



***RULES OF THE BOARD OF  
COUNTY COMMISSIONERS  
2021***

## ARTICLE I

All requests for Resolutions, with all supporting documentation, for both regular and special meetings shall be in the hands of the appropriate County Counsel prior to 10:00 a.m. on the Friday, two weeks preceding the next regularly scheduled meeting (when the next regularly scheduled meeting is held on the following Wednesday).

The County Counsel will be responsible for having the requested Resolution along with all supporting data in the Clerk of the Board's Office by 10:00 a.m. on the Friday of the week preceding the meeting. If the Friday preceding the meeting is a holiday, then all Proclamations and/or Resolutions shall be submitted to the Clerk of the Board's office by 10:00 a.m. on the Thursday preceding the meeting. The Department Head shall be responsible for obtaining a Certificate of Availability of Funds, where appropriate, which must be accompanied with the Agenda Request form.

All requests for Proclamations shall be prepared in accordance with the above stated schedule. All Proclamations shall be submitted under the Department of the Director, to be introduced by and in the name of the Director of the Board, and to include the name of the Commissioner sponsoring said Proclamation.

The Draft Agenda shall be set by the Commissioner Director and will be prepared by the Clerk of the Board's Office and transmitted to each Commissioner electronically by Friday of the week preceding the regular meeting.

All Proclamations and Resolutions shall be approved as to form by County Counsel and so noted on the rear of the face sheet thereof prior to same being accepted by the Clerk of the Board.

Any item not received by the deadline may be placed on the Agenda with a majority vote of the Commissioners present. However, same still must be approved as to form by County Counsel prior to action by the Board.

Should a holiday occur, the schedule as outlined will be altered to allow for Commissioner receipt of the Agenda at least 24 hours prior to the meeting.

The Clerk of the Board shall call special meetings of the Board whenever the Director may direct or whenever four members of the Board shall file with the Clerk of the Board a written request therefor. The call for a special meeting shall be in writing and shall state the business to be transacted and the purpose thereof, and shall be given as provided by law.

**ARTICLE II**  
**Place of Meetings**

All meetings shall be held in the County Buildings, 1 N. Broad, Ceremonial Courtroom in the City of Woodbury, as aforesaid, except when otherwise ordered by the Board or otherwise specified in the call for a special meeting. During a pandemic or State of Emergency, the use of virtual meetings through Zoom or Microsoft meetings, may be used.

**ARTICLE III**  
**Quorum**

A majority of all members elected and qualified shall constitute a quorum to transact business and to decide every matter or questions, except as otherwise provided by law, but a less number may convene from time to time and take action to compel the attendance of absentees. All business transacted shall be in accordance with existing Statutes.

**ARTICLE IV**  
**Order of Business**

The order of business shall be as follows:

1. Call to order
2. Flag salute
3. Open Public Meetings statement
4. Roll Call
5. Changes to the Agenda
6. Approval of Minutes of previous meeting
7. Proclamations
8. Introduction and/or public hearings
9. Open meeting to the public
10. Old business
11. New business
12. Open meeting to the public
13. Adjournment

All Resolutions shall be read by title (unless by Consent Agenda).

**ARTICLE V**  
**Rules of Order**

1. Any member desiring to speak or present any petition, resolution, report or other matter to the board shall address the Director, and if two or more members address the Director at the same time, the Director shall decide which one is entitled to the floor.
2. No member shall speak more than twice on any question at the same meeting of the Board without leave of a majority of the members present.
3. No motion shall be debated or discussed unless the same has been seconded, and when a motion shall have been made and seconded, it shall be stated by the Director before debate, and every motion or resolution shall be reduced to writing if any member shall desire it.
4. When a motion is under debate, no motion shall be received except:
  - a. to adjourn;
  - b. to lay on the table;
  - c. for the previous questions;
  - d. to postpone; and
  - e. to amend, which questions shall have precedence in the order above named
5. A motion to adjourn, lay on the table, to postpone, or for the previous question shall be decided without debate.
6. If any question in debate shall contain several distinct propositions, a division shall be made by the Director or/at the request of any Commissioner.
7. When a motion has once been put and decided, it shall be in order for a member who voted in the majority to move the reconsideration thereof, but no such motion shall be in order more than once, nor unless made on the same day in which the vote was taken, or on the day of the next subsequent meeting of the Board.
8. There shall be a roll call for attendance. All votes on ordinances shall be roll call votes. All other actions or resolutions shall be by roll call vote.
9. When a member shall be called to order by the Director or by a member, the member shall immediately resume his/her seat and the point of order shall be decided by the Director subject to an appeal to be determined by the members present.

