

# ORDINANCE

O-3-2021

BOROUGH OF NORTH CALDWELL, ESSEX COUNTY, NEW JERSEY

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF NORTH CALDWELL, COUNTY OF ESSEX, STATE OF NEW JERSEY, CHAPTER 2, ARTICLE VII, ENTITLED "RULES OF ORDER"**

**WHEREAS**, the application of parliamentary procedure is an efficient method to enable assemblies of any size, with due regard for every members' opinion, to protect the rights of the people to join together to accomplish common goals and enable them to debate and take action in a fair manner with the least amount of controversy; and

**WHEREAS**, the Governing Body of the Borough of North Caldwell wishes to promote smooth, orderly, and fairly conducted public meetings by establishing a uniform method that will protect the right of the majority to decide, the right of the minority to be heard, and the rights of individual members.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of North Caldwell, County of Essex, State of New Jersey as follows:

1. **Chapter 2. Mayor and Borough Council**, of the Borough of North Caldwell is amended and supplemented as stated below:

(All other subsections of Chapter 2 "Mayor and Borough Council" will remain unchanged.)

**§ 2-7. Council procedure.**

A. Resolutions and ordinances.

- (1) Every resolution or ordinance shall be reduced to writing and read at least in title, before the vote is taken thereon pursuant to N.J.S.A. 40:49-1, *et seq.*

B. Voting, generally. The vote upon every motion, resolution, or ordinance shall be taken by yeas and nays and entered on the minutes.

C. Call to order and order of business. The Mayor shall be the presiding officer and shall call the meeting to order. The meeting shall occur in the following order:

- (1) Open Public Meetings Act notice;
- (2) Roll call;
- (3) Pledge of Allegiance;
- (4) Mayor's Report;
- (5) Public comments/citizens to be heard;
- (6) Minutes to be adopted;
- (7) Reports of committees and council comments;
- (8) Consent Agenda;
- (9) Executive Session.

D. Procedure.

- (1) Business is to be brought before the public body by motion in accordance with Robert's Rules of Order, 12<sup>th</sup> Edition, and debated and voted upon pursuant to same unless otherwise stated in this chapter.
- (2) Public comment/ Citizens to be Heard
  - (a) Pursuant to N.J.S.A. 10:4-12, the Council shall set aside a portion of every meeting for public comment.
  - (b) There shall be a single public comment session scheduled to be heard prior to the official acts to be taken by the governing body at each council meeting.
  - (c) Any person who desires to address the Council shall first seek to be recognized by the presiding officer.
  - (d) Remarks during the public comment portion of the meeting shall be within the time limits set by the Council in accordance with N.J.S.A. 10:4-12(7)(a) for public comment on any governmental issue that a member of the public expresses may be of concern to the residents of the Borough. Unless otherwise set by motion of the governing body and approved by council majority, the time limit for public comments shall be five (5) minutes per person.
  - (e) Each person addressing the Council shall provide his or her name and address for the record and provide their comments.
  - (f) The Mayor or his/her designated representative shall be responsible for establishing protocols for recognizing members of the public to speak during public hearings or public comment periods that are handled remotely. Under such circumstances the protocols shall be announced in advance and shall utilize all available technology.
  - (g) Public meetings may be held remotely, subject to the Open Public Meetings Act, exclusively using communications equipment (e.g. telephonic conference call-in connections, internet streaming, etc.)
  - (h) Each person wishing to address the Council may do so at least once during the public comment portion of the meeting. The presiding officer will have discretion, time permitting, to recognize those persons wishing to address the Council more than once during the public comment portion of the meeting.

- (i) The purpose of this public comment shall be for the members of the public to address the governing body and administration. The presiding officer may, but is not required to, permit dialogue between the Mayor and Council and members of the public during the public comment session.

The following conduct is strictly prohibited during Council meetings:

- i. Defamatory, personal, or profane remarks;
- ii. Loud, threatening, or abusive language;
- iii. Remarks irrelevant to public business; and
- iv. Disorderly conduct that disturbs or disrupts the conduct of any meeting.

- (j) Any member of the public who makes such remarks or engages in such conduct will be called to order by the presiding officer. If the conduct continues, the presiding officer may ask the person to leave the meeting.
- (k) Any person who, at the request of the presiding officer, is asked to leave the meeting, shall do so immediately. If persons do not remove themselves at the instruction of the presiding officer, the presiding officer may order the Sergeant at Arms to remove them. Any person who resists removal by the Sergeant at Arms shall be charged with violating N.J.S.A. 2C:33-8, Disrupting meetings and processions.
- (l) The Chief of Police, or such members of the Police Department as the Council may designate, shall be Sergeant(s) at Arms at the Council meetings. He, she, or they shall carry out all orders given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting. On instruction of the presiding officer, the Sergeant at Arms shall remove from the meeting any person who disturbs the proceedings of the Council.

#### E. Minutes.

- (1) Taking of the minutes. Minutes shall be kept of every meeting by the Municipal Clerk as hereinafter prescribed, and any citizen may have access to the minutes upon application to the Clerk.
- (a) Pursuant to N.J.S.A. 10:4-14, the minutes must include the time and place, the members present, the subjects considered, the actions taken, the vote of each member, and any other information required to be shown in the minutes by law, which must promptly be available to the public.
- (2) Reading and approval of the minutes. Minutes of the meeting shall be approved at a regular meeting in

accordance with this chapter.

- (a) Where a draft of the minutes of the preceding meeting has been sent to all members in advance, it is presumed that the members have reviewed them.
- (b) Approval of the minutes and corrections, if any, are done by unanimous consent; the Chair shall call for the reading of the minutes, ask for any corrections, and declare the minutes approved.
- (c) Minutes may not be approved at special meanings; minutes from special meetings must be approved at a regular meeting.

INTRODUCED: February 23, 2021

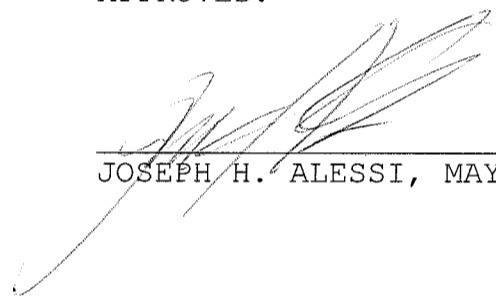
PUBLIC HEARING: March 23, 2021

APPROVED: March 23, 2021

ATTEST:

APPROVED:

  
TAMI MICHELOTTI, BOROUGH CLERK

  
JOSEPH H. ALESSI, MAYOR