

BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 23-06

ADOPTING COUNCIL BYLAWS FOR ALL MEETINGS OF THE BOROUGH COUNCIL FOR  
THE YEAR 2023

**WHEREAS**, Council wishes to adopt Council Bylaws for all Meetings of the Borough Council for the Year 2023, as attached:

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT	
Councilman Jackson			x				
Councilwoman Mirandi			x				
Councilwoman Sturdivant			x				
Councilwoman Triggiano				x			
Councilman Ballard			x	x			
Councilman Zipprich	x		x				
Mayor Portman							
ON CONSENT AGENDA			Yes <u>  </u>	No <u> x </u>			

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, In the County of Monmouth at a Meeting held on January 4, 2023.

*Laura Reinertsen*  
Laura Reinertsen, Borough Clerk

**BYLAWS AND RULES OF ORDER ADOPTED  
BY THE COUNCIL OF THE BOROUGH OF RED BANK  
2023**

**RULE I  
REGULAR MEETINGS**

The regular meetings of the Mayor and Council of the Borough of Red Bank shall be held on the second and fourth Wednesday of each month and commencing at the hour of 6:30 P.M. and shall be open to the public for the privilege of the floor at the times designated in these Bylaws.

The Council Agenda for each meeting, except for Special Meetings, shall be presented for review to the Council President at least 72 hours prior to the meeting. No Council Agenda (except Special Meeting Agenda's) will be distributed for publication or public notice prior to the approval of said Agenda by the Council President.

**RULE II  
PRESIDING OFFICER; ROLL CALL**

At the hour appointed for the meeting, the Council shall be called to order by the Mayor, or in the Mayor's absence by the President of the Council, or in the absence of both, by the senior most member of the Council. -The Council member presiding in the place of Mayor is permitted to vote.

**RULE III  
QUORUM; TEMPORARY PRESIDING OFFICER**

A quorum of the Council shall consist of 3 Council members and the Mayor, or, in the absence of the Mayor, 4 Council members shall constitute a quorum. If both the Mayor and Council President are absent, the senior-most Council member presides for the time being.

**RULE IV  
READING MINUTES; CORRECTION; ADOPTION**

Immediately after the members are called to order at regular meetings, and a quorum shall be present, the minutes of the preceding meeting, the minutes of which shall not have been reviewed, shall be reviewed by the Council at the direction of the Mayor or the presiding officer. The Clerk shall record any mistakes therein. When the minutes have been approved by the Council, the same shall be so declared by the Mayor or the presiding officer.

**RULE V  
SPECIAL MEETINGS**

Special meetings may be called by the Mayor or upon the request of any 4 members in writing, addressed and delivered to the Borough Clerk. Every such request from the 4 members shall state: the object for which such special meeting shall be called; the time thereof, which shall not be less than 48 hours after such order or request is delivered to the Borough Clerk and in sufficient time to satisfy the Open Public Meetings Act's requirements for special or emergency meetings; and the place that it shall be held. Upon receipt of any such request by the Mayor or otherwise, the Clerk shall call such special meeting via the Borough's official email system specifying the time and place of such meeting, and the object for which it is called, addressed and delivered to each member of Council and the Mayor at least 48 hours before the time fixed for such meeting and satisfy the requirements of the Open Public Meetings Act. No business shall be considered or acted upon at such special meeting except as stated in the special agenda.

**RULE VI  
STANDING COMMITTEES**

The standing committees of the Council shall consist of 3 members each, except for those designated as the Mayor's Committees. The Chair of each standing committee shall be appointed by the Mayor and said members shall be assigned the following duties and responsibilities.

## **STANDING COMMITTEES FOR THE YEAR 2023**

- A. FINANCE AND PERSONNEL**
  - 1.
- B. PUBLIC SAFETY, POLICE AND FIRE AND EMERGENCY MANAGEMENT**
  - 1.
- C. PUBLIC UTILITIES AND PARKING**
  - 1.
- D. CODE ENFORCEMENT, ENVIRONMENTAL CONTROL, HEALTH, WELFARE AND BUILDING CODES**
  - 1.
- E. PARKS, RECREATION, YOUTH AND SENIOR SERVICES**
  - 1.
- F. EDUCATION AND TECHNOLOGY**
  - 1.

