

**TOWNSHIP OF DELRAN
RESOLUTION 2022-12**

ESTABLISHING RULES CONCERNING MEETING DECORUM AND PROCEDURES

Whereas: The public are encouraged to speak at all open meetings of the Township of Delran in accordance with the provisions of this resolution.

Whereas: In New Jersey, a citizen’s right to speak is established by the Open Public Meetings Act.¹

Whereas: In the 2010 decision in Besler v West Windsor-Plainsboro Regional BOE,² the New Jersey Supreme Court ruled that governing bodies should adopt their decorum rules sufficiently in advance so that the public has reasonable notice and governing bodies must apply these rules in a content neutral fashion without regard to the viewpoint being expressed.³

Now therefore be it resolved by the Township Council of the Township of Delran that:

A. Decorum. Meetings of the Township Council of the Township of Delran shall be conducted in an orderly manner to ensure that the public has a full opportunity to be heard and that the deliberative process is retained at all times. This also includes meetings of all boards and other bodies of the Township of Delran. The presiding officer shall be responsible for maintaining the order and decorum of meetings.

B. Rules of Decorum: While any meeting is in session, the following rules of order and decorum shall be observed:

1. Rules of Order: Unless otherwise provided by law or code, the current edition of Robert’s Rules of Order shall govern the conduct of all meetings when necessary. The attorney for the body or the attorney’s designee shall act as Parliamentarian.

2. Members: The members of the governing body and members of all boards and other bodies shall preserve order and decorum, and a member shall make best efforts not to interrupt or disrupt the proceedings or disturb any other member while speaking.

3. Matters Discussed in Closed Session: No person shall disclose in open session the matters discussed in closed session without the expressed authorization of the Township of Delran’s attorney or in accordance with the law.

¹ N.J.S.A. 40A 10:4-12-a provides “...a municipal governing body and a board of education shall be required to set aside a portion of every meeting of the municipal governing body or board of education, the length of the portion to be determined by the municipal governing body or board of education, for public comment on any governmental or school district issue that a member of the public feels may be of concern to the residents of the municipality or school district.”

² A-81-08

³ The Besler court wrote: “A public body may control its proceedings in a content-neutral manor by stopping a speaker who is disruptive or who fails to keep to the subject matter on the agenda. The government or a school board, however, has the burden of showing that its restriction of speech in a public forum was done in a constitutionally permissible purpose.”

4. Persons Addressing the Meeting: Each person who addresses the meeting shall do so in an orderly manner. Any person who utters physically threatening, patently offensive or abusive language,⁴ or engages in any other conduct which disrupts, disturbs or otherwise impedes the orderly conduct of any meeting shall, at the discretion of the presiding officer or a majority of the members, be asked to refrain from such conduct.

5. Audience: No person at a meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, physically threatening or abusive language, or other acts which disturb, disrupt or otherwise impede the orderly conduct of any meeting and the ability of the public to hear or participate. Any person who conducts himself in the aforementioned manner shall, at the discretion of the presiding officer or a majority of the body, be requested to refrain from such conduct.

6. Personal Comments: All statements are part of the public record and cannot be retracted or redacted.

C. Public Participation: The public is encouraged to address the members or ask questions during the following portions of the meeting:

1. Hearings: The meeting shall be opened for public comment at the appropriate point on the agenda for any hearing with respect to an ordinance or other specific matter required by law. The maximum that any individual speaker shall be allotted is two (2) minutes.

2. Open Public Session: During this period of the agenda, the public is encouraged to comment on any matter of public concern. The maximum that any individual speaker shall be allotted is five (5) minutes.

D. Addressing the Meeting. No person shall address the meeting without first being recognized by the presiding officer. The following procedures shall be observed by persons addressing the members:

1. Each person shall step to the microphone or podium provided for the use of the public and shall state his or her name and address; the organization, if any, which he or she represents; and, if during the open public session of the meeting, the subject he or she wishes to discuss. Children under 18 shall not be required to give their last name or address.

⁴ Robert's Rules or Order provides that: "In debate a member must confine himself to the question before the assembly, and avoid personalities It is not allowable to arraign the motives of a member, but the nature or the consequences of a measure may be condemned in strong terms. It is not the man, but the measure, that is the subject of debate."

2. During any hearing with respect to an ordinance or other specific matter required by law, speakers shall limit comments to the specific ordinance or matter on the agenda. Speakers may be requested not to be repetitious.⁵

3. All remarks shall be addressed to the body as a whole.

E. Curfew: All meetings shall be adjourned by the presiding officer not later than 11:00 pm except the meeting may be extended by a vote of two-thirds of the members present.

F. Enforcement of Decorum. The rules of decorum set forth above shall be enforced in the following manner:

1. The presiding officer shall request that a person who is breaching the rules of decorum to be orderly.

2. If, after receiving a warning from the presiding officer, a person persists in disturbing the meeting, the presiding officer may order a temporary recess.

3. If the person repeatedly continues to disturb the meeting, the presiding officer may request that person to leave the meeting.

4. If such person does not leave the meeting and continues disruptive conduct, the presiding officer may order any law enforcement officer or the Sergeant-at-Arms to remove that person from the chambers.⁶

5. If a meeting is disturbed or disrupted in such a manner as to make the restoration of order infeasible or improbable, the meeting may be adjourned or continued by the presiding officer or a majority of the members, and any remaining business may be considered at the next meeting.

Dated: _____

Jamey Eggers, Township Clerk

Tyler Burrell, President of Council

⁵ In the often-cited decision in White v Norwalk, California, a Federal Appeals court wrote: “In dealing with agenda items, the Council does not violate the first amendment when it restricts speakers to the subject at hand.... While a speaker may not be stopped from speaking because the moderator disagrees with the viewpoint the speaker is expressing, it certainly may stop him if his speech becomes irrelevant or repetitious.”

⁶ In a 2002 decision (State v Charzewski: 356 N.J. Super 151) a New Jersey Appellate Court ruled that merely being disorderly at a Council meeting was not per se a criminal offense. The court ruled that the speaker’s “conduct may have been rude and excessive, but it was not criminal. Not every interruption constitutes a criminal disruption.”