

*Borough of Bradley Beach, NJ
Tuesday, January 28, 2020*

Chapter 5. Administration of Government

Article I. Organization, Powers, Meetings and Rules of Borough Council

§ 5-9. Rules of procedure at meetings.

- A. Agenda. The agenda for each regular meeting of the Borough Council shall be prepared by the Clerk and made available to the public and the Council members at least 48 hours prior to the opening of the meeting in accordance with N.J.S.A. 10:4-8D. The agenda may only include matters of Council business that have been presented or delivered to the Clerk no later than 96 hours prior to the start of the meeting and approved by the Mayor.
[Amended 2-12-2008 by Ord. No. 2008-3; 5-22-2018 by Ord. No. 2018-7]
- B. Items of business, excluding ordinances and as otherwise provided by law, which the Borough Council has unanimously determined to be routine and which do not require discussions, 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 a single motion and approval thereof by vote of a simple majority of the Borough Council. The consent agenda section of the 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 Borough 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."
- C. Order of business. All regular and special meetings of the Borough Council shall commence promptly at the hour designated, if practicable. Unless otherwise authorized by resolution or motion of Council, all business coming before the Council shall be heard and voted on in the following order:
[Amended 7-22-2008 by Ord. No. 2008-9; 1-12-2010 by Ord. No. 2009-20]
- (1) Call to order.
 - (2) Pledge of Allegiance.
 - (3) Open Public Meetings Act statement.
 - (4) Roll call.
 - (5) Workshop discussion.
 - (6) Presentations; receipt of bids or petitions.
 - (7) Approval of minutes.
 - (8) Public comments on agenda items.
 - (9) Ordinances.

(10) Communications.

(11) Resolutions.

(12) Announcements.

(13) Reports of Mayor and Council.

(14) Public comments: There is a five-minute limit on comments.

(15) Executive Session (pursuant to N.J.S.A. 10:4-13 et seq., if necessary).

(16) Adjournment.

D. Call to order. The Mayor shall call each meeting to order. In his or her absence, the President of the Council shall call the meeting to order and shall preside during the absence of the Mayor. The Mayor shall assume the chair as soon as he or she is in attendance at any meeting which may have been called to order in his absence, and the President of the Council shall thereupon relinquish the chair.

E. Presiding officer. The presiding officer shall:

(1) State the question and announce the result on all matters upon which the Council may vote.

(2) Rule on all questions of order, subject to appeal to the Council.

(3) Sign the minutes of all meetings of the Council.

F. Quorum call. At the opening of each meeting of the Borough Council, the Clerk shall call the roll, and the names of those present shall be recorded in the minutes. Three members of the Council shall constitute a quorum for the conduct of business. If a quorum is not present by 1/2 hour after the appointed time for any meeting, the meeting shall be deemed adjourned.

G. Distribution and reading of minutes. The Clerk shall, insofar as is practicable, prepare and distribute to the Borough Council the minutes of each meeting within 15 days of the meeting. 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. The Clerk shall promptly post a copy of the approved minutes in a public place in the Municipal Building and shall leave such copy posted for 30 days.

H. Committees. The Rules of the Borough Council shall, insofar as applicable, govern meetings of the committee of the whole (work session meetings of Council) and other committees of the Council which may be appointed from time to time. Special committees of the Council for legislative purposes may be appointed by the Mayor pursuant to resolution. No special committee shall normally report on a matter referred to it at the same meeting at which reference is made, except by unanimous consent of the members of the committee.

I. Nominations and appointment.

(1) Nominations submitted by the Mayor will be considered at the work session meetings of the Borough Council and may be confirmed at the next regular meeting, or may be acted upon at the next regular meeting thereafter, at the sole discretion of the Mayor.

(2) With respect to appointments to be made by the Borough 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 the committee of the whole, which will report to a regular meeting of Council. Where there is a single office to be filled, the sense of the Council and 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 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 in the Council as to the nominees included in the group.

J. Addressing Council.

- (1) Persons other than Council persons may be permitted to address the Borough Council in the proper order of business. A person present may, upon recognition by the Chair, be heard in the order of petitions of citizens and public discussion. A person present may, upon recognition by the Chair and with the consent of a majority of the Council persons present, be heard at any other time. No person shall address any remark or question to any specific Council person nor to any other person present except by permission of the majority of the Council. A Council person may, through the Chair, respond to any communication or address received pursuant to this section.
- (2) Except upon consent of the Borough Council, each person addressing the Council pursuant to this section shall be required to limit his or her remarks to five minutes and shall at no time engage in any personally offensive or abusive remarks. The Chair shall call any speaker to order who violates any provision of this rule.

K. Decorum.

- (1) Each member of the Borough Council shall cooperate with the Chair in preserving order and decorum, and no member shall, by conversation or otherwise, delay or interrupt the proceedings of the Council, disturb any member while speaking or fail to abide by the orders of the Council or its presiding officer, except as specifically permitted by these rules.
- (2) Any person who shall disturb the peace of the Borough Council, make impertinent or slanderous remarks or conduct himself in a boisterous manner while addressing the Council shall be forthwith barred by the presiding officer from further remarks before the Council, except that if the speaker shall submit to proper order under these rules, permission for him to continue may be granted by majority vote of the Council.

L. Filing of reports, petitions and resolutions. All reports to the Borough Council and all resolutions and all petitions shall be filed with the Clerk and referenced in the minutes of the Council.

M. Adjournment. A motion to adjourn shall always be in order and shall be decided without debate.

N. Roll call votes; minutes. The vote upon every motion, resolution or ordinance 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 Borough Council may abstain from voting at any time. When the roll is called on any question, the silence of a Council person present shall constitute an affirmative 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. The minutes of each meeting shall be signed by the officer presiding and by the Borough Clerk.

O. Rules.

- (1) Except as otherwise provided by this article or other provisions of the chapter or state statute, all meetings of the Borough Council shall be conducted in accordance with the provisions of the most recent edition of Robert's Rules of Order, Revised. The Borough Attorney, or his or her representative, shall serve as parliamentarian for all such meetings.
- (2) No rule or general regulation made by any department, board, officer, agency or authority of the Borough shall take effect until it is approved by the Mayor and filed with the Borough Clerk. The Borough Clerk shall maintain a current compilation of all such rules and

regulations, which shall be available for public inspection in his or her office during business hours.