### **RULE VII APPOINTMENT OF COMMITTEES AND LIASONS**

The membership of all standing committees shall be appointed by the Mayor. The membership of all other committees including the Chairs of those committees shall be appointed by the Mayor, or in the Mayor's absence, by the presiding officer for the time being, unless otherwise ordered by the Council. All Liaisons, as determined to be necessary by the Mayor and/or the Council, shall be appointed by the Mayor, with advice and consent of council.

### **RULE VIII ORDER OF BUSINESS**

The order of business shall be as follows (except at the Annual Reorganization Meeting):

- 1. Call to Order
  - a. Sunshine Statement
  - b. Pledge of Allegiance
  - c. Roll Call
- 2. Proclamations, Announcements & Appointments
- 3. Presentations
- 4. Public Questions & Comments on Agenda Items Only
- 5. Approval of Minutes & Reports
- 6. Ordinances
  - a. Public Hearing/Adoption
  - b. First Reading
- 7. Resolutions
- 8. Discussions & Action
- 9. Mayor & Council Comments
- 10. Public Questions & Comments on Any Items
- 11. Executive Session (if necessary)
- 12. Adjournment

\* Five minute time limit per speaker per each Public Comment.

\*\* Resolutions shall be placed on the Consent Agenda by the Mayor and Council at the Agenda meetings and shall consist of those resolutions which are deemed to be unnecessary for separate consideration and which resolutions shall be voted upon en masse, by motion of the Council President prior to Mayor and Council Comments.

## **RULE IX ORDER AND DECORUM**

The Mayor or presiding officer shall preserve order and decorum, and shall decide all questions of parliamentary procedure after consulting with the Borough attorney, subject to an appeal to the Council. Members of the Public shall have one speaking opportunity in any one open portion of the meeting for a total of 5 minutes per open portion.

Speakers are to come forward, state their name and address and may directly address the Council. All Questions should be directed to the Mayor, who may answer or refer the question to whomever present from the Borough is best informed to answer the question. The Mayor, or whomever is in possession of the question, will answer to the best of their knowledge and ability. The speaker, within the allotted five (5) minutes, may ask follow-up questions to gain a better understanding and clarity on the issue being discussed.

The Mayor, or whomever holds the question(s), will make every effort to answer the question(s) at the time of asking, if possible, before moving to the next speaker. If such answer is not readily available, the Mayor or holder of the question(s) shall indicate to the speaker the method by which the question will be answered.

Speakers will maintain proper decorum and language when addressing the Council. Speakers who fail to maintain proper decorum and language will forfeit their remaining allotted speaking time and, if warranted, be removed from the Council proceedings. Mere disagreement or passion on an issue does not constitute, in and of itself, improper decorum.

Council members wishing to ask a question of the speaker (either a public participant or member of the dais) may request to do so through the Mayor.

## **RULE X ADDRESSING THE CHAIR**

Every member of the Council shall address all statements, motions and comments to the Mayor, or, in the Mayor's absence, the presiding officer, await recognition, and then speak.

## **RULE XI LIMITATION ON DEBATES**

No member of the Council shall speak a second time on the same question until every other member of the Council desiring to speak shall have spoken at least once.

## **RULE XII MOTIONS AND RESOLUTIONS IN WRITING; DISCUSSION**

All motions or resolutions shall be reduced to writing, if required by the Mayor or presiding officer; and, when seconded, shall be stated by the Chair, and shall then be open for discussion. No motion or resolution can be withdrawn after it shall have been moved and seconded, amended or decided. All resolutions must be endorsed by a Committee chair after a majority vote by said Committee or said resolutions must have 3 council members as co-sponsors to be considered at a regular meeting.

