

REDLINE VERSION FOR THE MAY 7, 2024 MEETING

2024 BY-LAWS OF THE BOROUGH COUNCIL

BOROUGH OF HILLSDALE

BERGEN COUNTY, STATE OF NEW JERSEY

Presented: May 7, 2024

## **ARTICLE 1- THE BOROUGH COUNCIL**

Section 1. The Mayor and six Council members shall constitute the Governing Body of the Borough of Hillsdale, which Governing Body shall be known as "The Mayor and Council".

## **ARTICLE 2 - THE MAYOR**

Section 1. The Mayor shall be the chief executive officer of the Borough.

Section 2. The Mayor shall preside at all meetings of the Governing Body.

Section 3. The Mayor shall not vote except in the case of a tie among those Council Members voting.

Section 4. The Mayor shall see that the laws of the State of New Jersey and the ordinances of the Borough are faithfully executed and shall recommend to the Governing Body such measures, as the Mayor may deem necessary or expedient for the welfare of the Borough.

Section 5. The Mayor shall use his or her authority to maintain peace and good order in the Borough and has the power to suppress all riots and tumultuous illegal assemblies in the Borough.

Section 6. The Mayor shall on all occasions preserve the order and decorum at the deliberations of the Governing Body. The mayor shall cause the removal of any persons who interrupt the proceedings of the Governing Body.

Section 7. When two or more Council members arise or attempt to speak at the same time, the Mayor shall name the one entitled to the floor and recognition.

Section 8. The Mayor shall decide all questions of order without debate, subject to an appeal to the Council.

Section 9. In the absence of the Mayor, the President of the Council shall preside.

Section 10. In the absence of both the Mayor and the President of the Council, the Council member who is senior in length of service on the Council shall preside.

Section 11. The Mayor shall have the authority to execute contracts in behalf of the Borough, approved by the Governing Body I, and to sign checks and warrants or payments approved by the Governing Body.

### **ARTICLE 3 - THE BOROUGH CLERK**

Section 1. The Borough Clerk shall perform all the duties required of him or her by law and by these rules.

Section 2. The Borough Clerk shall keep the minutes, recordings, and ordinance books properly and fully indexed, and shall perform all the duties usually devolving upon such officer and such special services as the Mayor or Governing Body may require.

Section 3. The Borough Clerk shall be the Borough employee responsible for responding to all lawful requests under the New Jersey Open Public Records Act.

Section 4. The Borough Clerk shall be responsible for distributing all proposed ordinances to the Mayor and Council.

### **ARTICLE 4 - MEETINGS**

Section 1. The Mayor and Council shall hold an annual meeting in accordance with the applicable state statute. The Mayor and Council shall hold such other meetings, or adjourned meetings, at such time and place as they may by resolution determine, but all regular meetings shall be held within the Borough.

Section 2. The Mayor shall, when necessary, call special meetings of the Mayor and Council. In case of the Mayor's neglect or refusal to do so, any four members of the Governing Body may call such meeting at such time and place in the Borough as they may designate.

Section 3. At the annual meeting of the Mayor and Council, the Council members shall, by a vote of the majority of its members present and voting, elect a President of the Council and fix the time and place for holding regular meetings during the ensuing year, which time and place shall not be changed except by the action of the Mayor and Council taken at a regular meeting.

Section 4. If the Mayor and Council at its annual meeting fails to elect a President of the Council, the Mayor shall appoint the President from the Council members, and in that case no confirmation by the Governing Body shall be necessary.

Section 5. The only business which can be transacted at a special meeting is that for which the special meeting is called.

Section 6. The Clerk shall notify the Mayor and Council, in writing or by email through the Borough email system, of each special meeting, stating the subject, at least one day before the time fixed for holding same.

