

**BY-LAWS**  
**of the**  
**MAYOR AND COUNCIL**  
**of the**  
**BOROUGH OF RIVER**  
**EDGE**

## **BY-LAWS**

### **ARTICLE I**

#### **BOROUGH COUNCIL**

Section 1. The Council shall be the legislative body of the municipality. The Council shall consist of six members, elected at large, and shall serve for a term of three years and until their successors shall have qualified. Their terms shall be arranged, by lot if necessary, so that the terms of two Council members shall expire at the end of each year;

Section 2. The Council may, subject to general law and the provisions set forth herein:

- (a) pass, adopt, amend and repeal any ordinance or, where permitted, any resolution for any purpose required for the government of the municipality or for the accomplishment of any public purpose for which the municipality is authorized to act under general law;
- (b) control and regulate the finances of the municipality and raise money by borrowing or taxation;
- (c) create such offices and positions as it may deem necessary. The officers appointed thereto shall perform the duties required by law and the ordinances of the Council.
- (d) investigate any activity of the municipality;
- (e) remove any officer of the municipality, other than those officers excepted by law, for cause; and
- (f) override a veto of the Mayor by a two-thirds majority of all the members of the Council.

Section 3. The Council shall have all the executive responsibilities of the municipality not placed, by general law or this act, in the office of the Mayor.

Section 4. At its annual meeting, set forth herein in Article VI, the Council shall, by the vote of a majority of its number, elect a President of the Council, who shall preside at all its meetings when the Mayor does not preside. The President of the Council shall hold office for one year and until the next annual meeting. He shall have the right to debate and vote on all questions before Council. If the Council fails to elect a President at the annual meeting, the Mayor shall appoint the President from the Council and, in that case, no confirmation by the Council shall be necessary.

Section 5. The Council, whenever it fails to confirm the nomination by the Mayor of any official to a subordinate office of the borough within thirty days of being presented such nomination, shall make the appointment to that office, provided that at least three affirmative votes shall be required for such purpose, the Mayor to have no vote thereon except in the case of a tie.

Section 6. The Borough Council may, by ordinance, delegate all or a portion of the executive responsibilities of the municipality to an administrator, who shall be appointed pursuant to N.J.S. 40A:9-136.

Section 7. The Borough Council may, by ordinance, adopt an administrative code. The administrative code shall restate the major provision of the Borough's charter and the general law supplementing the charter. The administrative code shall set forth the manner in which the Council shall perform its duties. If the Council organizes itself into standing committees or if the Council members serve as heads of departments with administrative control over said departments, the administrative code shall specify the powers and duties of such committees or department heads and the manner in which they are appointed. The administrative code shall set forth the titles of the principal municipal officers, how the officers are appointed, how they are organized into departments, boards, commissions, and other agencies; whom they supervise, by whom they are supervised; what powers they have; and what procedure should be followed to carry on the activities of the borough government. The administrative code shall not grant any power or authority, nor authorize any procedure, unless such power, authority or procedure is authorized implicitly by the wording of the statute or derived by reasonable implication therefrom.

Section 8. The Borough Council may create such advisory Councils to the municipality as it may choose, including Councils for the functions absorbed by it of any heretofore existing boards, commissions or districts.

Section 9. The Council may, at its annual meeting, establish for its members such committees of the Council as will assist it for the ensuing year.

Section 10. The Council may, at its annual meeting, establish for its members, liaisons to the various departments, boards, commissions and committees of the Borough of River Edge, including the boards of education, except where otherwise set forth by statute or general law. The liaisons shall not and cannot exercise executive or administrative control over the departments, boards, commissions or committees to which they are appointed. The function of the liaison is only to act as a conduit for information between the Council and the departments, boards, commissions or committees.

## ARTICLE II

### MAYOR

Section 1. The Mayor shall be the head of the municipal government. The Mayor shall be elected by the voters of the municipality at large and serve for a term of four years and until a successor shall have qualified.

Section 2. The Mayor shall have all those powers designated by general law.

Section 3. The Mayor shall preside at meetings of the Council and may vote to break a tie.

