

Additions are shown by underlining; deletions are shown by ~~strike-through~~

**BOROUGH OF BERNARDSVILLE
ORDINANCE #2026-2038**

**CONCERNING COUNCIL MEETING PROCEDURES AND SUPPLEMENTING AND
AMENDING CHAPTER 2 OF THE BOROUGH CODE
ENTITLED "ADMINISTRATION"**

WHEREAS, Zoom and similar technologies have allowed the Mayor and Council to conduct their meetings both in person and remotely; and

WHEREAS, neither State law nor the Borough Code have kept up with this technology; and

WHEREAS, the Mayor and Council wish to codify the procedures for Council meetings;

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Bernardsville in the County of Somerset, State of New Jersey, that Chapter 2 of the Borough Code entitled "Administration" is hereby supplemented and amended as follows:

Section 1. Section 2-2.7 entitled "Meetings - Procedure" is hereby supplemented and amended to read as follows:

§ 2-2.7. Meetings - Procedure.

- a. *The parliamentary procedures outlined in Subsection 2-2.8 shall apply to:*
 1. *Organizational meetings.*
 2. *Special meetings.*
 3. *Regular public meetings.*
 4. *Adjourned meetings.*
- b. *Agenda work meetings shall involve a review of the agenda items to be taken up by the Council at its next regular public meeting and shall be informally guided by the presiding officer.*

- c. *Committee meetings shall be conducted according to their own rules and presided over by the Chairperson. Such committees shall have no authority to introduce or pass ordinances or Council policy memoranda. They may propose ordinances or policy which shall be subject to the approval of the full Council.*
- d. *Except as provided by Subsection b. of N.J.S.A. 10:4-12, all meetings of the governing body shall be open to the public at all times. Nothing in this section shall be construed to limit the discretion of the Mayor and governing body to permit, prohibit or regulate the active participation of the public in any meeting, except that the Mayor shall be required to set aside a portion of every meeting of the governing body, the length of the portion to be determined by the governing body, for public comment on any governmental issued that a member of the public feels may be of concern to the residents of the municipality. ~~Ordinarily, speakers during the open session of a meeting shall be limited to five minutes each. That time limit, however, may be modified by the Mayor (or chair of the meeting) or by a motion of the Council to override the Mayor or chair.~~*
- e. *Council meetings are conducted in person in the council chambers in Borough Hall and, if possible, they will also be broadcast live on YouTube and on Zoom or a similar platform to make it as convenient as possible for residents to attend the meeting. The Mayor in his or her sole discretion may decide to hold a meeting remotely if an in-person meeting is not practicable because of weather or the unavailability of an in-person quorum or for any other reason.*
- f. *Members of the public who are present in person and those attending remotely on Zoom will be given the opportunity to comment at appropriate times during the meeting in accordance with the following guidelines:*
 - 1. *Members of the public will be allowed to speak during the "Open Session(s)" and during formal "public hearings" on the agenda including public hearings on ordinances*
 - 2. *The Mayor or other presiding officer shall ensure that all individuals wishing to speak are given a reasonable opportunity to do so, subject to time limits established below.*
 - 3. *The governing body shall not prohibit public criticism of policies, procedures, programs, or services.*
 - 4. *Comments will be limited to three minutes per speaker, which will be monitored and enforced by the Borough Clerk. That time limit, however, may be modified by the Mayor or other presiding officer or by a motion of the Council to override the Mayor or presiding officer.*
 - 5. *Remote participants will be muted unless they are unmuted by the Clerk, and remote participants will not be able to unmute themselves. The*

Clerk will mute remote speakers at the expiration of their three minutes of allotted time.

6. All speakers, whether in person or on Zoom, shall state their names and addresses before making their comments. Speakers on Zoom shall activate their cameras so that they can be seen by members of the governing body and audience.
7. Except for meetings that are held entirely online, failure of the governing body to provide a live broadcast of this meeting, or technological problems encountered during the course of the meeting that affect remote viewing and/or participation, will not invalidate this meeting or any action taken including, but not limited to, the adoption of any ordinance, resolution or motion.
8. No person shall engage in conduct that disrupts a council meeting.
9. The Mayor or other presiding officer may request the removal of any individual who engages in disruptive conduct after a warning has been issued.
- g. Questions on parliamentary procedure that arise in connection with the conduct or meetings under Subsection a above, shall be referred by the presiding officer to the Borough Attorney, herein designated as the Parliamentarian.
- h. The order of business at regular public meetings shall be as follows:
 1. Call meeting to order.
 2. Statement of Presiding Officer. [N.J.S.A. 10:4-6, et seq.]
 3. Pledge of Allegiance and optional opening message.
 4. Presentations.
 5. Approval of minutes.
 6. Open session.
 7. Ordinances.
 8. Resolutions.
 9. ~~Report of Municipal Attorney.~~
 10. Council Committee reports.
 11. Items of business.
 12. Open session.

13. *Closed session (if needed).*
14. *Adjournment.*
- i. *The order of business may be individually set by the Clerk or presiding officer to suit the specific needs of such meetings, provided that the public shall always have at least one opportunity to be heard.*

Section 2. Any and all other ordinances or parts thereof in conflict or inconsistent with any of the terms hereof are hereby repealed to such extent as they are so in conflict or inconsistent.

Section 3. In case any article, section or provision of this ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect any other article, section or provision of this ordinance except insofar as the article, section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 4. This ordinance shall take effect immediately upon final passage and publication as required by law.

ATTEST:



Anthony Suriano, Borough Clerk

COUNCIL OF THE BOROUGH OF
BERNARDSVILLE IN THE COUNTY
OF SOMERSET

By: 

Mary Jane Canose, Mayor

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