- Section 7. The public shall be permitted to address the Mayor and Council at each of its meetings during that portion of the meeting designated for public comment or at such other time as a majority of the Mayor and Council may so designate. A time limit of three (3) minutes on all opportunities for each person to speak will be enforced by the Borough Attorney.
- Section 8. All mail received by 2 P.M. on the Tuesday prior to any meeting shall be noted, received, and filed at the next meeting of the Mayor and Council. It will accept and act upon at any time correspondence, which legally requires the Governing Body's immediate consideration or which if not acted upon may have a negative fiscal impact to the Borough.
- Section 9. No ordinance may be offered for introduction or discussion, unless it requires the Mayor and Council's immediate consideration, if not acted upon may have a negative fiscal impact to the Borough, by any Council Member at any meeting unless it is provided to the Borough Clerk and distributed by the Borough Clerk to the Mayor and Council no later than five calendar days prior to any meeting at which it is introduced or offered for discussion.
- Section 10. No resolution may be offered for introduction within 6 days of a meeting unless it requires the immediate consideration of Mayor and council to prevent negative impact on the Borough.
- Section 11. At any given meeting, members of the Mayor and Council shall only speak on the pending subject matter or question, excepting the "final go-around" at which time any member of the Governing Body may speak on any topic. The Mayor shall speak first during last go-around after which each member of Council will have the opportunity to speak one time.
- Section 12. The Clerk shall count all yeas and nays and the order of calling a Council Member's vote shall rotate, alphabetically.
- Section 13. Members of the Governing Body should not use electronic devices to communicate privately with other members of the Governing Body during a Mayor and Council meeting, either in open or closed session, since such communication may be subject to the provisions of the Open Public Meetings Act
- Section 14. Councilmembers shall not attend more than three (3) consecutive council meetings remotely; should a member fail to attend three in person meetings in a row, said councilperson will be removed from serving on committees.
- Section 15. The Business Administrator will provide the Mayor and Council reports from the Department Heads at the public meetings. When necessary, department heads will be called to the podium to provide greater detail. It is at the discretion of the Business Administrator as to whether specific department heads need to attend a particular public meeting.

Section 16. The Mayor and Council reserves the right to conduct any meeting electronically, remotely, virtually, or in hybrid form as public conditions might require, all in accordance with the Open Public Meetings Act (OPMA).

#### **ARTICLE 5 - QUORUM**

A quorum of the Mayor and Council shall be as provided by Statute, to wit: three Council Members and the Mayor, and, in the absence of the Mayor, four Council members. However, a smaller number of the Governing Body may meet, discuss and adjourn from time to time, but in no event may they take any official action as a Governing Body in the absence of a quorum.

#### **ARTICLE 6 - RULES OF ORDER**

Section 1. The deliberations of the Mayor and Council shall be governed by Robert's Rules of Order and in the event that there is a dispute or difference of opinion, the rules as set forth in Appendix I, Robert's Rules of Order as set forth 'hereto, shall prevail.

Section 2. Yeas and nays when required by law or upon the demand of one member of the Council or when ordered by the Mayor shall be called and entered into the minutes. Council members shall have the right to abstain from voting and in such case such action shall be counted neither for nor against the proposal.

#### **ARTICLE 7 - THE ORDER OF BUSINESS**

Section 1. A. The following order of business shall be observed:

1. Call meeting to order.
2. Salute to the flag.
3. Reading of Open Public Meeting Act statement.
4. Roll Call.
5. Consideration of minutes.
6. Initial Public Hearing of Citizens for three (3) minutes per person limited to agenda items.
7. Presentation of communications.
8. Matters for Discussion.
9. Committee Reports. Each committee chair will report on any committee update if applicable. Only the Committee Chair or Liaison will deliver reports to the full governing body.
10. Introduction and/or discussion of Ordinances (with public comment where required by law).
11. Introduction and/or discussion of Resolutions.
12. Public Hearing of Citizens on any single topic for three (3) minutes per person

13. Miscellaneous business including "last go around". See article 4 Section 10 for format of Last Go Around
14. Adjournment (or where appropriate Motion to go to closed session)
15. Closed Session where appropriate.
16. Adjournment
  - B. The aforesaid order of business at any meeting may be changed by a majority vote of the members of the Council present at such meeting or at the discretion of the Mayor.

#### **ARTICLE 8 - COMMITTEES**

Section 1. The Mayor shall appoint all standing committees not set forth in Section 3 of this Article 8.

