

*Township of Howell, NJ
Wednesday, February 5, 2020*

Chapter 2. Administration of Government

Article I. The Council

§ 2-5. Council meetings.

- A. Regular business meetings. The Council shall meet for reorganization on the first day of January after each general municipal election, unless that day be a Sunday, in which case it shall meet on the next succeeding day; otherwise, the Council shall meet during the first week of January. The Council shall meet regularly thereafter in accordance with a schedule to be adopted by resolution at the first meeting held each January, or, as may be amended thereafter, in accordance with N.J.S.A. 10:4-1 et seq. The Council may dispense with or change the date and/or time of regular meetings. The Council may set special or emergency meetings as needed.
- B. Executive workshop/agenda meetings. The Council shall, after the first meeting of January of each year meet regularly thereafter in accordance with a schedule to be adopted by resolution for the preliminary study of municipal business and to plan for the agendas of its regular business meetings. The Council may take official action at executive workshop/agenda meetings (for example, vote upon a resolution or upon the introduction or passage of an ordinance) but only if, prior to taking such official action, a motion is passed by 2/3 of the full Council allowing the same. The Council may dispense with or change the date and/or time of an executive workshop/agenda meeting.
- C. Special meetings. A special meeting may be called at any time upon request of a majority of the full Council or by the Mayor. The request and call for a special meeting shall specify the purpose of the meeting, and no business shall be transacted at any special meeting other than that specified. The call for a special meeting shall be filed with the Township Clerk and shall be served by the Clerk upon each member of the Council at least 48 hours prior to the time for which the meeting is called. Adequate notice, as defined by N.J.S.A. 10:4-8 et seq., shall be provided to the public of every special meeting. Upon the filing of any call for a special meeting, the Clerk shall forthwith give notice thereof by telephone or in person to each Council member, at such place as the Council member shall have previously designated for that purpose, and shall also serve or cause to be served a written copy of the call upon each Council member by delivery of a copy to the Council member personally or by leaving a copy at his usual place of abode. The Police Department shall cooperate with the Clerk in effectuating such service of notice. Members of the Township Council may waive notice of a special meeting and participate in same notwithstanding that notice was not provided them as set forth above as long as the provisions of N.J.S.A. 10:4-8(d), are complied with.

- D. Emergency special meetings. Upon the affirmative vote of 3/4 of the members present, the Township Council may hold a meeting notwithstanding the failure to provide adequate notice as defined by N.J.S.A. 10:4-8(d) if such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would likely result in substantial harm to the public interest and provided the other requirements of N.J.S.A. 10:4-9(b) are complied with. The meetings shall be limited to discussion of and acting with respect to such matters of urgency and importance.
- E. Private executive session. The Township Council shall not exclude the public from any meeting or portion thereof unless:
 - (1) The matter to be discussed is enumerated in N.J.S.A. 10:4-12b(1) through (9); and
 - (2) The Council has passed a resolution at a meeting to which the public shall be admitted;
 - (a) Stating the general nature of the subject to be discussed; and
 - (b) Stating as precisely as possible the time when and the circumstances under which the discussion conducted in closed session of the Council can be disclosed to the public.
- F. Conduct of meetings. Meetings of the Council shall, except as herein otherwise provided, be conducted according to the most recent edition of Robert's Rules of Order, revised. The Township Attorney shall serve as parliamentarian for all such meetings.
- G. Quorum. A majority of the whole number of members of the Council shall constitute a quorum. No ordinance shall be adopted by the Township Council without the affirmative vote of a majority of all the members of the Council. If a quorum is not present by 1/2 after the appointed time for any meeting, the presiding officer or the Clerk may declare the meeting adjourned.
- H. Roll call votes; minutes. The vote upon every ordinance and resolution, and upon every motion when requested, shall be taken by roll call. The vote shall be "aye" or "nay," or words to that effect of affirmative or negative by each member, and there shall be no further discussion following the commencement of the roll call. The vote of each member shall be entered on the minutes. Any member of the Council may abstain from voting at any time. When the roll is called on any question, the silence of a Council member who is present shall constitute a negative vote, unless he or she states that he or she abstains, in which event the abstention shall not count as a vote, "aye" or "nay." The question shall be determined by a majority of those members voting unless otherwise provided by law.
- I. Order of business and agenda. The below-referenced Subsections **I(1)**, **(2)** and **(3)** setting the agenda for various Township meetings may be changed or amended from time to time by resolution of the governing body.
[Amended 4-21-2003 by Ord. No. 0-03-13; 8-18-2003 by Ord. No. 0-03-32]
 - (1) Order of regular business meetings. The business of Council at regular business meetings, and so far as applicable at special meetings, shall be taken up for consideration and disposed of in the following order:
 - (a) Call to order by the Mayor.

