

# **BYLAWS OF THE ATLANTIC COUNTY BOARD OF COUNTY COMMISSIONERS**

The following rules of procedure shall govern the conduct of business of the Board of County Commissioners:

A. Governing rules. Except as may be provided in the Charter, questions of order, methods of organization and the conduct of business of the Board shall be governed by Robert's Rules of Order, Revised (75<sup>th</sup> Edition), in all cases to which they are applicable and in which they are not inconsistent with the rules of procedure hereinafter set forth in this section.

B. Rules of procedure.

(1) Rule 1: Annual and Regular Meetings.

- (a) The Board shall meet annually for organization at 12:00 noon on the second day of January at the Courthouse in Mays Landing, unless that is a Sunday, in which case it shall meet on the next succeeding day, at which time it shall select one of its members to serve as Chairman and one as Vice Chairman for the year and until the election and qualification of his or her successor. Election shall be by majority vote of the whole number of members of the Board. The Chairman shall preside over all meetings of the Board and perform such other duties as the Board or the general law may prescribe. Newly elected members may take and subscribe the oath of office at or before the annual organization meeting of the Board. Upon so qualifying, a member shall be entitled to take his or her seat and assume the duties of the office.
- (b) Thereafter, the Board shall by ordinance or resolution designate the time of holding regular meetings, which shall be at least monthly. All meetings of the Board shall be held at the county seat, except that meetings may upon resolution of the Board be held at such other times and places as the Board may deem fit.
- (c) The Board Chairman may, and upon written request of three of the members of the Board shall, call a special meeting of the Board. In this call he or she shall designate the purpose of the special meeting, and no other business shall be considered at such meeting. The call for a special meeting shall be filed in accordance with the Open Public Meetings Act.<sup>1</sup>

- (d) Upon written consent executed by all the members of the Board, a special meeting may be held without prior notice, provided that the provisions of Chapter 231 of the Laws of 1975<sup>2</sup> are fully met.
  - e) All regular and special meetings of the Board and all executive sessions shall be open to the public, pursuant to the provisions of the Open Public Meetings Act, Chapter 231 of the Laws of 1975<sup>3</sup>, effective January 21, 1976, which is made a part of these rules of procedure, and of the Administrative Code by reference, as is fully recited herein at length.
- (2) Rule 2: Committees. There shall be no standing committees of the Board other than the committee of the whole. The Chairman shall appoint all special committees for legislative or investigative purposes.
- (3) Rule 3: Quorum.
- (a) A majority of the whole number of the Board shall constitute a quorum, but no ordinance shall be adopted by the Board without the affirmative vote of a majority of all the members of the Board. The procedure for adopting ordinances shall be in accordance with the provisions of Section 101 of P.L. 1972, c. 154 (N.J.S.A. 40:41A-101), as amended.
  - (b) If a quorum is not present 1/2 hour after the appointed time for any meeting, the person presiding, or in his or her absence the Clerk of the Board, may declare the meeting adjourned until the next day, unless by a majority agreement those members present select another day.
  - (c) All voting, except on procedural motions, shall be by voice vote, and the ayes and nays shall be recorded in the minutes. The roll call shall be taken in alphabetical order except that the presiding officer shall be polled last. Upon the call of the roll no member shall discuss or explain his or her vote.
  - (d) No action of the Board, except as otherwise provided herein, shall be valid or binding unless adopted with the concurrence of a majority of all the members of the Board.
- (4) Rule 4: Sessions. For the purpose of performing duties, other than enacting legislation, which are properly exercisable by the Board under the provisions of the Charter, the Board may sit in non legislative sessions at such times as it may determine.

(5) Rule 5: Procedure.

- (a) Any and all matters to be presented to and acted upon by the Board at its regular meetings must be filed in the office of the Clerk of the Board not later than 12:00 noon three working days preceding the date of such meeting, and unless so filed will not be considered by the Board until the next succeeding regular meeting of said Board, unless authorized by majority vote of the members present.
  - (b) Presiding Officer. The Chairman, and in his or her absence the Vice Chairman, shall take the chair at the hour appointed for the meeting and shall immediately call the Board to order. In the absence of the Chairman and Vice Chairman, the Clerk shall call the Board to order and shall determine whether a quorum is present. If a quorum is present, the Clerk shall call for the election of a Chairman pro tempore. The Chairman shall sign all ordinances adopted by the Board during his or her presence. In the event of the absence of the Chairman, such ordinances shall be signed by the presiding officer.
- (6) Rule 6: Order of business. Unless otherwise ordered by the Chairman or other presiding officer, at each regular meeting of the Board the order of business shall be taken up for consideration and disposition as follows:
- (a) Roll call.
  - (b) Prayer and pledge of allegiance.
  - (c) Reading and approval of minutes of previous meeting.
  - (d) Early public comment on agenda items not listed for public hearing. **[Added 2-25-2014 by Ord. No. 2-2014<sup>5</sup>]**
  - (e) Introduction of ordinances.
  - (f) Consideration of ordinances on second reading.
  - (g) Proposed resolutions.
  - (h) Written communications and petitions.
  - (i) Reports of special committees of the Board.
  - (j) Unfinished business.
  - (k) New business.
  - (l) Public comment.
  - (m) Adjournment.

