

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3, “RULES OF COUNCIL”,
OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
TO COMPORT WITH CURRENT PRACTICE AND INCREASE EFFICIENCY
AND EFFECTIVENESS OF COUNCIL MEETINGS**

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY that Chapter 3 of the Revised General Ordinances of the Township of West Orange, entitled “Rules of Council”, be and is hereby amended as follows:

I. PURPOSE

The purpose of this ordinance is to modernize the Rules of Council to comport with current Council practices and to increase the efficiency and effectiveness of Council meetings.

II. CHAPTER 3, “RULES OF COUNCIL”, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE SHALL BE AND HEREBY IS AMENDED AND SUPPLEMENTED TO READ AS FOLLOWS:

§ 3-1 SHORT TITLE.

[1972 Code § 3-1]

This chapter shall be known as the Rules of Council.

§ 3-2 GOVERNING RULES.

[1972 Code § 3-2]

Except as otherwise provided in the Charter, by law, or in this chapter, the Township Council shall be governed in questions of order, organization and conduct of business by Robert's Rules of Order in all applicable cases.

§ 3-3 MEETINGS.

§ 3-3.1 Regular Meetings.

[1972 Code § 3-3; Or. No. 1895-03 § II; Or. No. 2394-13]

The Township Council shall hold regular meetings commencing at 7:00 p.m., on two Tuesdays of each month of the year, each meeting to be separated from the immediately preceding and succeeding meeting by at least two weeks, except that during the months of **July, August and December**, there shall only be one regular meeting a month, also on a Tuesday and commencing at 7:00 p.m., and separated by at least two weeks from the preceding and following meetings. The Council shall determine by majority vote of its membership, and by no later than the first meeting in November of the preceding year, the following year's schedule of regular Council meetings, after reviewing the following year's calendar for conflicts with holidays, special events and anticipated vacation schedules. Whenever the day fixed for any regular meeting falls upon a legal or national holiday the meeting shall be held at the same hour on the next succeeding day which is not a legal or national holiday. The Council may alter its meeting schedule, including cancellation of, or rescheduling of, any regular Council meeting, by majority vote of its membership and providing sufficient time to provide lawful notice to the public of the change of schedule. In an emergency, including, but not limited to, a power outage at Town Hall, a severe storm, or other occurrence implicating substantial

public safety concerns, the Mayor, Business Administrator, or Council President, may summarily cancel a scheduled Council meeting, notifying all Council members and the public by any available and appropriate means and with reasonable promptness under all of the circumstances.

§ 3-3.2 Special Meetings.
[1972 Code § 3-3.2]

The Mayor or the President of the Township Council may at any time, and upon written request of a majority of the Councilmembers shall call a special meeting of the Township Council. 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 Clerk and served upon each Councilmember as hereinafter provided at least 24 hours prior to the time for which the meeting is called provided that the Mayor determines that an emergency exists affecting the health or safety of the people which requires consideration by the Township Council within a shorter time. Upon such a determination, which the Mayor shall set forth in the call, the call may be filed with the Clerk at any time not less than three hours prior to the time set for the meeting. Upon the filing of any call for a special meeting, the Clerk shall forthwith give notice thereof by telephone, cell phone, e-mail and text message to each Councilmember, at the numbers and addresses he or she shall have previously designated for that purpose.

§ 3-3.3 Adjourned Meeting.
[1972 Code § 3-3.3]

An adjourned meeting shall be considered a continuation of the preceding meeting and the business of the Township Council shall be resumed where it was left at the last adjournment.

§ 3-3.4 Township Council Committee Conference.
[1972 Code § 3-3.4]

The President of the Township Council may call meetings of the committee of the whole of the Council in advance of any regular or special meetings, to plan the agenda of the meeting and to discuss such other matters as may require consideration by the Council. Meetings of the committee of the whole shall comply with the Open Public Meetings Act in all respects.

§ 3-4 OFFICERS.

