

**TOWNSHIP OF MILLBURN
RESOLUTION 22-162
RESOLUTION AS TO THE RULES OF PROCEDURE AND ORDER OF BUSINESS**

BE IT RESOLVED, by the Township Committee of the Township of Millburn, County of Essex, State of New Jersey, that the following Rules of Procedure and Order of Business are hereby adopted:

**RULES OF PROCEDURE AND ORDER OF BUSINESS
ARTICLE I**

The Public Meeting deliberations of the Township Committee shall be governed by these Rules of Procedure and Order of Business of the Township Committee (“Rules”). Matters of procedure not covered by the Township Code or New Jersey Statute shall be governed by these Rules, as modified from time to time. The Township Committee may consult Roberts Rules of Order for guidance and use by unanimous consent or a majority vote of the full authorized membership, in its discretion, but shall not be governed thereby.

This version of Rules of Procedure and Order of Business supersedes any prior such Rules.

ARTICLE II – MEETINGS

Section 1.

A) Pursuant to the Revised General Ordinances of the Township the Mayor shall preside at all meetings of the Township Committee. The Mayor shall decide all questions of order subject to appeal to the Township Committee. The Mayor shall address agenda items as a meeting progresses and announce the determinations made by the Township Committee on all matters coming before it.

B) A majority vote of the members of the Township Committee shall generally govern the enactment of measures except as specifically provided otherwise by law. A majority of the full authorized membership of the Township Committee shall be required to vote in the affirmative in order to pass any ordinance. Each member of the Township Committee shall cast a vote upon the name of that person being called. No Member shall be entitled to vote “pass” in order to be called upon later during a roll call. An abstention, for all purposes, shall not be counted either as a vote in favor or against the particular matter in which the abstention is given. The Township Committee Member abstaining from the vote shall be deemed to have taken a strictly neutral position on the matter. Upon the occasion of a voice vote of the ayes and

nayes, where in the opinion of any Member it is unclear as to the outcome of the voice vote, that member shall have the right to require a roll call vote by the Clerk. Each member of the Township Committee (including the Mayor) shall have the right to make and second motions and nominations and to vote thereon. In any circumstance where a Member has a conflict of interest preventing her/him from participating in the consideration and voting on an agenda item, the Member shall be recused from participation. When the matter comes up on the agenda the Member shall explain the nature of the conflict and shall leave the meeting room during the consideration of that matter. The Members are encouraged to consult the Township Attorney on potential conflicts in advance of the meeting.

Section 2. The Mayor shall on all occasions preserve order and dignified proceedings. On the occasions when public comment is provided for during the course of a meeting, the Mayor will attempt to provide an opportunity for all persons desiring to speak to do so in order to allow for a fair hearing of contrasting views within the time available. The Mayor shall generally recognize those physically present at the meeting in the order that recognition is sought. In circumstances where a meeting is also being attended by electronic means, the Mayor shall first recognize those physically present at the meeting and then proceed to those seeking recognition by electronic means both visual and then telephonic. Persons addressing the Township Committee, whether during a public comment portion of the meeting, a public hearing on an ordinance or other measures requiring a hearing, or otherwise, shall limit their remarks to three minutes. An audible signal shall notify all that the speaker has 30 seconds left to conclude their remarks. When the signal sounds the second time the Mayor shall advise the speaker that time has expired and proceed to recognize the next person. A speaker who completes their remarks prior to the expiration of their allotted time cannot yield the remainder of their time to another individual. If a person engages in disorderly or disruptive behavior during the course of a public meeting, the Mayor shall request any such person to refrain from such behavior and to conclude their comments or remarks in a civil and dignified manner. If the person continues in a disruptive fashion which is preventing the meeting from proceeding, the Mayor shall advise the person to cease speaking and to quietly resume their seat. If the person then persists in the disruptive behavior which is physically obstructing the continuance of the meeting in violation of N.J.S.A. 2C:33-8, the Mayor shall have the right to cause the person to be escorted from the meeting. After the close of a Public Comment Period or a Hearing, the Mayor shall inquire as to whether any Member of the Township Committee, the Business Administrator, the Township Attorney or any Township employee or consultant present at the meeting, desires to address any matter raised by a member of the public. The Mayor shall recognize any such person desiring to speak in the order that

recognition is sought, subject to the requirement that Township Committee Members shall have priority. This mode of comment and response can be altered by the Mayor or on motion of any Member of the Township Committee both with the approval of a majority of the Members of the Township Committee present, where it is determined that by reason of the length of the public comment or hearing proceedings or other good cause it makes better sense to respond periodically during the course of those proceedings.