- (b) Opening statement and roll call.
 - (c) Executive session.
 - (d) Pledge of Allegiance to the Flag.
 - (e) Acceptance of minutes of previous meetings.
 - (f) Reports of Township officials.
 - (g) Hearing of citizens (limit 60 minutes).
 - (h) Consent agenda items.
 - (i) Unfinished business.
 - [1] Public hearing and adoption of ordinances.
 - (j) New business.
 - [1] Introduction of ordinances.
 - [2] Resolutions.
 - [3] Motions.
 - (k) (Reserved workshop meeting).
 - (l) Petitions and correspondence.
 - (m) Meetings (set or to be set).
 - (n) Adjournment.
- (2) Order of business of workshop sessions. The business of Council at workshop meetings shall be disposed of in the following order:
- (a) Call to order by Mayor.
 - (b) Opening statement and roll call.
 - (c) Executive session.
 - (d) Pledge of Allegiance to the Flag.
 - (e) Reports of Township officials.
 - (f) Hearing of citizens (limit 60 minutes).
 - (g) Unfinished business.
 - (h) New business.
 - (i) Discussion.

- (j) Petitions and correspondence.
 - (k) Meetings (set or to be set).
 - (l) Adjournment.
- (3) Council public participation meeting. The business of Council at public participating meetings shall be disposed of in the following order:
- (a) Call to order by Mayor.
 - (b) Pledge of Allegiance to the Flag.
 - (c) Opening statement and roll call.
 - (d) Public comment.
 - (e) Conferences, presentations and proclamations.
 - (f) Meetings (set or to be set).
 - (g) Adjournment.
- (4) Agenda. The agenda for each regular business and executive workshop/agenda meeting of the Township Council shall be prepared by the Clerk and made available to the Council members at least 24 hours prior to the opening of the meeting, whenever practicable. Written notice of changes in the agenda shall be made available to each Council member prior to or at the time of convening a meeting. Except for emergency matters which may be added at any time with the approval of the Mayor, the agenda may include only such matters of Council business as have been presented or delivered to the Clerk not later than 48 hours prior to the start of the meeting, whenever practicable.
- (5) Consent agenda.
- (a) Items of business, excluding ordinances and as otherwise provided by law, which the Township Council, at a pre-meeting conference or executive workshop/agenda meeting, has determined to be routine and which do not require discussion shall be included under a single section of the agenda, known as the "consent agenda." Such items may be adopted or approved, as the case may be, upon motion and approval thereof, by a vote of simple majority of the Township Council members.
 - (b) The consent agenda section of the meeting agenda shall be preceded by an explanatory note substantially set forth as follows: All matters listed under item consent agenda are considered routine by the Township Council and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired on any item, that item will be considered separately.
- (6) Reading of the minutes. The Clerk shall, insofar as practicable, prepare and distribute to the Council members the minutes of each meeting within 14 days after the preparation of said minutes. The minutes of any meeting may be approved, without reading, whenever they have been distributed at least 24 hours prior to the time of approval.