§ 3-4.1 Council President.
[1972 Code § 3-4.1; Or. No. 2392-13]

The President of the Council shall be chosen by the Council at an organization meeting of each year and according to the rules of procedure, shall in no event succeed himself or herself. The President of the Council shall:

- a. Appoint any special committees of the Council as may be required.
- b. Preside at all meetings of the Council and of the committee of the whole.
- c. State the question and announce the result on all matters upon which the Council may vote.

- d. Rule on all questions of order, subject to appeal to the Council.
- e. Sign all ordinances and resolution adopted in his or her presence and in his or her absence the President Pro Tempore shall sign ordinances and resolutions adopted in his or her presence.
- f. Have such other functions, powers and duties as the Council may from time to time prescribe **not inconsistent with the Faulkner Act and general municipal law.**

§ 3-4.2 Clerk.
[1972 Code § 3-4.2]

The Township Clerk shall serve as Clerk of the Township Council in accordance with the administrative code. In the absence of the Clerk, the President shall appoint a Clerk Pro Tempore.

§ 3-5 AGENDA.
[1972 Code § 3-5; Or. No. 2349-12; Or. No. 2382-13]

An agenda for each regular meeting of the Township Council shall be prepared by the Clerk under the supervision of the President of the Council. All ordinances, resolutions and any supporting written material for consideration at the next Council Meeting shall be delivered to and received at the Clerk's Office by 3:00 p.m., on the Wednesday next preceding the meeting, earlier if possible and, if later, shall require permission of the Council President before placement on the agenda. The agenda headings shall be written in plain English and each resolution and ordinance, unless clearly self-explanatory, shall include a brief description of its purpose also written in plain English by the department submitting it. The agenda shall be completed not later than 3:00 p.m. on the Thursday preceding each regular meeting of the Council, except for emergency matters which may be added to the agenda at any time before the meeting with permission of the President of the Council. The Clerk shall expeditiously deliver a copy of the agenda, all ordinances and resolutions and all submitted supporting materials, to each Council member, to the Mayor, Business Administrator, and to the Law Department. The Clerk shall expeditiously cause the agenda, ordinances, and resolutions to be posted on the Township's website no later than the following Friday at noon in order that such materials are readily available to the general public. In the event of an intervening holiday, the deadlines set forth here shall be adjusted to provide the same amount of time for preparation and notice of the agenda. In the event of additions, deletions, or changes of any kind to the agenda, or any item on it, such changes shall be expeditiously posted to the Township's website with a notation indicating the change by 4:30 p.m., on the Monday preceding the Council meeting. The agenda and any changes to it shall also be physically posted on the Clerk's Bulletin Board in the public hallway at Town Hall. A conforming agenda shall be published to the Township's website on the day after each Council meeting to indicate those items which were not acted upon due to removal or postponement by the Council at its meeting.

§ 3-6 CALL TO ORDER.
[1972 Code § 3-6]

The President of the Township Council shall call each meeting to order. In his or her absence the Clerk shall call the meeting to order and those present shall select a temporary Chairman who shall preside during the absence of the President. The President 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 or her absence and the temporary Chairman shall

thereupon relinquish the chair.

§ 3-7 QUORUM CALL.
[1972 Code § 3-7]

At the opening of each meeting of the Township 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. If a quorum is not present one-half hour after the appointed time for any meeting, the presiding officer shall declare the meeting adjourned.

§ 3-8 ORDER OF BUSINESS.
[1972 Code § 3-8; Or. No. 726-84; Or. No. 1157-93; Or. No. 2128-07 § II; Or. No. 2382-13]

The order of business at a regular meeting of the Council shall be as follows:

a. Conference Agenda:

Council Liaison Announcements - an opportunity for Council members to announce upcoming events and/or to express appreciation to local clubs/organizations/volunteers, etc.

b. Public Agenda:

Pledge of Allegiance;

Roll Call;

Public Comment – Each member of the public wishing to speak shall do so through the Council President after stating their name and address for the record and shall be limited to three (3) minutes. The Council President as presiding officer shall have the discretion to permit up to an additional minute for an individual, but any further extension of time shall require a motion and vote of two-thirds of those Council members present. Each Council Member, including the Council President, may respond to public comment

Consent Agenda:

1-Approval of Minutes of Previous Meeting

2-Report of Township Officers

3-Reading of Petitions and Communications and Bids

4-Bills

5-Resolutions;

Ordinances on Second and Final Reading;

Ordinances on First Reading;

ABC Hearing, if any;

Pending Matters/New Matters/Council Discussion - Each Council Member, including the Council President, shall have the opportunity to raise and discuss any pending matter, new matter, or issue for Council discussion.