Section 2. The Mayor may appoint any special committees.

Section 3. The following committees, each consisting of three Council Members, shall be appointed by the Mayor at the annual meeting of the Mayor and Council with the advice and consent of the Governing Body:

1. Ambulance
2. Economic Growth & Development
3. Finance
4. Fire Department
5. Police Department/OEM
6. Public Works
7. Historic Preservation

Section 4. Should a member of a committee be unable to attend a scheduled committee meeting, this shall be communicated to the remaining members of Council to determine if the spot can be filled. If no councilmember can fill the spot for the committee meeting, the Mayor shall be notified that he is invited to attend.

Section 5. The Committee Chair shall report on the committee business during committee reporting. The Mayor, as not a permanent member of any committee, shall not present any committee reports.

#### **ARTICLE 9 - COUNCIL REPRESENTATIVES**

The Mayor shall appoint the following Council Representatives with the advice and consent of the Governing Body:

1. Board of Education-Regional and Local
2. Board of Health
3. Environmental Commission
4. Library
5. Local Assistance Board
6. Planning Board, Building & Zoning
7. Parks & Recreation
8. Senior Citizens
9. Swimming Pool Commission

#### **ARTICLE 10 - SPECIAL COMMITTEES**

The Mayor may appoint representatives to the following special committees, which may include the Mayor:

1. Public Relations & Communication
2. Flood and Disaster (OEM)
3. Our Town Naming & Recognition
4. Insurance Fund Commissioner/Liaison
5. Negotiations Committee
6. Fields & Parks Committee
7. Shared Services Review
8. Sustainability & Resiliency
9. Community Development
10. Agenda Committee – consisting of the Mayor, Council President, the Borough Administrator, the Borough Clerk and the Finance Chair

#### **ARTICLE 11- DUTIES OF STANDING COMMITTEES**

- Section 1. Council members shall examine, audit and report in writing upon all bills and demands referred to them. The Finance Committee shall render a report when requested by the Mayor and Council on the financial condition of the Borough. The Mayor and Council,

pursuant to a resolution offered by the Finance Officer and duly adopted, shall pay all bills submitted.

Section 2. The form of resolutions for payment of all bills shall be prepared by the Chief Financial Officer or the Borough Clerk.

Section 3. All committees shall consider and act upon all matters specifically referred to them.

#### **ARTICLE 12 — ORDINANCES**

Section 1. The format of all proposed ordinances, amendments or supplements to ordinances shall be prepared or approved by the Borough Attorney, Borough Engineer or, Borough Clerk.

Section 2. The Clerk shall endorse on all ordinances, amendments or supplements thereto, the date and by whom introduced.

Section 3. The yeas and nays shall be called on the introduction and adoption of every ordinance and entered into the minutes.

Section 4. All ordinances, supplements and amendments thereto shall be enacted according to law.

Section 5. If an ordinance contains more than one distinct section, clause or item, the Mayor may approve one or more thereof and veto the rest.

Section 6. If two-thirds of all the Council Members shall, at the next meeting as aforesaid, or at any subsequent meeting to which they shall postpone such reconsideration, vote to pass the ordinance or the vetoed part thereof over the veto of the Mayor, said ordinance shall take effect.

Section 7. If any ordinance shall not be returned by the Mayor, within the aforesaid prescribed time, it shall take effect in like manner as if the Mayor had signed it.

Section 8. If and when finally approved, the Clerk shall enter in said book at the end of each ordinance the following: Passed on the 7th day of January, 2018

Section 9. The ordinance so recorded shall then be compared with the original as passed at a regular or special meeting of the Mayor and Council, thereupon the Mayor shall subscribe, the Clerk attest and affix the corporate seal to the following certificate at the end thereof: "The foregoing ordinance No. compared with original as passed and found correct this day of, 2018"

Section 10. The original ordinances shall be filed and preserved by the Clerk.

#### **ARTICLE 13 - RESOLUTIONS RELATING TO FINANCES**

Every resolution appropriating money or in any way tending to obligate the Borough peculiarly and all resolutions auditing or directing the payment of bills or demands, together with such bills, shall be presented to the Mayor and acted upon by the Mayor in accordance with state statute.

