

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2018-043

Council Meeting Date: 01-04-2018

Date Adopted: 01-04-2018

TITLE: RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF NEW PROVIDENCE ADOPTING RULES AND ORDER OF BUSINESS OF THE BOROUGH COUNCIL FOR THE YEAR 2018.

Councilperson Kapner submitted the following resolution, which was duly seconded by Councilperson Muñoz.

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF NEW PROVIDENCE, COUNTY OF UNION, STATE OF NEW JERSEY, that the following Rules and Order of Business of the Borough Council are hereby adopted:

RULES AND ORDER OF BUSINESS OF THE BOROUGH COUNCIL

ARTICLE I - Robert's Rules of Order Newly Revised.

The deliberations of the Borough Council shall be governed by Robert's Rules of Order Newly Revised, 10th Edition (hereinafter referred to as "RONR") in all cases to which they are applicable and in which they are not inconsistent with applicable law or ordinances, these by-laws or any special rules set forth herein.

ARTICLE II - Meetings.

Section 1. The Mayor shall preside at all meetings of the Borough Council in accordance with the powers granted to the Mayor pursuant to law. In the absence of the Mayor, the Council President shall perform all the duties of the Mayor. In the absence of both the Mayor and Council President, the next most senior member of Borough Council measured by most recent continuous time in office since his or her becoming a member of Borough Council shall perform the duties of the Mayor.

Section 2. The Mayor shall decide all questions of order. If any member of Borough Council shall object to any such decision by the Mayor, said member may move for a vote of Borough Council to appeal the Mayor's decision. Any such appeal shall be decided by a simple majority vote of the Borough Council members present.

Section 3. (Intentionally left blank)

Section 4. (Intentionally left blank)

Section 5. A portion of all meetings shall be set aside for citizens to address the Borough Council on any matter of interest. The Mayor may set a time limit for comments made by each citizen wishing to address the Borough Council when appropriate for the smooth and orderly conduct of the meeting. When set, time limits shall apply equally to all citizens making comment. While the Mayor may respond to any citizen's comment, the Mayor shall recognize any member of Borough Council that wishes to respond to a citizen's comment. The time associated with any such responses by the Mayor and Council shall not be deducted from the time limit, if any, set for citizen comment.

Section 6. Matters requiring council approval are placed on the meeting agenda by the Borough Administrator and Borough Clerk. The Mayor and Members of the Borough Council who wish to address any topic, advance a resolution or introduce an ordinance shall advise the Borough Administrator or Borough Clerk to place the item/topic on the meeting agenda. Where possible, any documents associated with the agenda item shall be provided to the Borough Clerk in advance and attached to the agenda. Ordinances shall be provided in accordance with Article 5 of this resolution. Council members shall review the agenda and contact the administrator if there are any questions or concerns with any agenda item. Agenda items may be removed only by the Mayor or Member of Borough Council who requested that the item be placed on the agenda, provided such request is made by 12 Noon the day of the meeting.. Items listed on the agenda at the start of any meeting, may only be deferred or removed by official action of the Borough Council. In the unusual circumstance where a matter requiring Borough Council action arises subsequent to the time that the agenda has been set by the Borough Administrator and Borough Clerk, a member of Borough Council may move that such matter be added. Upon receipt of a second and favorable vote by the Borough Council the matter shall be added to the agenda.

Section 7. All Borough Council meetings will be conducted in accordance with the requirements of the Open Public Meetings Act. (N.J.S.A. 10:4-6 et seq.)

ARTICLE III - Order of Business.

Section 1. The following shall be the normal order of business of all Regular Meetings of the Borough Council:

1. Meeting called to order
2. Roll Call
3. Salute to flag
4. Sunshine Law announcement
5. Hearing of Ordinances; if applicable
6. Special Recognition/Awards; if applicable
7. Approval of Minutes; if applicable
8. Correspondence
9. Committee and Borough Council Business
10. Discussion Items
11. Council Committee and Council Liaison Reports
12. Borough Administrator's Report

13. Mayor's Report
14. Public Comments
15. Formal Action - Consent Agenda
16. Formal Action - on items removed from Consent Agenda
17. Executive Session; if applicable
18. Adjournment

Section 2. During the Committee and Borough Council Business portion of the agenda members of Borough Council shall present resolutions, members of Borough Council may propose ordinances and resolutions and members of Borough Council may present items for discussion and action not requiring approval by ordinance or resolution. In the interests of maximum public disclosure and discourse concerning such actions and decisions by the Borough Council, any member of Borough Council shall be recognized by the presiding officer to raise questions, make comments or suggest revisions to the item presented at the time it is presented. Whenever practical, items shall be presented by the member of Borough Council serving as Chair, or if no Chair has been appointed or if the Chair is absent from the meeting, by the Vice-Chair or next most senior representative to the Council Committees and Boards set forth in Article IV below. Items shall be assigned by the Administrator to the Council Committee or Board most pertinent to the subject matter involved.