Adjournment.

The Council President may at his/her discretion modify with consent the order of business at any meeting of the Council if he/she deems it necessary and appropriate.

§ 3-8.1 Consent Agenda Defined.
[1972 Code § 3-8.1]

Those items on the Township Council agenda which are considered routine by the Township Council shall be marked with an asterisk (*) and, unless a Councilmember specifically requests that such item on the agenda be removed therefrom and Council action taken separately on the item in the order appearing on the agenda, those items so marked shall be approved, adopted, accepted, etc., by motion of the Council and voice vote. Those items so approved under the heading "Consent Agenda" will appear in the Council minutes in their proper form, i.e., resolution accepting grant deed or easement, adoption of ordinance upon final reading, etc.

§ 3-9 DISTRIBUTION AND READING OF MINUTES.
[1972 Code § 3-9]

The Clerk shall, so far as practicable, prepare and distribute to the Township Council the minutes of each meeting promptly after 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.

§ 3-10 COMMITTEES.
[1972 Code § 3-10]

There shall be no standing committees of the Township Council other than the committee as a whole. The rules of the Council shall govern the meetings of the committee of the whole so far as applicable. Special committees for legislative purposes may be appointed by the President pursuant to resolution. No special committee shall proceed to the consideration of any matter referred to it unless a majority of the members of the committee shall be present. No special committee shall report on a matter referred to it at the same meeting at which the reference is made, except by unanimous consent of the members of the Committee.

§ 3-11 VOTES BY VOICE AND MINUTES.
[1972 Code § 3-11]

A vote by voice shall be taken upon every motion, resolution or ordinance, unless otherwise requested or required by law, and the yeas and nays shall be entered on the minutes. The minutes of each meeting shall be signed by the presiding officer and by the Clerk.

§ 3-12 NOMINATIONS AND APPOINTMENTS.
§ 3-12.1 Nominations by Mayor.
[1972 Code § 3-12.1]

Nominations submitted by the Mayor shall be considered in committee of the whole and reported to the Township Council not later than its second regular meeting following the submission of the nomination. Any member of the Council may move a nomination.

§ 3-12.2 Nominations by Council.
[1972 Code § 3-12.2]

With respect to appointments to be made by the Township Council, any member of the Council may nominate as many candidates as there are offices to be filled. The Council shall consider such nominations in

committee of the whole and report to a regular meeting of the Council. 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 in the Council as to the nominees included in the group.

§ 3-13 RULES OF DEBATE.

§ 3-13.1 President May Participate.

[1972 Code § 3-13.1]

The President of the Township Council may move, second and debate from the chair, and shall not be deprived of any right to vote or of any other rights, powers or duties of a Councilmember by virtue of occupying the office of President of the Council.

§ 3-13.2 Recognition by Chair.

[1972 Code § 3-13.2]

A member of the Township Council shall be entitled to the floor only upon recognition by the chair but such recognition shall only determine the sequence of speaking, and no Councilmember shall be denied the privilege of the floor. Once a member has been recognized and taken the floor, he or she shall not be interrupted for any reason other than a call to order, and in such case the chair shall rule promptly on the point of order and the speaker be allowed to proceed if he or she is in order.

§ 3-13.3 Order of Closing.

[1972 Code § 3-13.3]

The Councilmember who has made a motion shall be entitled to the privilege of closing debate.

§ 3-13.4 Reconsideration.

[1972 Code § 3-13.4]

A motion to reconsider may be made by a Councilmember on the prevailing side and such motion may be made only at the same meeting, or at an adjournment thereof, at which the action was taken.