Section 4. Every ordinance adopted by the Council shall, within five days after its passage, Sundays excepted, be presented to the Mayor by the borough clerk. The Mayor shall, within ten days after receiving the ordinance, Sundays excepted, either approve the ordinance by affixing his signature thereto or return it to the Council by delivering it to the clerk together with a statement setting forth his objections thereto or any item or part thereof. No ordinance or any item or part thereof shall take effect without the Mayor's approval, unless the Mayor fails to return the ordinance to the Council, as prescribed above, or unless the Council, upon consideration of the ordinance following its return, shall, by a vote of two-thirds of all the members of Council, resolve to override the veto. If any ordinance contains more than one distinct section, clause or item, the Mayor may approve one or more thereof and veto the rest.

Section 5. The Mayor shall nominate and, with the advice and consent of Council, appoint all subordinate officers of the borough, unless the specific terms of the general law clearly require a different appointment procedure. The Mayor shall make such nomination to any such office within thirty days of that office becoming vacant.

Section 6. The Mayor shall see to it that the laws of the State and the ordinances of the borough are faithfully executed. The Mayor shall recommend to the Council such measures as may be deemed necessary or expedient for the welfare of the borough. The Mayor shall maintain peace and good order and have the power to suppress all riots and tumultuous assemblies in the borough.

Section 7. The President of the Council shall perform all the duties of the Mayor during any period in which the Mayor is absent from the borough for three days or more or is unable to perform the duties of the office. The Mayor, in case of his intended absence from the Borough for more than three (3) days at any one time, shall notify the Council President in writing of his intended absence, whereupon the Council President shall be and become Acting Mayor from the receipt of notice and continue to act until the Mayor's return. If the President of the Council is unable to perform the duties of the acting Mayor, then the member of Council with the longest term of service may act temporarily for the President of the Council.

Section 8. The Mayor shall be an ex-officio member of all committees and shall be informed in advance of all meetings of such committees. The Mayor shall not be permitted to vote any issues before any of the committees, unless there is a tie in which case the Mayor may vote to break such tie.

## ARTICLE III

### BOROUGH ADMINISTRATOR

**Section** 1. The Administrator shall perform the duties enjoined on him by law and by these rules.

**Section** 2. The Administrator shall have the following powers and perform the following duties:

- a. The Administrator shall attend all meetings as directed by the Mayor and Council;
- b. The Administrator shall provide a liaison between the Mayor and Council and the various municipal boards, agencies and departments of the borough and its professional advisors;
- c. The Administrator shall keep the Mayor and Council currently informed on all matters assigned to him or otherwise within his jurisdiction;
- d. The Administrator shall be responsible for the coordination of intra-departmental operations.
- e. The Administrator shall make studies and surveys of such municipal problems of the borough as shall be assigned by him by the Mayor and Council and prepare and submit written reports of his findings and determinations to the Mayor and Council for their consideration and action;
- f. The Administrator shall study continually present and future budgets, purchasing procedures, administrative procedures and personnel organization and policies and make such recommendations to the Mayor and Council relating thereto as he shall deem necessary;
- g. The Administrator shall be responsible for continually improving communications between the various borough personnel, departments, agencies, boards and the Mayor and Council;
- h. The Administrator shall see that all terms and conditions imposed in favor of the borough or its inhabitants in any statute or contract are kept and performed and, upon reasonable belief of any violation, call the same to the attention of the Borough Council;
- i. The Administrator shall have the authority to suspend or dismiss any borough employee. All such action taken by the administrator shall be brought to the attention of the Mayor and Council as soon as practicable. The Administrator shall submit a full report of his actions to the Mayor and Council. The Borough may by majority resolution override the Administrator's actions. The Administrator shall have the authority to establish entrance level salaries for new employees, job descriptions and work conditions pertaining to hours worked within the confine of the negotiated employee, employer workers agreements, and upon the approval by the majority of the Borough Council;
- j. The Administrator shall have the authority to make promotions for all employees and reestablish the salary level as a result of the promotion in accordance with all rules and regulations promulgated by civil service and upon the approval of the Borough Council;

- k. The Administrator shall act as the chief labor negotiator for the purpose of collective bargaining with all employee units and shall have with the consent and selection by the Borough Council the right to retain counsel to assist in said negotiations, but all settlements and agreements are subject to approval by the Borough Council;
- l. The Administrator shall continually review and make recommendations to the Insurance Committee of the Borough Council of the Borough's insurance program;
- m. The Administrator shall act as liaison between the borough and the various county, state and federal agencies, with respect to all applications for funds and/or services needed or required by the Borough;
- n. The Administrator shall review any complaints concerning the functions and obligations of the borough and made by any of its residents;
- o. The Administrator shall make any recommendations which he may believe will increase the efficiency of the operation of the Borough;
- p. The Administrator shall aid in the preparation of the budget, alert department heads to the submission of their portion thereof and also, on request, assist the individual Council Members and department heads in contributing their share of the responsibility for the municipal budget;
- q. The Administrator shall also perform such other duties as may be assigned to him by the Mayor and Council.