#### **ARTICLE 14 - BILLS, CLAIM OR VOUCHERS**

- Section 1. All bills, claims or vouchers against the Borough shall be in writing, fully itemized, on such form, as the Borough shall provide for that purpose and signed by the claimant in accordance with statute prior to submission for approval and payment. All bills in proper form must be received in the Finance Office prior to the 25th day of the month for payment by the Department Head against whose department the submission is to be charged. Unless it legally requires immediate attention or, unless delay may have a negative fiscal impact upon the Borough.
- Section 2. All bills prior to payment must be approved in writing by a member of the Council committee against whose department it shall be charged.
- Section 3. The date of audit and the amount of which warrant is ordered shall be endorsed upon the face of the audited bill and signed by Department Head against whose department the item shall be charged.
- Section 4. Upon the issuing of the warrant the bill shall be receipted and delivered to the Clerk, who shall consecutively number each bill or voucher.

#### **ARTICLE 15 – ADOPTION, TERM, AND AMENDMENTS TO BY-LAWS**

These By-Laws shall be adopted by a resolution of the Governing Body approved by a majority of the members at the annual reorganization meeting. These By-Laws shall become effective immediately after adoption and shall remain in effect for not longer than the reorganization meeting for the year next following the year in which the By-Laws were adopted. They shall not be altered or amended except at a regular meeting of the Governing Body by a two-third vote of the entire Council (i.e., 4 Council members.)

#### **ARTICLE 16 - SEAL**

- Section 1. The seal of the Borough shall be circular in form and shall, at least, contain the following: "The Borough of Hillsdale, Bergen County, New Jersey, incorporated April 24, 1923."
- Section 2. The seal shall be in the custody of the Clerk and shall be affixed by the Clerk when ordered by The Borough Council or when required by law.

#### **APPENDIX I Substituted with Robert's Rules of Order**



- Rule 1. The vote on every motion or resolution, unless otherwise provided by law, may be by the Council as a whole calling for "yeas" and "nays " unless a roll call is called for by the presiding officer or called for upon a motion and majority of vote of council members present and participating in the vote.
- Rule 2. A member who recuses oneself from a vote shall not be counted as part of the quorum and shall not participate in any manner in the issue from which he or she is recusing.
- Rule 3. No ordinance may be introduced unless it has been presented to the Borough Clerk and distributed by the Borough Clerk to all members of the Mayor and Council at least five (5) calendar days prior to introduction.
- Rule 4. When a motion has been moved and seconded, it is then under consideration and no motion shall be received thereafter, except to adjourn, to lay on the table, to postpone or to amend until the question is decided.
- Rule 5. When a matter is under consideration, any discussion or comment other than related to the matter under consideration shall be out of order until the matter is decided.
- Rule 6. Once a member is recognized he or she shall not be interrupted when speaking unless it is to be called to order. If a member is called to order, he or she shall cease speaking until the question of order is determined by the presiding officer, and if determined to be in order, he or she shall be permitted to proceed.
- Rule 7. The Mayor and Council may adopt at any meeting a time limitation of public comment in terms of a time limit for each member of the public and an hour at which public comment will be terminated.
- Rule 8. Any member of the public wishing to speak a second time or more will only be recognized after all members of the public wishing to be heard for a first time have been recognized.
- Rule 9. A person addressing the Mayor and Council shall step up to the microphone, face the dais, give his or her name and town of residence and address the Governing Body. No remarks may be addressed directly to any member of Council or the Mayor but only to the Governing Body as a whole. Members of the Council or the Mayor may, if they wish, respond to any member of the public. If present and called upon by the Mayor or other presiding officer, a Borough employee may provide information in response to any inquiry from the public.
- Rule 10. No matter for discussion or action by the Mayor and Council may be introduced by any Council member during the "last go around" during which each Council Member and the Mayor have an opportunity to speak. The Mayor shall speak first during last go around after which each member of Council will have the opportunity to speak one time.

End of by laws.