the Open Public Meetings Act Statement
4. Moment of silence
5. Pledge of Allegiance
6. Mayor's welcoming statement
7. Comments from members of public regarding issues not listed on the agenda and that do not wish to attend remainder of meeting
8. Proclamations by the Mayor
9. Awards and honors conferred by the Mayor and Council
10. Mayor's appointments not requiring Council's approval
11. Special presentations by groups or organizations to the Council (placement on the agenda approved in advance by the Mayor or by consent of the Council)
12. Reading and approval of unapproved minutes (Reading not required if distributed to the Mayor and Council beforehand, unless requested in whole or by part by the Mayor or a Council Member)
13. Reports of the Borough Administrator, departments, agencies of the Borough government and contracted professionals
14. Public Comment on any items on the Consent Agenda, off the Consent Agenda, vouchers, first reading of ordinances and/or correspondence (pursuant to Rule 27)
15. Resolutions on the Consent Agenda – the Mayor or any Council Member may ask for any item to be separated out and voted upon separately (Council discussion and then voting by the Council)
16. Resolutions off the Consent Agenda (Council discussion and then voting by the Council)
17. Approval of vouchers
18. Ordinances on first reading – introduction (Council discussion and then voting by the Council)
19. Ordinances on the second and final reading (Public hearing of the citizens, closing of the public hearing, Council discussion and then voting by the Council)
20. Communications and dispositions of same (pursuant to Rule 28)
21. Unfinished business

- 22. New business
- 23. Comments from the public (pursuant to Rule 27)
- 24. Comments of the Mayor and Council members (pursuant to Rule 25)
- 25. Executive Session
- 26. Adjournment

25. Mayor and Council Comments

Comments made by the Mayor and Council Members shall be limited to no more than five (5) minutes for each individual.

26. Conflict of Interest

No member of the Council and/or the Mayor shall participate in and vote on any question before the Mayor and Council due to a conflict of interest, except pursuant to the doctrine of "necessity". In all cases this Conflict of Interest Rule shall be subject to the requirements of state law and the Ordinances of the Borough of Lavallette.

27. Public Comment

Members of the public shall be permitted to address the Mayor and Council at those portions of the meeting so designated in Rule 24. Members of the public desiring to be heard shall raise their hand and be recognized by the Mayor, Council President or other presiding officer before speaking, and upon being recognized by the presiding officer, shall approach the microphone or other designated location and identify themselves by name and address. However, the public, as a whole, shall be limited to no more than thirty (30) minutes in each instance and each individual shall be limited to three (3) minutes in each instance, though an individual may speak more than once, in each instance, if there is sufficient overall time remaining. As per Rule 24, the first public portion of the meeting shall be limited to members of the public that wish to comment on items not listed on the agenda and that do not wish to attend the remainder of the meeting. The second public portion of the meeting shall be limited to items on the Consent Agenda, off the Consent Agenda, vouchers, first reading of ordinances and/or correspondence (as such specifically addressed by Rule 28). The third public portion may be on any topic. Members of the public shall address their issues to the Presiding Officer and shall not become abusive or profane to the Mayor, members of the Council, Borough professionals and employees of the Borough. All members of the public desiring to be heard on a given topic, issue or matter under consideration, shall be permitted to speak once (1x) before any member of the public is permitted to be heard a second (2x) time.

28. Communications

All written or verbal communications addressed to the Mayor and Council shall be signed by or credited to any citizen or citizens of the Borough or presented by any organization of the Borough, or by any employee, employee organization/representative or contracted professional of the Borough, or from any governmental agency. Said correspondence shall be listed on the agenda indicating the person(s), organization and/or agency and whomever signed or to whom the letter is credited; the date it was received; and a succinct indication of the topic(s) embodied in the letter. At the request of the Mayor or any Council Member, the Clerk shall read aloud the contents of any such communication.

There shall be no public discussion by the Mayor or members of Council of any unsigned or unsubstantiated anonymous communication. Such matters shall be referred privately to the Borough Administrator, Council Liaison or other appropriate official for investigation and determination of any necessary appropriate follow-up.