#### **ARTICLE IV**

#### **BOROUGH CLERK**

Section 1. The Borough Clerk shall attend all meetings of the Council, keep a correct record of all its proceedings, and perform such other duties as the Council may require or as may be directed by the Revised Statutes of New Jersey and these by-laws.

Section 2. The Borough Clerk shall keep the Minutes 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 and Council may require.

Section 3. The Clerk shall prepare an Agenda of the communications, hearings, ordinances and other matters to come before the Mayor and Council at its meeting and shall furnish a preliminary Agenda to each Council Member not later than five (5) days prior to the Council Meeting. The Mayor or any Member of the Council may have any matter placed on the Agenda by presenting the Clerk with written or verbal notification. All matters requiring the attention of the Mayor and Council at any regular meeting thereof shall be filed with the Borough Clerk no later than twelve o'clock noon on the Thursday preceding a work session or regular Council

meeting, which Executive or Work Session Meeting shall be held at seven PM the first and third Monday of each month.

Section 4. The Borough Clerk shall prepare minutes of the regular and special meetings of the Council and have sufficient copies to provide all members of the Council and appropriate parties with a copy thereof. The copies of said minutes shall be delivered to the Council in sufficient time to permit review, prior to the meeting at which minutes are to be approved.

## ARTICLE V

### QUORUM

Three Council members and the Mayor or, in the absence of the Mayor, four Council members shall constitute a quorum for transacting business.

## ARTICLE VI

### MEETINGS

Section 1. The Mayor and Council shall hold an annual meeting on the first day of January at 12 o'clock noon, or during the first seven days of January in any year.

Section 2. That at the aforesaid meeting the Council shall fix the time and place for holding such other meetings during the ensuing year, which time and place shall not be changed except by resolution introduced and passed at a regular meeting. All regular meetings shall be held within the borough and shall occur on the first and third Monday of each month, except as set forth in Article V, Section 3 and Section 4 herein. Meetings shall consist of a work session and a regular meeting of the Mayor and Council, and executive session or closed session as needed.

All work sessions shall begin at 7:00 p.m. and all regular meetings shall begin at 8:00 p.m. All public meetings shall be recorded by tape recorder or other electronic means in order to preserve a record of the proceeding. All meetings of the Mayor and Council shall end by 10:00 p.m. unless a majority of the Council votes to extend the time of adjournment.

Section 3. In case the date of the regular meeting falls on a legal holiday, the Mayor and Council shall meet the following day.

Section 4. The Mayor shall, when necessary, call special meetings of the Council. In case of his neglect or refusal, any four members of the Council may call such meeting at such time and place in the borough as they may designate, and in all cases of special meetings notice shall be given to all the members of the Council, or left at their places of residence.

Section 5. The Mayor shall take the chair at the time appointed for the meeting of the Council.

Section 6. The Mayor shall on all occasions preserve order and decorum and shall cause the removal of all persons who interrupt the proceedings of the Council

Section 7. When two or more Council members shall rise at the same time the Mayor shall name the person entitled to the floor.

Section 8. The Mayor shall decide all questions of order without debate, subject to an appeal to the Council and the rules of deliberations set forth in Article VIII herein.

Section 9. In the absence of the Mayor, the President of the Council shall preside. If the President of the Council is unable to preside over the proceedings, then the member of Council with the longest term of service may act temporarily for the President of the Council.

Section 10. Council Members and the Mayor shall refrain from engaging in any form of telephonic or electronic communication during a meeting of the Mayor and Council without the express permission of a majority of the Council.