Section 3. In order for a meeting of the Township Committee to be convened, a quorum of the Members, consisting of at least three Members, must be present either physically, electronically or telephonically. In the event that a quorum of the Township Committee is not in attendance at the time appointed for the commencement of the public meeting, and provided that prior notice not to exceed 20 minutes of late arrival by a missing Member has not been provided to a Member of the Township of Committee, the Business Administrator or the Clerk that is present either physically, electronically or telephonically for said meeting, after the passage of 15 minutes the Clerk shall announce, in the absence of a quorum, that the meeting will be held on a later date, with new notice of the date and time to be adequately noticed as required by law.

Section 4. At a meeting where neither the Mayor nor the Deputy Mayor is present, the Clerk shall determine whether a quorum is present and call for the election of a Temporary Presiding Officer. In the event that either the Mayor or Deputy Mayor arrives during the course of the meeting, the Temporary Presiding Officer shall relinquish the chair upon the conclusion of the matter of business then before the Township Committee.

Section 5. The Township Committee may vote to designate a different place from Town Hall to hold a particular or special meeting. In such event, the Clerk shall give notice of the time and place of the meeting in accordance with law .

Section 6. Regular meetings shall be held as scheduled at the annual organization meeting each year or as rescheduled by resolution adopted at a regular meeting.

Section 7. Special meetings shall be held as provided in the Township Code. Upon the receipt of a proper call for a special meeting, the Township Clerk shall give at least two business days' notice by delivery of a notice thereof to their places of residence or by email to each member.

Section 8. All meetings of the Township Committee shall be held in accordance with the Open Public Meetings Act.

Section 9. When Township Committee meetings are broadcast over platforms such as YouTube and /or Zoom it is for the convenience of the public. In the event that any broadcast is interrupted, for any reason, the in-person Township Committee meeting will continue as noticed and as the official Public Meeting.

ARTICLE III - ORDER OF BUSINESS

Section 1. The business of the Township Committee shall be taken up for consideration and disposition in the order set forth below. At any meeting, the order of business can be rearranged for scheduling or other reasons in the discretion of the Township Committee by unanimous consent or majority vote of the Township Committee. Thereafter, for future meetings, the Order of Business shall revert to the following being the normal order of business of regular meetings of the Township Committee:

1. Meeting called to Order;
2. Open Public Meetings Act announcement;
3. Salute to the flag;
4. Roll Call;
5. Approval of agenda;
6. Action on minutes of previous meetings;
7. Reports;
8. Public comment period;
9. Adoption of resolutions;
10. Introduction of ordinances;
11. Ordinances on final reading;
12. Miscellaneous old and new business items;
13. Adjournment.

Section 2.

A) A tentative agenda for regular meetings shall include any item listed by the Mayor, the Business Administrator, or by request of any Member of the Township Committee at any time prior to 3:00 p.m.

on the Monday of the week prior to the subject meeting. The tentative agenda shall be posted as required by law. Absent urgent circumstances as hereinafter defined, all agenda items which are requested to be placed on the agenda which have not been submitted within the prescribed deadline shall be placed on the following regular agenda. A final agenda shall be approved at the beginning of the subject public meeting by a majority vote of the Members present.

B) Any member of the Township Committee who desires to amend the agenda after the deadline and prior to its approval at the meeting, may move to amend the same and shall explain the substance of the amendment including why it should be included on the current agenda rather than on the agenda of the next meeting and outlining the urgency underlying the need to consider the amendment for approval at that meeting. A matter of urgency is one where a failure to consider it as an agenda item would likely result in a substantial and significant adverse consequence to the Township, an employee of the Township or the public health, safety and welfare of the community. A vote of a majority of the Members present shall be required to add a new agenda item.

C) The final agenda shall be adopted at the beginning of the scheduled meeting by a majority vote of the Members present.

D) If during the course of a meeting, and only because the potential need to act on a matter has arisen and become known during the meeting, a Member desires to have a new matter discussed under New Business, not then listed, the Member can seek to be heard as to the new item, provided that the Member describes the urgency underlying the need to take up the new item for discussion which must be approved by unanimous consent or, if needed, a vote of the majority of the full authorized membership of the Township Committee. If the matter is disapproved for consideration under New Business, it shall be carried and automatically listed for discussion under New Business at the next regular public meeting.