The Director may call for the opinion of County Counsel upon any question of order.
10. No member shall speak to another or leave his/her seat while the minutes, reports, or any other papers are being read or any member is engaged in debate.
11. No member shall withdraw from the meeting room while the Board is in session without the permission of the Director or of the Board.
12. Unless as otherwise provided for by law, or by a rule of this Board, the Commissioner in charge of the Department or committee ordering any material or work done must examine the bills or vouchers therefor and approve or reject the same before the same shall be filed with the auditors and paid.

13. All reports from any Department or Standing or Special Committees shall be made in writing and filed with the Clerk of the Board prior to the meeting unless said reports are given orally.
14. All other questions of order and debate not herein enumerated shall be decided according to Robert's Rules of Order newly revised 12<sup>th</sup> edition as revised and amended from time to time.
15. Public participation at meetings of the Board of County Commissioners shall be encouraged and shall be regulated as follows:
  - A. A member of the public wishing to address the Board may do so after being recognized by the Director of the Board.
  - B. The speaker must state his or her name and residence address for the record;
  - C. All persons recognized by the Director must engage in respectful and orderly discourse. In the event of disrespectful, vulgar or inflammatory discourse, repetitive the Director may exercise discretion and terminate the person's right to speak;
  - D. All statements to the Board of County Commissioners or other members of the County administration must be addressed through the Director;
  - E. Members of the public addressing the Board shall be allotted up to five minutes to address members of the Board regardless of the number of issues to be addressed. Members of the public will be recognized only during the designated public participation segments of the meeting. Speakers shall not be entitled to "borrow" time from other speakers.

At the discretion of the Director and subject to the consent of a majority of the Board present at a given meeting, the time allocation may be relaxed and extended when in the best interest of the County and the business of the Board. Such relaxation or extension shall not constitute a binding precedent on the Board with regard to other speakers on the same or other issues.

16. No member of the Board of County Commissioners shall engage in any text messaging, e-mailing, or use of a cell phone or other mode of electronic communication at any time during the course of a public meeting, with the exception of the use of County issued iPads, which shall not have wireless capabilities.
17. A member of a public body can participate in a meeting, even though she or he is not physically present, provided the following conditions are met:
  - A. The person, who is not physically present, is on a speaker phone so that the absent member may hear everything said in the room *and* everyone in the room, including the public, can hear everything the absent member says;
  - B. The absent member hears and can participate in the entire discussion on the subject at hand;
  - C. The procedural aspects to the meeting as to notice, etc., are regular in every other respect.

## ARTICLE VI

### Officers, Employees and Representatives

The Director and Deputy Director of this Board shall be elected at the annual meeting as aforesaid. In addition, the Board shall elect the following officers, employees and representatives:

<b>Officers</b>	
County Administrator	3, 4 or 5 years
Clerk of the Board	3 years
County Treasurer	3 years
Chief Financial Officer	1 (if interim) or 3 years
County Counsel	3 years
County Engineer	5 years
County Road Supervisor	5 years
Assistant Road Supervisor	3 years
County Fire Marshal	3 years
Assistant County Fire Marshal	3 years
County Purchasing Agent	3 or 5 years (if QPA)
Buildings & Grounds Supt.	5 years
Medical Examiner	5 years
Emergency Mgt. Coordinator	3 years
Deputy Emergency Mgt. Coordinator	3 years
County Tax Assessor	5 years
Deputy County Tax Assessor	3 years
<b>Employees and Representatives</b>	
Delegate to State Assoc.	1 year

The Board may select such other officers, employees or representatives as it deems necessary, which officers, employees or representatives shall be elected for the terms prescribed by law. In cases where no term is specified therein, then the officer, employee or representative shall serve at the pleasure of the Board.

All officers, employees and representatives to be elected by the Board shall be nominated from the floor and the nominees receiving the votes of a majority of the entire membership present of the Board shall be declared elected unless otherwise provided by law.

Any elected officer, employee or representative may be removed during his term of office for cause, subject to the Statutes in such case made and provided.

