

Borough of Manasquan, NJ  
Monday, February 10, 2020

## Chapter 2. Administration

### § 2-2. MEETINGS.

[New]

The Council shall meet for organization on the first day of January, or during the first seven days in January in any year at such time and place as the Council may direct. Thereafter, the Council shall meet regularly within the Borough at such times and places as provided by the Rules of Council. The Mayor shall when necessary call special meetings of the Council. In case of his neglect or refusal, any four members of the Council may call such meetings at such time and place in the Borough as they may designate. In all cases of special meetings, 48 hours' written notice (or actual voice contact) shall be given to all members of the Council. Written notice may be by leaving such notice at their places of residence.

[1] *Editor's Note: See also Section 2-5, Bylaws of the Council and Article IV, Meetings.*

### § 2-3. POWERS AND DUTIES OF THE MAYOR.

[New]

The Mayor shall preside over all meetings of the Council but shall not vote except to give the deciding vote in case of a tie. Except as otherwise provided by statute or specific ordinance, the Mayor shall nominate and, with the advice and consent of the Council, appoint all officers in the Borough. No appointments requiring Council confirmation shall be made except by a majority vote of the Council members present at the meeting, provided that at least three affirmative votes shall be required for such purpose, the Mayor to have no vote thereon except in the case of a tie. Vacancies in appointive offices shall be filled by appointment in the same manner for the unexpired term only. The Mayor shall make such nomination to fill a vacancy within 30 days after the appointive office becomes vacant. If the Mayor fails to nominate within 30 days or the Council fails to confirm any nomination made by the Mayor, then, after the expiration of 30 days, the Council shall appoint the officer.

The Mayor shall see that the laws of the State and the ordinances of the Borough are faithfully executed, and shall recommend to the Council such measures as he may deem necessary or expedient for the welfare of the Borough. He shall maintain peace and good order and have the power to suppress all riots and tumultuous assemblies in the Borough.

The Mayor shall supervise the conduct and acts of all officers in the Borough and shall execute all contracts made on behalf of the Council.

[1] *Editor's Note: For regulations stating the authority of the Mayor to act in a State of Emergency, see Section 3-11.*

#### § 2-3.1. Order and Decorum.

[1972 Code § 2-3]

The Mayor shall on all occasions preserve order and decorum, and he shall cause the removal of all persons who interrupt the orderly proceedings of the Council.

### § 2-4. PRESIDENT OF THE COUNCIL.

[New]

At the organizational meeting the Council, by a majority vote, shall elect from their number a President of the Council, who shall preside at all of its meetings when the Mayor does not preside. The President of the Council shall hold office for one year and until the next annual meeting. The President of the Council shall have the right to debate the vote on all questions before the Council. If the Council at its annual meeting fails to elect a President, the Mayor shall appoint the President from the Council and in that case no confirmation by the Council shall be necessary. If the Mayor is absent from the Borough for a period of three consecutive days or for any reason is unable to act, the President of the Council shall perform all the duties of the Mayor during his absence or inability. In case of the Mayor's intended absence from the Borough for more than three days at any one time, the Mayor shall notify the President in writing of such intended absence, whereupon the President shall become Acting Mayor upon the receipt of such notice and continue to act until the Mayor's return. In case of the temporary inability of the President to so act, the Councilmember having the longest term of service as such may act temporarily for the President.

[1] *Editor's Note: See also Section 2-5, Bylaws of the Council, subsection 2-5.7 Absence of Mayor and subsection 2-5.11 Election of Council President.*

## § 2-5. BYLAWS OF THE COUNCIL.

### **Rules of Order**

#### § 2-5.1. Deliberation of Council.

[1972 Code § 2-1; Ord. No. 1247]

The deliberations of the Council shall be governed by "Roberts Rules of Order," except when the same are in conflict with the laws of the State of New Jersey or these bylaws, in which event the "Roberts Rules of Order" shall be inapplicable.

### **Mayor**

#### § 2-5.2. Presiding Over and Conducting Meetings.

[1972 Code § 2-2; Ord. No. 1247]

The Mayor shall preside over the deliberation of the Council and shall conduct the meetings thereof. He shall also participate in the determination of Borough affairs to the extent permitted by statute.

#### § 2-5.3. Order and Decorum.

[1972 Code § 2-3; Ord. No. 1247]

The Mayor shall on all occasions preserve order and decorum, and he shall cause the removal of all persons who interrupt the orderly proceedings of the Council.

#### § 2-5.4. Recognition of Floor.

[1972 Code § 2-4; Ord. No. 1247]

When two or more members of Council shall request recognition at the same time, the Mayor shall name the one entitled to the floor.

#### § 2-5.5. Decisions on All Questions of Order.

[1972 Code § 2-5; Ord. No. 1247]

The Mayor shall decide all questions of order without debate subject to an appeal to the Council, and he may call upon the Council for the opinion of the Council upon any question of order.

