

CITY OF LINDEN GUIDELINES FOR THE CONDUCT OF CITY COUNCIL AND CAUCUS MEETINGS

POLICY STATEMENT

The City Council of the City of Linden recognizes that it is desirable and necessary to promulgate, adopt and follow reasonable rules and regulations governing the conduct of City Council and Caucus Meetings. The following guidelines are, in the view of the Governing Body, reasonably designed to promote the efficient conduct of City Council and Caucus Meetings and to balance the competing rights and interest of the members of the Governing Body and the members of the public.

ARTICLE I

MEETINGS

Section 1. The Annual Reorganization Meeting (“ARM”) of the City Council shall be held on the first day of January at twelve o’clock noon, or during the first seven days of January in any year. At the ARM, the City Council shall, by the vote of a majority of its number, elect a president pro tempore, who shall preside in the Council President’s absence. The person so selected as president pro tempore shall hold office for one year, and until the next ARM.

Section 2. The City Council may, at its ARM, establish for its members such committees of the City Council as will assist it for the ensuing year. There shall be the following Standing Committees, as established by ordinance of the City Council:

1. Personnel
2. Budget Review, Finance, Real Estate, Revenue Enhancement and Development
3. Community Services/Affordable Housing
4. Airport/Airport Lease
5. Fire
6. Construction Code/Lighting
7. Accident Review
8. Parks and Recreation
9. Negotiations and Labor Relations
10. Cable TV, Technology and Communication
11. Law

Each Standing Committee shall be composed of no more than three (3) members of Council, appointed by the Council President to serve for one year, and until the next ARM. The Council President shall serve as an *ex officio* member of all committees and shall designate one (1) member of each Committee as the Chairperson.

Each Standing Committee shall have jurisdiction over the operation of its respective Departments or functions, with the exception of personnel issues which shall remain under the jurisdiction of the Budget, Review and Finance/Personnel Committees. Each City Department is subject to the administrative jurisdiction of its respective Standing Committee subject to review and approval by City Council.

Section 3. All regular meetings of City Council shall be held in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 *et seq.*, and shall be held on the third Tuesday of each month, unless otherwise advertised. All caucus meeting of City Council shall be held in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 *et seq.*, and shall be held on the third Monday of each month, unless otherwise advertised. Special meetings or emergency meetings, as set forth below, may be called from time to time, pursuant to and in accordance with the Open Public Meetings Act.

Section 4. Whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented by absence from the City, sickness or other cause from attending the duties of his office, the Council President Pro Tempore shall act as mayor and possess all the power of mayor for the period of absence.

Section 5. A majority of the City Council shall constitute a quorum for transacting business. No business shall be transacted at any meeting in the absence of a quorum.

Section 6. The Council President shall, when necessary, call special meetings of the City Council. In case of his or her neglect or refusal, a majority of the members of the council may call such meeting at such time and place in the City as it may designate, and in all cases of a special meeting a notice shall be given to all members of the council, or left at their place of residence.

Section 7. Except at the ARM, the order of business at Council meetings shall be as follows:

Regular Meeting:

1. Introduction/Roll Call
2. Ordinances on Hearing
3. Communications- Consent Agenda
4. Committee Reports and comments from members of Council and the Mayor.
5. Resolutions
6. Ordinances- First Reading
7. Comments from members of the public
8. Council President's Announcements
9. Adjournment

Section 8. Where these rules are silent, Robert's Rules of Order shall control.

ARTICLE II

RULES OF PROCEDURE

Section 1. The Council President, or in his absence, the Council President Pro Tempore shall preside and maintain order and decorum at all meetings, may speak on points of order or defer to the City Attorney, who shall act as Parliamentarian and advise the Council President.

Section 2. A member of Council may be called to order for conduct violative of the Rules of Procedure. A member of Council called to order shall immediately cease speaking, unless the Council President permits the member to explain their actions. The decision of the Council President shall be final, subject to an appeal by Council requiring a 2/3 vote of the whole majority of Council to veto the Council President's decision. A member of Council or a member of the public may be called to order for certain actions, including but not limited to: personal insults, attacks on character, vulgarity or obscenity, hostile gestures or threatening or intimidating language, interruptions other than calls to order, calls to order made in bad faith or lacking merit, discussion of any issue beyond the scope of the question under consideration, discussion not germane to the question under consideration, discussion primarily intended to cause undue delay or other violations as the Council President deems appropriate.

Section 3. Every member of Council shall address all statements, motions and comments to the Council President. The member of Council, upon addressing the statement, motion or comment to the Council President, shall await the recognition before speaking. Upon recognition, the speaking member of Council shall confine themselves to the issue under consideration addressed by the statement, motion or comment.