ARTICLE IV – Council Committees

Section 1. The Borough Council hereby creates Committees – not otherwise required by ordinance - as outlined below, each consisting of two (2) members of the Borough Council, one serving as Chair and one serving as Vice-Chair, as follows:

1. General Administration
2. Finance
3. Personnel
4. Community Activities
5. Public Works
6. Planning & Development (*Engineering – Construction*)
7. Shared Services
8. Legal and Regulatory
9. Recreational Capital Improvement (three (3) members of council assigned)

Selection of members of Borough Council to serve on each Committee shall be by the Borough Council acting upon the recommendation of the Council President.

The Borough Administrator shall supervise all departments, attend all meetings of the Council Committees unless excused by the Committee Chair and implement the policies adopted by the Borough Council. The Council Committees shall work through the Borough Administrator, who will coordinate the efforts of professional staff to accomplish the work of the committee.

Section 2. To the extent required by State statute and the Code of the Borough of New Providence, the Mayor shall appoint members to the various Borough boards. The advice and consent of the Borough Council shall be required for any such appointment except when State Statute reserves such power of appointment to the Mayor alone. All other appointments shall be by the Borough Council acting upon the recommendation of the Council President.

Section 3. The Borough Council may appoint advisory Councils for special purposes composed of no more than 2 Members of Borough Council and such other Administrative staff members and members of the general public as it deems necessary and appropriate.

Section 4. At the time of creation of an advisory Committee, the Borough Council shall establish the duration of the advisory Committee. No advisory Committee shall take a position on behalf of the Borough Council without the Borough Council's approval.

Section 5. Two (2) members of the Borough Council, one serving as Liaison and one serving as Co-liaison, appointed by the Council acting upon the recommendation of the Council President, shall serve as liaisons to the following Advisory Boards, Committees or organizations:

Board of Education
Senior Citizens Center
Sustainability Committee
Insurance Advisory Committee
Beautification Committee
Economic Development
Board of Health
Diversity Committee

Community Pool Council
Public Art Committee
Municipal Alliance
Historic Preservation Committee
Cable TV Advisory Committee
Affordable Housing

ARTICLE V - Ordinances.

Section 1. All proposed ordinances, supplements to and amendments of ordinances shall be available for review at a regular meeting, provided that a revision to any such proposal may be made by the Borough Council at the meeting in accordance with the procedures set forth in Article II, section 6.

Section 2. All ordinances shall be introduced, considered, read, heard, adopted and published in accordance with applicable law and inserted in the Code of the Borough of New Providence, as appropriate.

ARTICLE VI -Filings.

Section 1. (Intentionally left blank)

ARTICLE VII - Minutes.

Section 1. The Borough Clerk shall keep minutes of all Borough Council meetings as provided by law.

Section 2. Draft minutes for all meetings shall be available to the Borough Council Members no later than the Friday preceding the next regular meeting. Such minutes shall be clearly marked as a draft minutes.

Section 3. Minutes approved by the Borough Council will be released to the public only by the Borough Clerk and in accordance with the Open Public Records Act. Minutes, once approved by the council will be posted on the Borough's website.

Section 4. The approved minutes shall become the official record of the meeting.

Article VIII - Code of Conduct.

Section 1. Neither the Mayor nor any member of the Borough Council can make any commitment on behalf of the Borough without express, specific approval of the Borough Council. This includes any commitment binding the Borough in any form of communication including all correspondence, written or otherwise, negotiations, and the like.

Section 2. All effective Borough Council authority resides with the Borough Council as a whole body and the mayor and council members may not make personal promises nor take any private action that may compromise the Council, nor make any representations that may appear to include others' views without their prior approval.

Section 3. Governing Body members should focus their council actions to development of policies, planning and financial oversight.

Section 4. Governing Body members shall not attempt to directly manage borough staff, departments, projects or operations, but work with and through the borough administrator to assure a high degree of efficiency and effectiveness in achieving the goals of the borough.

Section 5. Governing Body members should not contact employees of the borough on behalf of constituents. However, council members should consult with the borough administrator about issues or concerns raised by constituents related to any borough operation or function.

Section 6. Governing Body members shall refer any complaints or concerns about borough employees to the borough administrator.

Section 7. Governing Body members shall not have any ex-parte discussions with applicants relating to bids, applications or permits that are pending action by the borough council.

Section 8. It is the responsibility of each Governing Body member to disclose to the Borough Attorney any personal or private interest, directly or otherwise, in any question or measure proposed or pending before the Borough Council. The Borough Attorney will determine whether a conflict of interest exists.