(7) Rule 7: Conduct.

- (a) Every member shall give his or her entire attention to the business under consideration during the sessions of the Board

and shall not absent himself or herself from the meeting until the hour of adjournment except by permission of the Chairman.

- (b) No member shall speak for more than three times, and not to exceed five minutes each time, on any question at any meeting of the Board, except by permission of the majority of members present as determined by a vote.
  - (c) Every member desiring to speak shall address the presiding officer and, upon recognition, shall confine himself or herself to the question under debate, avoiding all personalities and indecorous language. A member, once recognized, shall not be interrupted when speaking, unless it is to call him or her to order or as herein otherwise provided. If a member, while speaking, is called to order, he or she shall cease speaking until the question of order is determined by the presiding officer and, if in order, he or she shall be permitted to proceed. Any member may appeal to the Board from the decision of the Chair upon a question of order, when without debate the Chair shall submit to the Board the question, "Shall the decision of the Chair be sustained?" and the Board shall decide by a majority vote.
  - (d) Non-board members attending regularly scheduled meetings shall not be permitted to speak more than two times, not to exceed three minutes each time, on any one subject germane to an issue then before the Board, unless given special permission for extra time by a majority vote of the Board members and shall be heard only during that portion of the meeting as established by Rule 6. Any member of the public may address the Board in caucus, provided that he or she informs the Chairman at least five hours before the meeting. The Chairman may determine the time on the agenda. The applicant who shall address the Board shall be limited to a time period not to exceed three minutes.
- (8) Rule 8: Investigations. The Board may make investigations into the affairs of the County of Atlantic and the conduct of any county department, office or agency, as may be authorized by the applicable code, and for this purpose may subpoena witnesses, administer oaths and take testimony. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the Board shall be punishable in accordance with a schedule of fines and imprisonment

established by the Board. In no event shall a fine exceed \$500, and imprisonment shall not exceed 90 days.

- (9) Rule 9: Order and decorum. The Chairman shall preserve order and decorum and decide questions of order, subject to an appeal to the Board, which shall require a two-thirds vote to overrule.
- (10) Rule 10: Alteration of standing rules. No standing rule or order of the Board shall be altered or amended unless such alteration or amendment shall have been proposed in writing at the regular meeting next preceding and adopted by a majority of the members of the Board, but any of them may be suspended temporarily with the concurrence of 2/3 of the members present at any meeting, unless such a suspension would be in violation of a statute of the State of New Jersey.
- (11) Rule 11: Decorum: Sergeant at Arms. A sheriff's deputy may be Sergeant at Arms at the regularly scheduled Board meetings. The Sergeant at Arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the normal quota. Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Board shall be barred by the Chairman or other presiding officer from further attendance at that meeting of the Board.
- (12) Rule 12: Schedule of meetings, notice and posting. The Clerk of the Board shall, at least once each year, within the seven days following the annual organization meeting of the Board, post for the purpose of public inspection a schedule of the regular meetings of the Board to be held during the year, in at least one public place reserved for such or similar announcements. He or she shall, in addition, mail or deliver a copy thereof to the two newspapers designated by the Board to receive notices of the meetings of the Board and shall submit a copy thereof to the County Clerk. The schedule shall contain the location of each meeting and the time and date thereof. In the event that such schedule is thereafter revised, he or she shall, within seven days following such revision, post, mail and submit such revision in the manner hereinabove set forth.
- (13) Rule 13: Ordinances.
  - (a) Ordinances shall be prepared by the Department of Law upon request of any County Commissioner. Every proposed ordinance shall be prepared in writing in the form required for

final adoption. No ordinance, except those relating to the budget or appropriation of funds and those relating to the adoption or revision of the Administrative Code<sup>6</sup>, shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall be “Be It Ordained by the Board of County Commissioners of the County of Atlantic.” Any ordinance which repeals or amends an existing ordinance or part of the Administrative Code shall set out in full that part of the ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matter by underscoring or by italics. Each ordinance shall be duplicated and distributed to the members of the Board in the manner as provided in this chapter. **[Amended 11-9-1977]**

(b) Except as otherwise provided by general law, the procedure for the passage of ordinances shall be as follows:

- [1] Every ordinance, after being introduced and having passed a first reading, which first reading may be by title, shall be published at least once in the manner provided by N.J.S.A. 40:41A-142 of the Charter, together with a notice of the introduction thereof and the time and place when and where it will be further considered for final passage. If there is only one such publication, the first shall be at least one week prior to the time fixed for further consideration for final passage. A copy of the proposed ordinance shall also be sent by regular mail to the Clerk of each municipality in the county not less than one week prior to the date of hearing.
- [2] At the time and place so stated in such publication or at any time and place to which the meeting for the further consideration of the ordinance shall from time to time be adjourned, all persons interested shall be given an opportunity to be heard concerning the ordinance. Final passage thereof shall be at least 10 days from the first reading.
- [3] Upon the opening of the hearing, the ordinance shall be given a second reading, which reading may be by title, and thereafter it may be passed by a majority of the whole number of the Board, with or without amendments, or rejected. Prior to the said second

reading, a copy of the ordinance shall be posted on the bulletin board or other place upon which public notices are customarily posted in the building in which the Board regularly meets, and copies of the ordinance shall be made available to members of the general public who shall request such copies. If any amendment is adopted altering the ordinance, the ordinance as so amended shall not be finally adopted until at least one week thereafter, and the ordinance as amended shall be read at a meeting of the Board, which reading may be by title, and shall be published, together with a notice of the introduction and the time and place when and where the amended ordinance will be further considered for final passage, at least two days prior to the time so fixed. At the time and place so fixed or at any other meeting to which the further consideration of the amended ordinance may be adjourned, the Board may proceed to pass the ordinance as amended or again amend it in the same manner.

[4] Upon passage, every ordinance, or the title, together with a notice of the date of passage or approval, or both, shall be published at least once in the manner provided by N.J.S.A. 40:41A-142 of the Charter Law.

[5] One certified copy of the full text of every ordinance so adopted shall be filed with the Clerk of each municipality within the county not later than 10 days after the date of final passage.

(c) Ordinances, Passage. Upon passage of each ordinance, the Clerk of the Board shall promptly deliver it to the Executive. If he or she approves, he or she shall sign and return it to his or her Clerk. If he or she disapproves, he or she shall return it to the Clerk within 10 days after its passage, together with a statement of the reasons for disapproval. If he or she does not sign the ordinance within 10 days from the date of its passage and does not return it with a veto message within said period, the ordinance shall take effect according to its terms, notwithstanding the failure of the Executive to act.

(14) Rule 14: Ordinances, passage over veto. The Board shall reconsider any ordinance returned by the Executive without his or her approval, pursuant to the Charter. Such reconsideration of the ordinance shall

be at the next meeting of the Board which occurs not less than three nor more than 30 days following the return of the ordinance by the Executive. If upon such reconsideration 2/3 of the members of the Board vote to override the veto, the ordinance shall take effect ten days thereafter. Whenever an ordinance has been reconsidered by the Board following a veto by the Executive, the Clerk shall append to such ordinance a certification of the action of the Board upon such reconsideration, in substantially the following form:

“I HEREBY CERTIFY that the above ordinance adopted by the Board on the day of \_\_ 20\_\_ was delivered to the Executive on the \_\_ day of \_\_ and was returned to me on the \_\_ day of \_\_, together with the Executive’s statement of the reasons for which he or she was constrained to withhold his or her approval of such ordinance, item or part thereof. On reconsideration thereof on the \_\_ day of \_\_, the Board duly resolved by the affirmative vote of 2/3 of its members to enact such ordinance notwithstanding the Executive’s veto or the Executive’s veto was sustained.”

Dated:  
..... Clerk

(15) Rule 15: Ordinances not returned by the Executive. Whenever an ordinance shall take effect without the Executive’s signature, by reason of his or her failure to return it to the Board by filing it with the Clerk within ten days after its passage, the Clerk shall append to such ordinance a certificate in substantially the following form:

“I HEREBY CERTIFY that the above ordinance was adopted by the Board on the \_\_ day of \_\_ 20\_\_ and was presented to the Executive duly certified on the day of \_\_, and upon his or her failure to sign it or return and file it with the Clerk within ten days of its passage, the said ordinance took effect in like manner as if the Executive had signed it on the 10<sup>th</sup> day after it passed.”

Dated:  
..... Clerk

(16) Rule 16: Ordinances, effective date. No ordinance shall take effect less than 20 days after its final passage by the Board and approval of the Executive, unless the Board shall adopt a resolution declaring an emergency and at least 2/3 of all members of the Board vote in favor of such resolution.



(17) Rule 17: Advice and consent.

- (a) Upon receipt from the County Executive of his or her nomination of a person to any office or position, the same shall be read by the Clerk under “Written Communications and Petitions” if at least seven days’ notice of the nomination has been given to each County Commissioner. In the event that each County Commissioner has received at least 24 hours’ notice of the proposed nomination, the said seven days’ notice requirement may be waived by unanimous consent of all County Commissioners present. The nominee shall thereafter be interviewed by the County Commissioners sitting as a committee of the whole in executive session at a time designated by the Chairman. Action of confirmation or rejection, upon a nomination made by the County Executive, shall not be postponed or delayed longer than 90 days.
- (b) Following completion of said interview and investigative consideration, a resolution shall be presented to the Board of County Commissioners, at which time they shall individually vote for or against confirmation, and the Clerk shall then notify the County Executive, in writing, of the Board’s decision.

(18) Rule 18: Resolutions. Resolutions shall be prepared by the Legislative Counsel upon request of any County Commissioner. Every proposed resolution shall be prepared in writing and may be introduced at any regularly scheduled meeting of the Board upon a motion and seconding, subject to Rule 5. **[Added 11-9-1977]**