No communication determined by the Borough Attorney to contain liable or slander shall be listed on the agenda. Random vendor solicitation, communications, those commonly referred to as "junk mail", and communications not related to the function or operation of Borough government shall not be listed on the agenda.

29. Retire from Council Chambers

No Council Member shall retire from the Council Chamber while the Council is in session without the permission of the Presiding Officer.

30. Questions of Points of Order

The Borough Attorney shall decide all questions of order without debate and without appeal, and such decision shall be deemed final and binding.

31. Meeting Decorum

The Mayor, members of the Council and the public shall demonstrate at all times respect towards each other in all manner, shape and form. The Mayor shall be designated, pursuant to Rule 1, to insure such respect occurs during the meeting.

32. Council Standing Committees

The Council, by a majority concurrence of the Council, shall appoint all chairpersons and all members of all Council Standing Committees. The Mayor shall vote on committee appointments only in the case of a tie and then only for the purpose of breaking the tie.

33. Standing Committee Membership

The Council generally shall appoint no more than three (3) Council members to a Standing Committee. If more than three (3) Council members are so appointed, the Standing Committee shall be required to follow the provisions of the Open Public Meetings Act. The Council shall designate one (1) of the Standing Committee Members as chairperson. The Standing Committee may select one (1) of its members to serve as Secretary or request the Borough Clerk to designate, within budgetary limitations, some staff member to serve as a Secretary to the Standing Committee. Each Council Member shall serve as Chairperson of at least one (1) Standing Committee and as a member of at least two (2) Standing Committees. Where practical, like or related functions shall fall under the purview of common Standing Committees while keeping in mind task equity. Where practical and dependent on the political party affiliation of Council Members, the appointment of chairpersons and committee members shall take into consideration bipartisan representation on Standing Committee. Standing Committees shall follow the same protocol of operation as established for other Council-established committees. If a Standing Committee has consulted with the Borough Attorney, Borough Engineer or other professional and that professional has given an oral or written opinion to the Standing Committee, that opinion shall also be presented to the Council.

34. Reports from Standing Committees

Reports of all Standing Committees shall be submitted to the Council through the chairperson of the committee, or if there be a Council member or Council liaison to any committee, the report shall be submitted through the designated Council member or liaison, unless that Council person requests that the chairperson of the committee submits the report. Reports shall be presented at public meetings of the Mayor and Council unless some aspect of that report or the entire report contains information that falls under the guidelines for a closed executive session of the Council as provided for by the Open Public Meetings Act. Only that portion or those portions of the report dealing with topics protected from public purview shall be excluded from public presentation.

35. Standing Committees

Standing Committee assignments shall be as per Attachment A.

36. Advisory Committees

An advisory committee, in general, shall automatically be discharged of its duties, responsibilities and existence based upon any of the following: (1) upon the attainment of its stated purpose, (2) upon submission of its final report, (3) upon the completion of any stated terms of office: or, (4) as otherwise determined by the Council.

37. Council's ability to override Mayoral Veto

The Council may override the mayoral veto of an ordinance by a two-thirds (2/3rds) majority of all of the members of the Council.

38. Removal of a Municipal Employee / Board Members

The Council may, for reasonable cause and in accordance with state law, remove any municipal employee, subject to law and/or collective bargaining agreement, or member of any board, commission or committee, other than the Mayor or a member of the Council. Such a removal shall be effective in the following manner: The Council shall adopt by majority vote of the whole number of Council Members, a resolution proposing said removal and setting forth specifically the alleged causes/changes. Such resolution if adopted shall be served upon the affected person personally or by certified mail, return receipt requested, and regular mail, to said person's residence. A time and date for a hearing on the charge or charges shall be fixed by the Council, which shall not be less than fifteen (15) calendar days nor more than thirty (30) calendar days after the date of service. At the option of the affected person, said hearing shall be conducted in public or in executive session and may be adjourned from time to time. Evidence of the specific charge or charges against the affected person shall be presented at the hearing and the affected person shall be presented an opportunity to be heard. The affected person shall have the right to be represented by counsel. Strict rules of evidence shall not apply. Following the conclusion of the hearing, the presiding officer shall call for a vote to be taken in public session which shall determine whether the affected person shall be removed. No removal shall be made except upon a majority vote of the whole number of members of the Council. The hearing procedure shall not preclude the Council from retiring to executive session, to the exclusion of the affected person and his/her counsel, at any time to confer with the Borough Attorney representing the Borough's interest, on any matter of attorney-client privilege. Actions of the Council, under this Rule are subject to judicial review.