## **RULE XIII VOTING**

Every governing body member who shall be present when a vote is taken shall vote for or against the question or matter, or shall abstain from such a vote, which abstention shall not be counted in favor or against. Unless otherwise required by law or these Bylaws, the number of members to which a vote applies shall be those present and voting including abstentions.

(a) Notwithstanding anything contained herein to the contrary, if a member of the governing body has a pecuniary or personal interest as a result of a particular vote, which is not common to the other members of the governing body and which creates a potential for a conflict, e.g. personal, and/or economic interest in the outcome of the vote, such person shall announce same; an individual member of the governing body voting for himself or

herself for office or other position to which members of the governing body are generally eligible shall not be in a conflict or potential conflict situation.

(b) Except as set forth in subsection (a) of Rule XIII above, no member of the governing body shall abstain on any vote involving final adoption of the budget or any amendment to the budget, or any financial determination of any kind.

(c) In the event that a member of the governing body claims that he or she cannot vote because of a lack of sufficient information as to the issue upon which the vote is to be taken, any member of the Council may make a motion ~~move~~ to adjourn action on that matter until later in the same meeting or at a future meeting upon a proper second of the motion and majority vote of the Council.

#### **RULE XIV RECORDING VOTE**

The yeas and nays may be called for by the Mayor, presiding officer, or any one member of the Council, in which case the names of the members voting and also how they voted shall be recorded in the minutes.

#### **RULE XV MEMBER CALLED TO ORDER**

A Council member called to order shall immediately cease speaking, unless the Mayor permits the member to explain his/her actions. The member may appeal the Mayor's ruling to the Council. If no appeal, the decision of the Mayor or presiding officer shall be final.

#### **RULE XVI COMMITTEE TO REPORT BACK**

Within thirty (30) days, every Committee shall report back, with or without approval, disapproval or recommendation, all measures committed or referred to it at the direction of the Mayor or a majority of the Council, unless the time of such report be specifically extended by the Mayor and/or Council.

#### **RULE XVII VOTE ON REPORTS**

The Mayor shall be an ex-officio member of all Committees, but only a majority of the members of each Committee, exclusive of the Mayor, is required to agree upon a report of the Committee.

#### **RULE XVII PURCHASE ORDERS; APPROVAL OF BILLS**

Purchase Orders for claims against the Borough shall be furnished to claimants upon request at the Borough Clerk's Office. No claims shall be received by the Mayor and Council unless they are made out on the appropriate Purchase Order, and shall have been approved in writing by the proper Committee Chair in charge of the work or service for which the Purchase Order has been rendered.

#### **RULE XVIII PRESENTATION OF CLAIMS**

It shall be the duty of every Committee and member of the Council to cause all claims for public work, service and or material of which said Committee or member shall have procurement or supervision, to be presented to the Mayor and Council within 60 days after completion or rendition of such work, service or material.

#### **RULE XIV PERMISSION FOR LEAVING CHAMBER**

No Council member or the Mayor shall retire from the Council chamber while the Council is in session without the permission of the Mayor or the presiding officer.

#### **RULE XX GOVERNING RULES**

The most current Robert's Rules of Order (10<sup>th</sup> ed. 2000) shall govern the conduct of the Council upon all points of parliamentary procedure not provided for in these Bylaws. In the event a resolution or ordinance is tabled, any member of the Council may move to take the tabled resolution or ordinance off the table at any subsequent meeting of the Mayor and Council, Regular or Special, during the same calendar year when the matter was tabled.

**RULE XXI**  
**APPEARANCES**

Requests for appearances shall be made to the Borough Administrator or Borough Clerk. Presenters are expected to limit presentations to a ten (10) minute period unless otherwise authorized.

**RULE XXII**  
**AMENDMENT OF BYLAWS**

These Bylaws may be altered, amended, or added to, at any regular meeting of the Council, by a majority vote of the Council with the Mayor voting in the event of a tie vote.