- (7) The presiding officer. The presiding officer of the Council shall be the Mayor. The presiding officer shall preserve strict order and decorum at all regular, executive and special meetings of the Council. He/she shall state every question coming before the Council and announce the decision of the Council on all matters coming before it. The Mayor shall vote on all questions, his/her name being called last.
- (8) Call to order; president pro tem. The Mayor shall take the Chair at the hour appointed for the meeting and shall immediately call the Council to order. In the absence of the Mayor, the Deputy Mayor shall be the presiding officer. In the absence of the Mayor and Deputy Mayor, the Clerk or his/her designee shall call the Council to order. The Clerk shall then determine whether a quorum is present and in that event shall call for the election of a temporary presiding officer. Upon the arrival of the Mayor or Deputy Mayor, the temporary presiding officer shall forthwith relinquish the Chair upon the conclusion of the business immediately before Council.
- (9) Nominations and appointments. With respect to appointments to be made by the Council, any member of the Council may nominate as many candidates as there are offices to be filled. The Council will consider such nominations in Council of the whole. Where there is a single office to be filled, the sense of the Council on the appointment shall be taken as to each nominee in alphabetical order, and the first nominee to receive a majority shall be deemed appointed. Where there is more than one office to be filled, such as on a board, commission or authority, the same procedure shall be followed with respect to each office separately until the total number of appointments to be made has been completed. In the discretion of the Chair, a group of nominations may be considered at once where there is no apparent division on the Council as to the nominees included in the group.
- (10) Rules of debate.
 - (a) Questions under consideration. When a question is presented and seconded, it is under consideration and no motion shall be received thereafter, except to adjourn, to lay on the table, to postpone, or to amend, until the question is decided. These motions shall have preference in the order in which they are mentioned, and the first two shall be decided without debate.
 - (b) As to the Mayor. The Mayor, or such other member of the Council as may be presiding, may debate from the Chair, subject only to such limitations of debate as are by these rules imposed upon all members, and shall not be deprived of any of the rights and privileges of the Council member by reason of his/her being the presiding officer.
 - (c) Getting the floor. Improper references are to be avoided. Every member desiring to speak for any purpose whatsoever shall address the presiding officer, and upon recognition, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language. A member may only speak once on the same subject but may speak to clear up a matter of fact or explain a material part of his/her speech, except that a member after moving a question may once again speak on the same subject.
 - (d) Interruption. A member once recognized shall not be interrupted when speaking unless it be to call him/her to order or as herein otherwise provided. If a member while speaking be called to order, he/she shall cease speaking until the question or order be determined by the presiding officer, and if in

order, he/she shall be permitted to proceed. Any member may appeal to the Council from the decision of the Chair upon a question of order, when without debate the Chair shall submit to the Council the question, "Shall the decision of the Chair be sustained?" and the Council shall decide by a majority vote.

- (e) Privilege of closing debate. The Council member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.
- (11) Manner of addressing the Council. Each person addressing the Council shall step up to the microphone, shall give his/her name and address in an audible tone of voice for the record, and he/she shall limit his/her statement to three minutes. All remarks shall be addressed to the Council as a body and not to any individual person thereof. No person, other than members of the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the presiding officer. No questions shall be asked a Council member except through the presiding officer.
- (12) Decorum by Council members. While the Council is in session, the members must preserve order and decorum, and a member shall neither by conversation or otherwise except as herein provided delay or interrupt the proceedings, the peace of the Council, disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer.
- (13) Decorum by persons. Any person making impertinent or slanderous remarks or who shall become boisterous while addressing the Council shall forthwith be barred from further audience before the Council by the presiding officer, unless permission to continue or again address the Council be granted by the majority vote of the Council.
- (14) Enforcement of decorum. The Chief of Police, or such member or members of the Police Department as the Chief of Police may designate, shall be the Sergeant at Arms of the Council meetings. He/she or they shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meetings.
- (15) Adjournment. A motion to adjourn shall always be in order and decided without debate.

J. Ordinances and resolutions.

- (1) Introduction. Ordinances may be introduced and adopted by title. Every ordinance after introduction on first reading shall be published in full, together with a notice as required by law, and the publication shall be at least 10 days prior to the time fixed for further consideration for second and final passage. At the time and place so specified in such notice, all persons interested shall be given an opportunity to be heard thereon.
- (2) Effective date. All ordinances shall take effect 20 days after final passage by the Council. Two-thirds of the Council may, however, declare an emergency by written resolution to reduce this twenty-day period, except that the twenty-day period for a bond ordinance shall not be reduced.

K.

Reports and resolutions to be filed with Township Clerk. All reports and resolutions shall be filed with the Township Clerk and entered into the minutes.