§ 3-13.5 Inclusion in Minutes.

[1972 Code § 3-13.5]

A Councilmember shall be entitled to have his remarks included in the minutes with the consent of Council. The President, with the consent of Council, may direct a synopsis of the debate on any question to be included in the minutes.

§ 3-14 VOTING.

[1972 Code § 3-14]

When the roll is called upon any question, the silence of a Councilmember shall constitute an affirmative vote unless he or she states that he or she abstains.

§ 3-15 ADDRESSING THE COUNCIL.

§ 3-15.1 In Order of Business.

[1972 Code § 3-15.1]

Persons other than Councilmembers may be permitted to address the Township Council in the proper order of business and as herein further provided. A person present may, upon recognition by the chair, be heard in order of communications and petitions and at such other times as Council may specifically permit. In the case of a resolution prior to adoption, whether or not on the consent agenda, the public's right to comment thereon is subsumed within the public comment portion of the meeting as set forth in §3-8 b. At the public hearing of any ordinance as required by NAGS 40:49-2, all persons interested shall be given an opportunity to be heard concerning the ordinance and each shall be limited to five minutes except where the time is extended by the consent of the Council President. No person shall address any remark or question to any specific Councilmember, except by permission of the President of the Council, nor shall any person be permitted to address the chair while a motion is pending. A Councilmember may, through the chair, respond to any communication or address received pursuant to this section.

§ 3-15.2 Time Limits.

[1972 Code § 3-15.2]

In all matters not provided for in subsection **3-15.1** and except upon consent of the Council President, each person addressing the Council pursuant to this subsection shall be required to limit his or her remarks to **three (3) 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.

§ 3-16 DECORUM.

§ 3-16.1 Conduct of Councilmembers.

[1972 Code § 3-16.1]

Each member of the Township 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, nor disturb any member while speaking, or fail to abide by the orders of the Council or its President except as specifically permitted by these rules.

§ 3-16.2 Conduct of Public.

[1972 Code § 3-16.2]

Any person who shall disturb the peace of the Township Council, make offensive or abusive remarks or conduct himself or herself in a boisterous manner while addressing the Council shall be forthwith barred by the presiding officer from further audience before the Council, except that if the speaker shall submit to proper order under these rules, permission for him or her to continue may be granted by a majority vote of the Council.

§ 3-16.3 Sergeant at Arms.

[1972 Code § 3-16.3]

The Police Department shall designate a member of the department to serve as Sergeant at Arms at Township Council meetings. He or she shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at such meetings.

§ 3-17 ORDINANCES AND RESOLUTIONS.

§ 3-17.1 Preparation.

[1972 Code § 3-17.1]

Ordinances and resolutions shall be prepared for the consideration of Township Council by the Township Attorney or the legal assistant upon motion of the Council or request of the Mayor. Prior to introduction, each proposed ordinance requiring or permitting administrative action shall be submitted to the Business Administrator and the department head concerned.

§ 3-17.2 Introduction.

[1972 Code § 3-17.2]

An ordinance or resolution may be introduced by any member of the Township Council. The Clerk shall forthwith provide each member of the Council with a copy thereof. Each resolution and ordinance shall be limited to a single subject which shall be expressed in its title.

§ 3-17.3 Enactment of Ordinance.

[1972 Code § 3-17.3]

All ordinances shall be introduced, read, heard and enacted in the manner provided by general law. Each ordinance passed by the Council shall be forthwith delivered by the Clerk to the Mayor. Each ordinance shall be returned by the Mayor to the Clerk after the Mayor has affixed his or her signature thereto or after the expiration of 10 days from the date of its delivery to the Mayor in any event.

§ 3-17.4 Effective Date of Resolution.

[1972 Code § 3-17.4]

All resolutions shall take effect immediately after final passage by the Township Council and approval by the Mayor where such approval is required, unless otherwise indicated in such resolution.

§ 3-17.5 Passage of Ordinance Over Veto.