## § 2-5.6. Council President to Serve as Liaison.

[1972 Code § 2-6; Ord. No. 1247]

The Council President shall serve as the liaison between the Council and all boards, committees, agencies or organizations except as herein assigned to a specific Council Committee for liaison purposes.

## § 2-5.7. Absence of Mayor.

[1972 Code § 2-7; Ord. No. 1247]

In the absence of the Mayor, or if he is unable to perform his duties, the Council President (or, in his inability to act, the Councilmember having the longest term of service) shall act as Mayor, as provided by statute.

### **Municipal Clerk**

[1] *Editor's Note: See also Section 2-4, President of the Council.*

## § 2-5.8. Duties.

- a. The Clerk shall perform the duties enjoined upon that office by the New Jersey Statutes and these bylaws.
- b. The Clerk shall keep the minutes and ordinance books properly and fully indexed and shall perform all the duties usually devolving upon such officer, and in addition, such other duties or services as Council may require or direct.
- c. Upon the introduction of an ordinance, the same shall be properly numbered and recorded at length by the Municipal Clerk in the ordinance book. The assigned number shall appear in the advertisement of such ordinance.

[1972 Code § 2-8; Ord. No. 1247]

### **Meetings<sup>[1]</sup>**

[1] *Editor's Note: See also Section 2-2, Meetings.*

## § 2-5.9. Annual Meetings.

[1972 Code § 2-9; Ord. No. 1247]

The Council shall hold an annual meeting during the first seven days of January of any year, which meeting will be held within the Borough and at such time and place as Council may by resolution direct.

## § 2-5.10. Regular Meetings.

[1972 Code § 2-10; Ord. No. 1247]

That at the aforesaid meeting the Council shall fix the time and place for holding regular meetings during the ensuing year which time and place shall not be changed except by resolution adopted at a regular meeting.

## § 2-5.11. Election of Council President.

[1972 Code § 2-11; Ord. No. 1247]

At the annual meeting, the Council will elect one of its members as Council President to serve for one year and until the next annual meeting.

[1] *Editor's Note: See Section 2-4, President of the Council.*

## § 2-5.12. Special Meetings.

[1972 Code § 2-12; Ord. No. 1247; New]

The Mayor shall, when necessary, call special meetings of the Council; in case of his neglect or refusal, any four members of the Council may call such meeting at such time and place in the Borough as they may designate, and in all cases of special meetings reasonable advance notice, considered to be of 48 hours, except in case of emergency, shall be given in person or by telephone, or written memorandum to all members of the Council.

## § 2-5.13. Quorum.

[1972 Code § 2-13; Ord. No. 1247]

Three Councilmembers and the Mayor, and in the absence of the Mayor, four Councilmembers shall constitute a quorum.

## § 2-5.14. Absence of Quorum.

[1972 Code § 2-14; Ord. No. 1247]

If no quorum be present at any meeting, those assembled shall have power and are hereby authorized to set a new meeting date, and then adjourn.

## § 2-5.15. Order of Business.

[1972 Code § 2-15; Ord. No. 1247; Ord. No. 1623-94; Ord. No. 1740-98 § 1]

The following order of business for a regular public meeting shall be observed:

- a. Call to Order;
- b. Mayor's Welcoming Statement;
- c. Silent Prayer and Salute to the Flag;
- d. Roll Call;
- e. Mayor's Statement Re: Open Public Meetings Act of 1975;
- f. Mayor's Proclamations;
- g. Mayor's Appointments;
- h. Consent Agenda — Resolutions;
- i. Ordinances for First Reading;
- j. Ordinances for Second and Final Reading and Public Hearing;

- k. Correspondence;
- l. Committee Reports;
- m. Audience Participation;
- n. Adjournment.

## § 2-5.16. Change of Order of Business.

[1972 Code § 2-16; Ord. No. 1247]

The aforesaid order of business at any meeting may be changed by a majority vote of the members of the Council present at such meeting or by the Mayor with consent of the Council.

## § 2-5.17. Majority Vote of Council.

[1972 Code § 2-17; Ord. No. 1247]

Except as otherwise required by the statutes, or specifically provided in these Bylaws, all action of the Council shall be by a majority vote of those present.

## § 2-5.18. Roll Call Vote.

[1972 Code § 2-18; Ord. No. 1247]

Upon demand of one member of the Council or when ordered by the Mayor, or when directed by statute or upon demand of one member of the Council, a roll call vote shall be taken and the yeas and nays entered in the minutes of the meeting.

### **Appointment of Standing Committees of Council**

## § 2-5.19. Appointment.

[1972 Code § 2-19; Ord. No. 1247; Ord. No. 1740-98 § 2; Ord. No. 1801-99]

The Council shall, by a vote of a majority of its Members, appoint all Committee Members.