Section 4. The order of roll call of the members of City Council for any vote or on any issue shall be vested within the discretion of the Council President.

Section 5. With respect to Committee Reports and the Mayor's report, each member of Council and the Mayor who provides one shall be limited to five (5) minutes. No motion shall be entertained with respect to removing any individual item contained in a Committee Report. Any member of Council, may, however, vote for or against any item contained in a Committee Report. A Council member may request discussion on a particular item after a motion to approve has been made and seconded. Once the roll call on a vote to approve the Committee Report commences, there shall be no further comments or qualifying statements by any member of Council.

Section 6. With respect to the Personnel Report, no comments will be permitted by a member of Council at the City Council meeting. Any member of Council, may, however, vote for or against any item contained in the Personnel Report.

Section 7. With respect to Resolutions, a member of Council may move to remove, table or to continue a Resolution from the agenda, or have a continued Resolution put to a vote. Such a motion, if seconded, will take precedence over any other motion concerning the Resolution. The only other motion which will be entertained is a motion to amend, which if seconded and passes, the amended Resolution shall be subject only to a further motion for approval. Following a motion to approve Resolutions or a Resolution and a second, the Council President shall afford members of Council an opportunity to comment. Comments from members of Council shall be limited to two minutes per Resolution. If no such discussion is initiated by a member of Council, no further discussion or comments shall occur once the roll call commences. Once a motion to approve has been made and seconded, and opened to discussion, no other motions will be entertained and the motion to approve shall be voted upon.

Section 8. With respect to Ordinances, a member of Council may move to remove, table or to continue an Ordinance from the agenda, or have a continued Ordinance put to a vote. Such a motion, if seconded, will take precedence over any other motion concerning the Ordinance. The only other motion which will be entertained is a motion to amend, which if seconded and passes, the amended Ordinance shall be subject only to a further motion for approval. Following a motion to approve an Ordinance and a second, the Council President shall afford members of Council an opportunity to comment on ordinances for second reading. No Comments shall be permitted on first reading. Comments from members of Council shall be limited to two minutes per Ordinance. If no such discussion is initiated by a member of Council, no further discussion or comments shall occur once the roll call commences. Once a motion to approve has been made and seconded, and opened to discussion, no other motions will be entertained and the motion to approve shall be voted upon.

Section 9. No member of 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. A Councilmember wishing to speak a second time, shall request to do so, in which case the Council President in his or her sole discretion may grant or deny the request.

Section 10. No member of Council or the Mayor shall retire or temporarily remove themselves from the Council or Caucus meeting while the Council is in session without the permission of the Council President.

Section 11. Any issue pertaining to the conduct of meetings which is not specifically covered herein shall be left to the discretion of the Council President.

ARTICLE III

PUBLIC PARTICIPATION

Section 1. Any individual attending a public meeting of the City Council shall have the right to address the City Council by addressing the Council President with respect to any matters involving City business or items listed on the agenda. An individual addressing the Council President shall remain at the podium provided for public comment, and face the Council President. A member of the public may speak at (a) the hearing to adopt an ordinance, and (b) at the public portion of the meeting.

Section 2. A member of the public shall be given up to three (3) minutes to speak at the hearing to adopt an ordinance. Public comment during second reading of an ordinance shall be capped at thirty (30) minutes. A member of the public shall be given up to three (3) minutes to speak at the public portion of the meeting. Public comment at the public portion of the meeting will be capped at sixty (60) minutes. No member of the public shall be permitted to speak more than once during each category of public participation. No member of the public during public comment during second reading of an ordinance or at the public portion of the meeting can yield or defer his or her allotted time to another member of the public. The Council President may extend public comment on a case by case basis in his or her sole discretion.

Section 3. A member of the public who engages in conduct violative of these Rules, during public comment or at any other point in the meeting, shall first be called to order by the Council President or City Attorney. If said member of the public continues to engage in conduct violative of these Rules, after already been issued a warning, may, at the discretion of the Council President, be removed from the meeting.

Section 4. All statements, comments, questions and or dialogue from a speaking member of the public shall be directed to the Council President.

Section 5. All members of the public are to be seated if seating is available. No member of the public is permitted behind the rail unless invited by the Mayor, Council or City Clerk, except as otherwise provided in these rules. No one shall approach the rail, or use the microphone unless they have been recognized by the Council President.

Section 6. No audible comments from the audience will be permitted. All comments shall be confined to the allowed and proper time set forth above. Placards, signs, political literature, political buttons, political shirts, political signs or political advertising are not permitted during the City Council or Caucus meetings.

Section 7. All cell phones, and electronic devices shall be turned off or in silent mode during City Council and Caucus meetings.