[1972 Code § 3-17.5]

The Township Council shall reconsider any ordinance returned by the Mayor within the time permitted by the Charter together with a statement setting forth his or her objections thereto or to any item or part thereof. Such reconsideration of the ordinance or any item or part thereof from which the Mayor is constrained to withhold his or her approval shall be at the next meeting of Council which occurs not less than three days following the return of the ordinance by the Mayor.

§ 3-18 RECORD OF ACTION.

§ 3-18.1 Passage Over Veto.

[1972 Code § 3-18.1]

Whenever an ordinance has been reconsidered by the Township Council following a veto by the Mayor, the Clerk shall append to such ordinance a certification of the action of the Council upon such reconsideration in substantially the following form:

"I HEREBY CERTIFY that the above ordinance adopted by the Township Council on the ____ day of _____, 19____, was delivered to me on the ____ day of ____ together with the Mayor's statement of the reasons for which he or she was constrained to withhold his/her approval of such ordinance, item or part

thereof. On reconsideration thereof on the ____ day of ____, (the Township Council duly resolved by the affirmative vote of 2/3 of its members to enact such ordinance, item or part thereof notwithstanding the Mayor's veto) or (the Mayor's veto was sustained).

Dated:

_____, Township Clerk"

§ 3-18.2 Ordinances Not Returned by the Mayor.
[1972 Code § 3-18.2]

Whenever an ordinance shall take effect without the Mayor's signature by reason of his or her failure to return it to the Township Council by filing it with the Clerk within 10 days after it has been presented to him or her the Clerk shall append to such ordinance as engrossed a certificate in substantially the following form:

"I HEREBY CERTIFY that the above ordinance was adopted by the Township Council on the ____ day of ____, 19____ and was presented to the Mayor duly certified on the ____ day ____ of ____, and upon his/her failure to sign it or to return and file it with the Clerk within 10 days thereafter, the ordinance took effect as if the Mayor had signed it.

Dated:

, Township Clerk"

§ 3-18.3 Filing of Reports and Resolutions.
[1972 Code § 3-18.3]

All reports to the Council and all resolutions shall be filed with the Township Clerk and entered in the minutes of the Council.

§ 3-19 ADJOURNMENT.
[1972 Code § 3-19]

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

§ 3-20 EFFECTIVE DATE.
[1972 Code § 3-20]

An ordinance shall take effect as a resolution immediately and as an ordinance upon final passage and publication in accordance with the laws of the State of New Jersey.

III. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township which are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

Robert D. Parisi, Mayor

Cindy Matute-Brown, Council President

**Karen J. Carnevale, R.M.C.
Municipal Clerk**

Introduced: February 9, 2021

Adopted: February 23, 2021

LEGISLATIVE HISTORY

The Rules of the Council have been changed from time to time over the course of many years to make them consistent with actual practices followed by the Council despite the written Rules, to modernize them, and sometimes just to try something new or provide a different order of business. Such changes have often come about after a new Council President is designated and at or near the beginning of a new Council Term, sometimes with new Council members having been elected. The Faulkner Act provides specifically that the Rules of the Council may be adopted by Resolution, implicitly acknowledging the lack of need for Mayoral approval of such Rules and the separate functions performed by each component of the Governing Body. Despite that, West Orange has at least since 1972, adopted its Rules by Ordinance. The changes incorporated here are consistent with that history, providing for one regular Council meeting in December as has been the practice for the past few years, changing the manner of communicating special meetings to take into account more modern means of communication, and altering the time limits on public comment at regular meetings in order that the Council's business can be completed more quickly and acknowledging the greatly expanded means of communication used by the public to communicate with their elected officials, the extensive use of e-mail, social media and on-line internet modalities greatly expanding the ability of the governed to communicate rapidly and in considerable detail at any hour of the day or night with those governing them, including simultaneous communications with other citizens. The town square and the street corner are now virtual and everywhere all the time. The time spent on public comment at regular Council meetings remains important and required by the Open Public Meetings Act, but can be tightened up and made more efficient without any loss of effectiveness and opportunity for the public to be heard regarding any matter they wish.