E) The requirements of this Section 2 may be waived by unanimous consent or a vote of the full authorized membership of the Township Committee, including the ability to vote on a measure relating to a new and previously unanticipated item when action is recommended by the Business Administrator as requiring timely resolution and/or relates to a matter of substantial urgency constituting a situation including but not limited to one threatening the public health, safety or welfare of the community requiring immediate consideration of an action.

F) The agenda shall include a Consent Agenda item for the adoption of two or more resolutions by one motion where there is unanimity among the Members in favor of the adoption of the resolutions

listed thereon. When the Consent Agenda item is reached, but before any motion to approve it, Members may ask for an explanation concerning any Resolution from the Business Administrator or Staff in attendance. This can be followed by relevant discussion on any such Resolution among the Members. After the Consent Agenda has been moved and seconded there shall be no separate discussion by the Members on the Resolutions on the Consent Agenda either before or during the roll call. If discussion and/or a separate vote is desired on a resolution by any Member, that resolution shall be removed from the Consent Agenda and considered separately.

G) All ordinances and resolutions which require hearings or the taking of public comment, as a matter of law, shall be considered in the ordinary course as separate agenda items for consideration and potential enactment. In the absolute discretion of the Township Committee, it may invite public comment on resolutions not legally requiring the same, upon the motion of any Township Committee Member and approval by a vote of a majority of the Members present.

H) The Township Attorney shall, in a timely manner, provide necessary legal guidance and assistance to a Township Committee Member seeking to introduce an ordinance or resolution for an upcoming meeting when requested by the Business Administrator to provide the same.

I) Through the Business Administrator, a Member of the Township Committee may request a report on any aspect concerning the activities of the departments of the Township, the status of municipal projects or other items of interest which will better inform the Township Committee in connection with its policymaking and legislative powers.

ARTICLE IV –COMMON MOTIONS AND PROCEDURES

1. When a matter is proposed and seconded, it is under consideration. Failure to receive a second means that the motion has failed for want of a second. When under consideration, no motion shall be received thereafter until the matter is decided except a motion to withdraw, a motion to lay on the table to a date certain, a motion to lay on the table indefinitely, a motion to amend or a motion to appeal.
2. Common Motions:
 - a. Motion to withdraw - When an item on the agenda comes up for consideration and potential adoption, it may be withdrawn. If after a motion is made and seconded but before a vote is taken, a consensus develops among a majority of the Members of the Township Committee that the item in question should not be acted upon, a motion to withdraw can be made. If seconded, the Mayor treats this at first as a unanimous consent

request by stating: "Unless there is an objection the matter is withdrawn". If there is an objection, the Mayor or any other member can move that withdrawal of the motion be granted. If made by a member other than the one originally seeking withdrawal, it does not require a second since the maker of the motion to grant withdrawal and the original maker surely both favor it. After the motion to withdraw is adopted by a majority vote of the Members present, the matter is laid aside in its present form for the balance of the year.

- b. Motion to table to a date certain - When an item on the agenda comes up for consideration and potential adoption, a Member can move, prior to the taking of a vote, that the item be tabled for consideration at a later date not to exceed 60 days or if the time period of 60 days would not allow for adoption by the end of the year, to a date which, depending upon the nature of the method of adoption, will allow for its consideration before the end of the calendar year. This motion requires a vote of a majority of the Members present and is out of order if used in an attempt to kill the item under consideration. This motion is appropriate only where a majority of the Members present are of the view that the matter requires further analysis as to the advisability or possible implications of adoption.
- c. Motion to table indefinitely- When an item on the agenda comes up for consideration and potential adoption, a Member can move, prior to the taking of a vote, that the item be tabled indefinitely. This motion requires a vote of the majority of the Members present. Thereafter, at a future meeting the item may be taken from the table by a majority vote of the Township Committee during the year that it was tabled indefinitely. All items tabled indefinitely and remaining on the table at the end of the calendar year shall be considered moot and shall not be considered by the Township Committee unless brought forward as a new item in a succeeding year.
- d. Motion to amend- When an item on the agenda comes up for consideration and potential adoption, a Member can move, prior to the taking of a vote, that the item be amended. A Member may offer a motion to amend the item to insert words, strike words, or both insert and strike words. The proposed amendment must be germane to the main measure. The proposed amendment is voted upon with the vote pertaining to the insertion or removal of words, not on the main measure as proposed to be revised. An amendment cannot merely make the adoption of the amended measure equivalent to its

rejection. A Member moves that certain terms be added or removed from the measure. If seconded, the vote is limited to the text proposed. If the vote is in the affirmative, the Mayor announces: "The amendment is adopted" and restates the amended portion of the measure. A new vote is then taken on the revised measure in it's entirety. If an amendment fails, the main measure remains as originally stated. Other potential germane amendments are dealt with in the same fashion and then the main measure as it is then stated is voted upon. This process is subject to the requirement that if the agenda item is an ordinance, a re-advertisement may be required as a matter of law depending upon the nature of the amendment and whether it introduces a significant change.