**ARTICLE VII**  
**Duties of Officers**

**1. Director of the Board**

The Director shall preside at all meetings of the Board, preserve order and decide questions or order subject to an appeal as herein provided. The Director shall vacate the chair only when moving a motion or resolution at which point he shall appoint some member of the Board as Director pro tem.

The Director shall appoint all standing and special committees with the consent of the Board, and shall be an ex-officio member of each such committee, as well as each and every department with the full right to vote.

The Director shall have no greater authority than other Commissioners except as hereinabove provided.

**2. Deputy Director of the Board**

The Deputy Director shall serve during the absence or temporary disability of the Director, and during the time of actual service the Deputy Director shall have all of the powers and duties given to the Director or imposed upon the Director.

**3. County Administrator**

The County Administrator shall be responsible to the Board of County Commissioners for the efficient, orderly and economical administration of all administrative and executive affairs of the County. The County Administrator shall have the power to recommend, when and where appropriate, the appointment, promotion, removal, suspension, discipline, supervision and control of all department heads, consistent with Titles 4 and 11 of the Revised Statutes of New Jersey. The County Administrator will be authorized to sign-off on all personnel actions. The County Administrator will be the authorized Appointing Authority for the County of Gloucester.

The County Administrator shall assist in the preparation of the annual budget and capital program for each ensuing year and shall, upon the adoption thereof, guide and advise the execution of same in accordance with the appropriations, resolutions and ordinances adopted by the Board.

The County Administrator is authorized to approve any bill for payment prior to the date of audit for such purposes as would favor the County of Gloucester and/or provide for discounts, savings or enhance the orderly conduct of business. Such authorization shall be in writing. A record of any such authorizations for payment shall be included in the first audit subsequent to payment, for ratification by the Board of Commissioners.

The County Administrator shall review and offer recommendations regarding the supervision, direction and control of the internal organization and reorganization, where necessary, of each department or other administrative office and unit of the County except as herein otherwise provided.

The County Administrator shall attend all meetings of the Board with the right to take part in the discussions, but without the right to vote.

The County Administrator shall recommend for adoption by the Board such measure as he/she may deem necessary and proper for the efficient economical and lawful administration of the internal affairs of the County.

The County Administrator shall have the authority to examine or inquire into the affairs or operation of any division, department, office or employee of the County relating to the internal affairs of the County at any time, including any autonomous or semi-autonomous body or board whose operations are in part or in full financed by the County upon first notifying the Commissioner in charge.

The County Administrator shall advise and recommend the establishment of personnel policies of the County.

The County Administrator shall have the authority with the concurrence of the Director of the Board of Commissioners to submit vouchers to the Department of Administration for audit and payment by the Board of Commissioners at times other than those described in Article X hereof.

The County Administrator shall perform such duties and have such other powers as permitted by statute or by the ordinance and resolutions of the County.

The County Administrator shall have all necessary and incidental powers to perform and exercise any of the duties and functions specified above and any others which are lawfully delegated to him/her by direction of the Board.

The County Administrator shall receive an annual salary as provided for in the annual salary resolution.

The County Administrator shall also have the power to sign any and all documents on behalf of the Clerk of the Board in the absence of the Clerk of the Board. In the absence of both the Clerk of the Board and the County Administrator, the Deputy County Administrator shall have the power to sign any and all documents.

If the circumstances arise and the Commissioner Director cannot sign a contract(s)/document(s), the County Administrator shall have the power to sign any and all contract(s)/document(s).

#### 4. **Clerk of the Board**

It shall be the duty of the Clerk of the Board to attend all meetings of the Board, to keep full and accurate minutes of all proceedings and enter the same, with all orders and resolutions, in a book to be kept for that purpose. Said minutes to be taken from recorded meeting tapes, which shall be retained for a period of ninety (90) days or after the official minutes as kept by the Clerk of the Board are approved, whichever date is later. The Clerk of the Board shall make available to the public reproductions/copies of any tapes kept for a fee consistent with OPRA. The Clerk of the Board shall have custody of the Seal of the County and all books, papers, and documents belonging to or relating to the Board. The Clerk of the Board shall provide for all notices and advertisements as prescribed by law. The Clerk of the Board shall perform such other duties as the Board may order from time to time. For his/her service, the Clerk of the Board shall receive an annual salary to be fixed by the Board.

