

DATE: July 13, 2022

FROM: Charter Study Commission Secretary Bonnie K. Thomas

TO: Members of the Red Bank Charter Study Commission

The following notice is transmitted in accordance with the Open Public Meetings Act (“OPMA”), N.J.S.A. 10:4-6 et seq.

PLEASE TAKE NOTICE that the Red Bank Charter Study Commission will hold a public meeting as follows:

JULY 19, 2022

6:30 PM

Borough Hall

90 Monmouth Street, Red Bank

The agenda insofar as is known at this time is attached to this email.

NOTE: THIS MEETING IS BEING CONDUCTED IN-PERSON AND ON A HYBRID BASIS WITH REMOTE PARTICIPATION USING ZOOM USING THE FOLLOWING CREDENTIALS:

INTERNET-ACCESSIBLE DEVICE (Audio and/or Video)

- o To access the Zoom webinar, visit https://us02web.zoom.us/webinar/register/WN_MDiDgRs9SHWRR7MBej5WUA from an internet-accessible browser or download the appropriate mobile device application:
- TELEPHONE DIALING INSTRUCTIONS (Audio Only)
- o Dial +1 929 205 6099 and enter the Zoom ID (859 6173 8604) when prompted.

Attachment

Cc: Michael L. Collins, Esq., Charter Study Commission Attorney
Bulletin Board in Borough Hall
Borough Newspapers
Borough Website

RED BANK CHARTER STUDY COMMISSION

AGENDA

Tuesday July 19, 2022

6:30 PM

90 Monmouth St.

NOTE: THIS MEETING IS BEING CONDUCTED IN-PERSON AND ON A HYBRID BASIS WITH REMOTE PARTICIPATION USING ZOOM USING THE FOLLOWING CREDENTIALS:

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Call to Order

Pledge of Allegiance

Sunshine Statement

Open Public Meetings Act Notice- This meeting is being held in accordance with the Public Laws of 1975, Chapter 231 and adequate notice of this meeting has been provided by a notice sent to Asbury Park Press, Two River Times and Star Ledger and posted in the Main Lobby of the Municipal Building and on the municipal website.

Duties of the Charter Commission

NJSA 40:69A-7. The Duties of the Charter Commission. It shall be the function and duty of the charter commission to study the form of government of the municipality, to compare it with other available forms under the laws of this state, to determine whether in its judgment the government of the municipality could be strengthened, made more clearly responsive or accountable to the people or whether its operation could be more economical or efficient, under a changed form of government.

Roll Call

Nancy Facey-Blackwood, Chair

Mark Taylor, Vice Chair

Michael DuPont

Benedict Forest

Kathryn Okeson

Approval of Minutes –

Resolution to Enter Executive Session – Legal Advice on Charter Study Commission Final Report

Commissioner Discussion on Final Report

**Resolution Approving Final Report and Findings of Red Bank Charter Study Commission
and Recommending Alternative Form of Government**

Commission Member Remarks

Public Comment

Adjournment

RED BANK CHARTER STUDY COMMISSION
RESOLUTION TO ENTER EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act provides that a public body may enter into Executive Session to discuss matters that are of a confidential nature, pursuant to N.J.S.A. 10:4-12; and

WHEREAS, it is recommended by the Charter Study Attorney that the Charter Study Commission enter into Executive Session to discuss matters set forth hereinafter which are permissible for discussion in Executive Session.

NOW, THEREFORE, BE IT RESOLVED by the Red Bank Charter Study Commission that it shall enter into Executive Session to discuss the following matters:

Legal Issues, Litigation, Potential Litigation, Contract Negotiation, Attorney-Client Privilege - N.J.S.A. 10:4-12(b)(7)

Legal Advice on Charter Study Commission Final Report – ATOD July 2022

BE IT FURTHER RESOLVED that the minutes of the Executive Session shall be released to the public when the need for confidentiality no longer exists, with an estimate of the circumstances and/or time for public disclosure provided in the above-listed anticipated times of decision (“ATOD”).

RED BANK CHARTER STUDY COMMISSION

RESOLUTION APPROVING FINAL REPORT AND FINDINGS OF RED BANK CHARTER STUDY COMMISSION AND RECOMMENDING ALTERNATIVE FORM OF GOVERNMENT

WHEREAS, the Red Bank Charter Study Commission (“Commission”) is a body politic established pursuant to the provisions of the Optional Municipal Charter Law, commonly known as the Faulkner Act, N.J.S.A. 40:69A-1 et seq. (the “Act”); and

WHEREAS, pursuant to N.J.S.A. 40:69A-10, the Commission “shall report its findings and recommendations to the citizens of the municipality . . . within 9 calendar months from the date of its election” in the form of an “original signed copy of any final report containing said findings and recommendations made by any member of the commission”; and

WHEREAS, N.J.S.A. 40:69A-12(d) authorizes the Commission to “report and recommend. . . [t]hat a referendum shall be held to submit to the qualified voters of the municipality the question of adopting one of the plans of government authorized in” the Act; and

WHEREAS, the Commission has determined to recommend that Red Bank adopt the Council-Manager form of government as further outlined in the report attached hereto and incorporated by reference (the “Report”); and

WHEREAS, as set forth in the Report, the Commission recommends and directs that the following public question be placed before the voters of Red Bank in the November 2022 general election:

Shall the COUNCIL-MANAGER PLAN of the Optional Municipal Charter Law, providing for SEVEN (7) council members to be ELECTED AT LARGE for STAGGERED terms at NON-PARTISAN elections to be held in MAY, with the MAYOR ELECTED DIRECTLY BY THE VOTERS, be adopted by the Borough of Red Bank?

; and

WHEREAS, as set forth in the Report, the Commission recommends and directs that the following explanatory statement shall accompany the public question:

The voters of the Red Bank are asked whether to approve a change to Red Bank’s form of government from the Borough form to the Council-Manager form under the Optional Municipal Charter Law, commonly known as the Faulkner Act.

If approved, Red Bank will be governed by a council of seven (7) members, which includes a directly-elected Mayor, who serves as a voting member of the Council. The Council will exercise legislative powers and set municipal policy for Red Bank. The Council shall appoint a Municipal Manager, who will exercise all executive and administrative powers. The Municipal Manager shall serve at the will of the Council, subject to removal by a simple majority vote.

The Mayor will be directly elected by the voters for a term of four (4) years. The remainder of the Council members for staggered terms of four (4) years each. In order to initiate staggered terms, four (4) of the council members elected under the new form of government shall serve for only two (2) years, to be determined by lot at the organization meeting of the first Council. A municipal election shall be held every two (2) years thereafter.

The council shall be elected at large through non-partisan elections held on the second Tuesday in May. After the new Council is installed, it may choose to move subsequent non-partisan elections to the day of the general election in November.

If the change of government is approved by the voters, the first municipal election will be held on May 9, 2023, and the new Mayor and Council members will be installed on July 1, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Red Bank Charter Study Commission, as follows:

1. The foregoing recitals are incorporated as if set forth at length.
2. The Report is hereby approved and adopted as the Commission's findings and recommendations, duly adopted by a majority of the membership of the Commission.
3. The Commission's Secretary and Attorney are hereby authorized and directed to submit an original signed copy of this Resolution and the Report to the Municipal Clerk of the Borough of Red Bank, and to take any and all steps reasonably necessary to effectuate the Commission's recommendation of a public question to be presented to the voters of Red Bank in this November 2022 general election, as set forth in the Report.

ATTACHMENT
CHARTER STUDY COMMISSION FINAL REPORT

PENDING