39. Modifications / Rules Not Covered

These rules shall not be altered, amended, repealed and/or added to, except when presented in writing at a regular meeting of the Mayor and Council and by a majority vote of the entire Council. Any matters of parliamentary procedures not covered by these rules of orders shall be decided by the laws of the state of New Jersey where applicable.

Guidelines for Public Videotaping of Any and All Council Meetings

Permission for public videotaping of any and all Council Meetings can be obtained verbally or in writing prior to the Meeting from the Borough Clerk.

Please be advised that you shall adhere to the following guidelines:

- The filming equipment shall be of a minimal number and type, so as not to create a burden or impediment to other people attending the meeting. This includes lighting restrictions.
- The cameras shall be positioned so as not to create a burden or impediment to other people attending the meeting. This includes the activity and location of the camera operator.
- The equipment, and the activity of those involved in the filming, shall not disrupt the order or create unnecessary intrusion into the proceedings.
- The equipment, and the activity of those involved in the filming shall not create excessive noise levels.
- You shall safeguard the public facilities from damage associated with your activities
- You shall safeguard the electrical system from damage associated with your activities, and fair payment may be requested for electricity used.

ATTACHMENT A

Standing Committees of the Council shall be as follows:

Administration and Finance

Borough Administrator and office
Chief Financial Officer and office
Borough Clerk and office
Tax Collector, Tax Assessors and their offices
Professionals: hiring, promotions, policies, negotiations, contract administration, affirmative action
Borough engineer and engineering consultants
Municipal Budget
Insurance
Licenses
Technology
Shared Services
Fund Commission
Rules of Council and Borough policies
Non-zoning ordinances

Beaches Operations

Beach badges and beach badge office
Beach badge checkers and badge enforcement
Lifeguards and Lifeguard's station
Beach Regulations

Planning and Zoning

Master plan
Zoning ordinances
Zoning and code enforcement
Construction office
Business Association
Tourism
Public transportation
County and State government liaison

Public Affairs, Recreation and Social Services

Municipal Alliance
Community Development Block Grant and grants not related to another Standing Committee
Recreation Committee
Celebration of public events
Ball fields, playgrounds, tennis and other courts
Seasonal programs
Library services
Public assistance
Liaison to community and civic organizations
Liaison to boards of education and PTAs
Inter-municipal government liaison
Community bulletin board

Public Safety

Police

Fire

First Aid

Emergency management

Traffic control

Traffic signage

Courts: judge, prosecutor, public defender and violations

Board of health

Animal control

Crossing guards (school and summer)

Bicycle routes and bicycle safety

Public Works

Buildings and grounds

Borough buildings

Solid waste

Recycling

Beach and Boardwalk repair and maintenance

Storm and sanitary sewers

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- The filming equipment shall be of a minimal number and type, so as not to create a burden or impediment to other people attending the meeting. This includes lighting restrictions.
- The cameras shall be positioned so as not to create a burden or impediment to other people attending the meeting. This includes the activity and location of the camera operator.
- The equipment, and the activity of those involved in the filming, shall not disrupt the order or create unnecessary intrusion into the proceedings.
- The equipment, and the activity of those involved in the filming shall not create excessive noise levels.
- You shall safeguard the public facilities from damage associated with your activities
- You shall safeguard the electrical system from damage associated with your activities, and fair payment may be requested for electricity used.