Section 9. A member of the Borough Council who has a conflict of interest on a particular matter shall neither vote on nor take part in debate or discussion of same. Similarly, in the event of a tie vote among the members of Borough Council, the Mayor shall refrain from voting on any matter in which he or she has a conflict of interest. When it is determined that the Mayor or any member of Borough Council has a conflict of interest with regard to any particular matter before the Borough Council, the Mayor or affected member of Borough Council shall remove his or her self from the immediate vicinity of the other members of Borough Council to make it clear that he or she is not participating in any vote, debate or discussion concerning that matter.

Section 10. During the “Council Committee and Council Liaison Reports” portion of the meeting, the council liaisons shall update all members on any activities of their council committee assignments. In addition, council members shall report on any activities that may be of interest to the council or that may touch on the liaison responsibilities of other council members.

Section 11. Unless consented to by the Mayor and Borough Council, all matters discussed in a validly constituted closed session shall not be disclosed by the Mayor or any member of Borough Council until such time as permitted by applicable law.

ARTICLE IX – Special Rules.

Section 1. Members of Borough Council need not stand to be recognized.

Section 2. In order to further the public’s interest in observing a full and open discourse on all matters pertinent to the Borough of New Providence, the Presiding Officer shall make every attempt to accommodate the desires of members of Borough Council to be heard on matters brought before the Borough Council.

Section 3. There shall be no limit on the amount of time or the number of times an individual member of Borough Council can speak in debate of any issue properly before the Borough Council, except in the event of a proper motion, duly made and approved pursuant to RONR, to do the following:

1. Motion to Commit (i.e. refer the matter to Committee for further review);
2. Motion for the Previous Question (i.e. motion to close debate immediately); or
3. Motion to Extend Debate or Limit Debate;

any of which motions shall be moved and voted upon in the matter prescribed by RONR.

Section 4. The Borough Council shall continue its customary practice of the presentment of resolutions, ordinances or other proposed Council action by individual Council Members during the Committee Business portion of the meeting agenda. Sections of RONR requiring a separate motion and second for each resolution, ordinance or other proposed action are suspended. Instead, each Council Member presenting the resolution, ordinance or other matter proposed for action shall read the title of the matter and, if not self evident by the title, provide an explanation of the matter for the benefit of the public and other Borough Council Members. Each Council Member shall then have the opportunity to discuss and debate the matter immediately after its presentation by the originating Member. Amendments may also be proposed by any member of Borough Council at this time. However, amendments shall not be considered part of the item to be voted on pursuant to Section 5 below unless a motion for amendment is duly made, seconded and approved by the Borough Council during the Committee Business portion of the agenda. Amendments to proposed resolutions shall be voted upon by voice vote without the need for a roll call by the Clerk. Amendments to proposed ordinances not yet introduced by a motion, second and vote by the Borough Council shall also be made by voice vote without the need for a roll call by the Clerk. Amendments to ordinances already introduced shall be made in accordance with the requirements of applicable law.

Section 5. In keeping with customary practice, each item presented for action by a member of Borough Council during the Committee Business portion of the agenda shall be placed upon the Consent Agenda, which shall be duly moved, seconded and voted upon during the Consent Agenda portion of the meeting. Nevertheless, any Member of Borough Council may request that any item be removed from the Consent Agenda and voted upon separately. No reason need be given for such request for a separate vote, and there shall be no requirement for a second or a vote to approve a request to remove an item from the Consent Agenda for a separate vote.

Section 6. When serving as the Presiding Officer pursuant to law or this resolution, the Borough Council President or, if applicable, next most senior Member of Borough Council may propose or second motions, vote on and participate in the discussion or debate of any matter before the Borough Council.

ARTICLE IX - Borough Administrator.

Section 1. The Borough Administrator shall be the Chief Administrative Officer of the Borough, shall supervise all Departments, perform the duties of Borough Administrator and shall be responsible to the Mayor and Borough Council for the proper and efficient administration of Borough affairs as specified in the Code of the Borough.

Section 2. It is intended that the Governing Body shall act in all matters as a body. The Borough Administrator shall be included in (or be made aware of) any discussion that occurs between members of the council and professional staff relating to Borough business or operations.

Section 3. The Borough Administrator shall make every effort to assure that members of council are aware and informed of situations of interest to the council. If information is

received by the borough administrator that would be of interest or importance to the council - in his judgement, it shall be shared with all members of the council.

Section 4. The Borough Administrator shall provide a report at regular council meetings on any activities or items of interest to the Governing Body – not otherwise covered during the meeting.

ARTICLE X - Amendments.

Section 1. These rules shall be subject to and governed by the laws of the State of New Jersey and the ordinances of the Borough. These rules shall not be amended except at a regular meeting of the Borough Council. All proposed amendments shall be submitted in writing at a regular meeting and will not become effective until approved by the Borough Council.

APPROVED, this 4th day of January, 2018.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
GENNARO	X			
GEOFFROY	X			
KAPNER	X			
MADDEN	X			
MUÑOZ	X			
ROBINSON	X			
MORGAN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 4th day of January, 2018.

Wendi B. Barry, Borough Clerk