## **ARTICLE VII**

### **ORDER OF BUSINESS**

Section 1. Work Session of the Mayor and Council shall be conducted in the following order:

- (a) Call the Meeting to Order;
- (b) Silent Prayer- Flag Salute;
- (c) Open Public Meeting Statement;
- (d) Roll Call;
- (e) Borough Administrator's Topics;
- (f) Open Meeting to the Public on any issue on the Agenda;
- (g) For Discussion;
- (h) Work Session Consent Agenda;
- (i) Council Reports;
- (j) Mayor Reports;
- (k) For Your Information;
- (l) Unfinished Business;

- (m) New Business;
- (n) Open Meeting to the Public on any issue;
- (o) Adjournment of Open Session;

Section 2. Closed Session Meetings of the Mayor and Council shall be conducted in the following order:

- (a) Open Closed Session;
- (b) Roll Call;
- (c) Approve minutes of last closed session meeting;
- (d) Closed Session Topics;
- (e) Adjournment of Closed Session;

Section 3. Regular session of the Mayor and Council shall be conducted in the following order:

- (a) Call the Meeting to Order;
- (b) Silent Prayer- Flag Salute;
- (c) Open Public Meeting Statement;
- (d) Roll Call;
- (e) Approval of Minutes;
- (f) Proclamation & Awards;
- (g) Open Meeting to the Public on any issue on the Agenda;
- (h) Appointments & Personnel Changes;
- (i) Reading of Correspondence;
- (j) Monthly Reports of Departments, Commissions, Committees and Boards;
- (k) Introduction of Ordinances for the 1<sup>st</sup> Reading;
- (l) Ordinances for 2<sup>nd</sup> Reading;
- (m) Resolutions;
- (n) Payment of the Bills;

(o) Open Meeting to the Public on any issue;

(p) Council Comments;

(q) Adjournment;

Section 4. 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.

## ARTICLE VIII

### PARLIAMENTARY PROCEDURE

Section 1. The deliberations of the Council shall generally be governed by ordinary rules of parliamentary procedures as set forth in Roberts Rules of Order and specifically in accordance with the following procedures:

(a) Each Council member shall be recognized by the Mayor before speaking;

(b) Any and all calls for action to be taken by the Council with regard to an ordinance, resolution or such other act shall be made by motion, unless there is unanimous consent of the Council to the proposed action;

(c) In order for the Council to take any action on a particular motion, same must be seconded by another member of the Council. The Council Member seconding any motion or action need not be recognized by the Mayor prior to speaking;

(d) Following a motion and a second on said motion, the Mayor shall restate the motion being made;

(e) After recitation of the motion by the Mayor, debate on the motion may occur, with the originator of the motion having the first opportunity to have the floor;

(f) Each member of the Council shall have the opportunity to be heard at least twice on the same motion on the same day. Each Council member shall be limited to five minutes each time he or she speaks on a motion. Council members may yield his or her time or balance thereof to another Council Member. All debate and conversation shall be directed to the chair and not to individual Council Members;

(g) Motions may be made to limit, extend or end debate immediately. Such motions require a two-third vote of all present Council Members;

(h) Amendments to motions pending on the floor may be made in the manner set for above;

(i) Motions to reconsider which intend to bring back for further consideration a matter previously decided may be made only by a member who voted on the prevailing side in the original vote. Motions to reconsider must be seconded by another member of the Council and approved by majority vote;

(j) A motion to adjourn shall be decided without debate and shall always be in order, except when the Council is voting or when a member is addressing the Council, or immediately after the question of adjournment has been decided in the negative;

(k) Upon demand of one member of the Council, a roll call vote of the individual Council Members shall be called and entered upon the minutes. Absent a roll call vote, a general voice vote shall be made;

(l) No ordinance, resolution or other act of the Council shall be passed, or appointment of any subordinate officer of the borough be confirmed, except by a vote of a majority of the members of the Council present at the meeting, provided that at least three affirmative votes shall be required for such purpose, the Mayor voting only in the case of a tie;

(m) The Borough Attorney shall act as Parliamentarian.

## **ARTICLE IX**

### **ORDINANCES**

Section 1. All proposed ordinances and supplements to ordinances shall be prepared by or presented to the Borough Attorney for review prior to being presented in writing at a regular meeting.

Section 2. The Clerk shall endorse on all ordinances and supplements thereto, the time when and by whom introduced.

Section 3. All ordinances and supplemental ordinances shall be enacted according to law.

Section 4. All amendments to ordinances under consideration shall be in writing.

Section 5. A roll call vote shall be called on the final passage of every ordinance and entered in the minutes.

Section 6. Upon the passage of an ordinance the same shall be properly numbered and submitted to the Mayor for approval, and thereafter recorded by the Borough Clerk in the ordinance book.

**ARTICLE X**

**AMENDMENTS AND ALTERATIONS**

Section 1. These By-laws shall not be altered or amended except at a regular meeting of the Council by a two-third vote.

Section 2. All proposed amendments or alterations shall be submitted in writing at a regular meeting.