- e. Motion to Appeal- If a Member believes that there has been a breach of these Rules and that the presiding official has not followed the same, she/he may raise a point of order. The presiding officer then either implements a correction, if required, or rules that the Rules have been followed. Thereafter the Member can move to appeal the ruling and if seconded, the Township Committee shall vote on whether the ruling is to be upheld or reversed. If reversed the Township Committee shall take such remedial action as may be implemented, under the circumstances, to revisit the matter complained of for reconsideration in accordance with the Rules. A point of order must be raised immediately at the time of the alleged breach.
- f. Motion to Limit, Extend or Close Debate-When a measure has proceeded to the point of discussion of the merits of adoption of a measure by the Township Committee, but before a vote, a motion to limit, extend, or close debate can be made. Because the extent to which an issue is discussed rests primarily with the Mayor, it is the Mayor who carries the burden of ensuring that adequate exposure is given to differing points of view. A motion to limit, extend, or close debate is therefore, an overruling of the Mayor's determination. Because this motion affects the most fundamental right of any Member to speak one's views, it shall be adopted only upon the affirmative vote of two-thirds of the Members present and participating.

3. Motions not related to an enactment:

- a. Motion to adjourn – this motion shall be in order following the conclusion of the consideration of all agenda items, unless however, due to the lateness of the hour, (11 P.M. or later) the Township Committee shall determine by a majority vote of the

Members present to adjourn the meeting. However, if the Mayor and or the Business Administrator concludes that the Township Committee has failed to act on other matters which in his/her opinion require timely action, those matters shall be addressed and upon the conclusion of them the meeting can be adjourned.

- b. Motion to take a brief recess – A motion to recess request the brief interruption of a meeting to provide a needed break, for the comfort of a Member, or for any other appropriate reason. The Mayor or any Member can move for the announcement of a recess, not to exceed 15 minutes. Upon receipt of a request and voice vote of a majority of the Members present, a recess shall occur. Any Member may request a roll call vote following a voice vote. After the expiration of the time for a recess has occurred, the business of the Township Committee shall resume.
- c. Motion for clarification – Upon the occurrence of a voice vote of the ayes and naves, where in the opinion of any Member it is unclear as to the outcome of the voice vote, the Member shall have the right to require a roll call vote by the Clerk.

ARTICLE V- ETHICAL CONDUCT

All Members of the Township Committee shall observe the requirements of the Local Government Ethics Law in connection with their participation in and the conduct of public business.

ARTILCE VI - FAIR AND ORDERLY PROCEEDINGS

Section 1. Guidelines:

The citizens and businesses of Millburn Township are entitled to Meetings of the Township Committee held in an orderly and dignified fashion, guided by, but not limited to, the following principles: 1.) Compliance with the laws and policies affecting the operations of government and the conduct of public meetings; 2.) Conduct of meetings of the Township Committee where the members are independent, impartial and fair in their judgment and actions, and 3.) Conduct of public deliberations and processes openly, unless required or permitted by law to be confidential, in an atmosphere of respect and civility observed by both members of the Township Committee and by the members of the public attending such meetings.

Section 2. Elected and Appointed Officials Conduct with Each Other in Public Meetings:

Elected and appointed officials or individuals have a wide variety of backgrounds, personalities, values, opinions and goals. Despite this diversity, all have chosen to serve in public office in order to preserve and/or improve the present and future of the Township. In all cases, this common goal should be acknowledged even though individuals may not agree on every issue. Elected or Appointed Officials shall:

A.) Respect the role of the Mayor in maintaining order. It is the responsibility of the Mayor to preside at the meetings and to keep the comments of members on track during public discussion. Township Committee Members should honor the efforts of the Mayor to focus discussion on current agenda items and to fairly manage comment and discussion thereon.

B.) Practice civility and decorum in discussions and debate over public matters. Difficult questions, principled challenges to a particular point of view, and criticism of ideas and information are legitimate elements of debate by a free democracy in action. Free debate does not require nor justify, however, elected officials to make belligerent, personal, impertinent, abusive or disparaging comments.

C.) Avoid personal comments that could offend other members due to their extreme nature. If a member is personally offended by extreme remarks by another member, the offended member shall have the right to call for a "point of personal privilege" that challenges the other member to explain or apologize for the language used. The Mayor will maintain control of this discussion. If a resolution of the matter is unable to be conducted, the Mayor shall move to the next item of public business and the minutes shall reflect that an accommodation was not able to be achieved.

D.) Demonstrate effective problem-solving approaches. The members of the Township Committee have a public stage and have the responsibility to show how individuals with disparate points of view can find common ground and seek a solution, sometimes involving compromise, that benefits the Township as a whole.

E.) During the course of a public meeting no members of the Township Committee shall communicate with each other, persons in the audience or persons outside of the municipal building on any matter of public business by electronic means, including but not limited to, emails, text messages or otherwise.

Section 3. Elected and Appointed Officials conduct with the Public in Public Meetings: Making the public feel welcome is an important part of the democratic process. No signs of prejudice or disrespect should be evident on the part of the individual members of the Township Committee toward any individual participating in a public forum. Every effort should be made to be fair and impartial when listening to public comment.

Elected Or Appointed Officials shall:

A.) Be welcoming to speakers coming forward to make public comments. While questions of clarification may be asked, the primary role of the official during public comment is to listen. While officials are under no legal obligation to respond to questions posed by members of the public, in exercising their discretion as to whether or not to do so they will need to balance the interest of transparency in relation to governmental matters with the requirements of confidentiality or other considerations and circumstances which cause them not to respond.

B.) Be fair and equitable in allocating public hearing time to individual speakers. The Mayor will determine and announce limits for each speaker at the start of a hearing or public comment period, currently set at three minutes. The Mayor will attempt to provide an opportunity for all persons desiring to speak so as to allow for a fair hearing of contrasting views within the time available.

C.) Ask for clarification, if needed, but avoid debate and argument with the public. Only the Mayor and not individual members, can interrupt a speaker during a presentation. However, a member can ask the Mayor for a point of order if a speaker is off topic or exhibiting behavior or inappropriate or coarse language that the member finds is having a negative impact on the decorum of the meeting.

D.) Certain direct and implied suggestions as to proper procedure and the maintenance of decorum set forth in Roberts Rules of Order, as follows, shall be observed:

1. Addressing all remarks through the Mayor. Members of the Township Committee should refrain from addressing one another directly, absent an obviously open discussion amongst the members sharing their views on a single topic. Ordinarily however, a member desiring to ask a question or make a statement shall seek recognition of the Mayor before proceeding with the same. The Mayor shall in all events make certain that all members seeking to ask a question or make a

statement on the topic under consideration shall be recognized generally in the order in which recognition is sought.

2. Once recognized by the Mayor, the Members of the Township Committee should refrain from intemperate remarks concerning a member's motives. When a question is pending, a member can criticize the nature or likely consequences of the proposed measure in strong terms, but the member must avoid personalities, and under no circumstances should attack or question the motives of another member.
3. Members of the Township Committee should confine remarks to the merits of a pending questions in discussion or debating a proposal or a pending question. Each member's remarks must be germane to the question before the Township Committee meaning the statements must have a bearing on whether the proposal of the pending question should be pursued or adopted.
4. As much as possible, the surnames of members should be used as a sign of decorum and respect.
5. Reading from reports, quotations, correspondence and other documents only without objection or with permission. If any member objects, a member has no right to read from, or to have the Clerk read from, any paper or book as part of his or her remarks, without permission of the Township Committee. Members are usually permitted to read short, pertinent printed matter, however, so long as they do not abuse the privilege. Any member anticipating that she or he intends to read written materials authored by others, during the course of an upcoming meeting, shall submit the same to the Clerk a week before the upcoming meeting for inclusion into the meeting packet. If the length and the materials outlined by others could not be read aloud at the meeting within three (3) minutes, they should be summarized for presentation.


ARTICLE VII – AMENDMENT

Section 1. These Rules shall be subject to and governed by the laws of the State of New Jersey and the ordinances of the Township. These Rules shall not be amended except at a regular meeting of the Township Committee. All proposed amendments shall be submitted in writing at a regular meeting for consideration and potential action at a subsequent regular meeting.

Adopted by Township Committee on June 21, 2022

I, Christine A. Gatti, Municipal Clerk of the Township of Millburn, do hereby certify this document to be a true copy of the original which is on file in my office.

Date: 6/27/2022



Christine A. Gatti, Municipal Clerk
Township of Millburn