#### 5. **County Treasurer**

The County Treasurer shall attend such meetings of the Board as the Director of the Board so requests and shall report the condition of the finances of the County. He/she shall prepare, prior to each regular meeting, a monthly report showing the monies on hand in each of the accounts of the budget appropriations and present the same to the Board at the regular meeting. He/she shall receive all funds of the County of Gloucester and deposit said funds as prescribed by New Jersey Statutes 40A:5-15. He/she shall also prudently invest cash not immediately required in financial institutions qualified to receive such investments under the New Jersey GUDPA law. He/she shall certify all Purchase Orders issued by the County Purchasing Agent, only as to the availability of funds and shall encumber said amounts. He/she shall perform such other duties as prescribed by regulations of the Division of Local Government Services or by resolution of manner described by ordinance.

The Treasurer is authorized to pay insurance premiums prior to the date of audit if said payment is necessary to avoid loss of insurance coverage and/or the imposition of interest or other monetary charges. A record of all such insurance premium payments shall be included in the first audit subsequent to payment for ratification by the Board of Commissioners.

#### 6. **Public Works Director**

The Director of the Department of Public Works shall develop, coordinates and maintains daily responsibility and tasks of the divisions of County Engineer, the Road Supervisor, the Planning Director and the Superintendent of Fleet Management. The Director of Public Works shall be responsible for the preparation of the annual budget and shall work with and consult with each of the respective division heads on this component. The Director of the Department of Public Works shall be responsible for the effective management of all employees of each of the divisions within the Public Works Department. Such management shall include all recommendations for discipline which shall be made directly to the County Administrator. The Director of the Department of Public Works shall have oversight into the day to day operations of the Road

Department, including project scheduling and any matters related thereto. The Director of the Department of Public Works shall receive and review operation reports of each of the divisions of the Department and shall be responsible for oversight to assure the effective coordination of all operations. The Director of the Department of Public Works shall participate in the review and approval of all road opening permits and subsequent approval of the release of all performance guarantees. The Director of the Department of Public Works shall receive an annual salary to be fixed by the board. He/she shall attend such meetings as the Director of the Board so requests.

#### **7. County Engineer**

The County Engineer shall furnish all plans, specifications and estimates and perform the duties of an engineer in making all surveys necessary for road and bridge construction, maintenance and repairs. He/she shall supervise the construction and reconstruction of all County roads and bridges as required by law. The County Engineer shall participate in the review and approval of all road opening permits and subsequent approval of the release of all performance guarantees. The County Engineer shall attend such meetings of the Board as the Director of the Board so requests.

#### **8. County Road Supervisor**

The County Road Supervisor shall have charge of the repair and maintenance of the County roads. He/she shall regularly inspect the roads, and report to the County Engineer any findings of roads, bridges or appurtenances that could require design improvements.

The County Road Supervisor shall be responsible for daily and routine maintenance of all county roads, bridges and drainage ways. He/she shall approve all bills for expenses and repair of said road projects not under the jurisdiction of the County Engineer before the same shall be paid. He/she shall make out a statement of all expenditures and report to the Commissioner responsible for the Department of Public Works and the County Administrator on a monthly basis. He/she shall, as directed by the Commissioner responsible for the Department of Public Works, order and purchase all material for road purposes within the limitations provided by law and these rules and keep an accurate account thereof, and report the same to the Board monthly. He/she shall receive an annual salary to be fixed by the Board. He/she shall attend such meetings of the Board as the Director of the Board so requests. The Board of Commissioners shall establish policies, procedures and a permitting process for the opening or excavating of County Roads. It shall be the responsibility of the Road Supervisor to administer said policy.

The Director of the Department of Public Works, the Road Supervisor, the County Engineer and the County Planning Director shall review and approve all requests for road opening permits and the release of all guarantees involved in the permitting process.

## **9. County Counsel and Assistant County Counsel**

The County Counsel, or any Assistant County Counsel shall attend all formal meetings of the Board and shall receive for such attendance and duties as to this office an annual salary to be fixed by the Board. Absence shall be permissible upon approval of assigned Commissioner or Director of the Board. He/she shall conduct all of the legal business of the County except as hereinafter provided. Any attorney-at-law of this state may be employed by the Board to perform legal services on behalf of the County to serve at its pleasure and be paid such compensation as it may determine to be reasonable. Each such attorney shall be subject to the supervision of the Director.

Assistant County Counsel shall perform such duties as may be delegated to them by the County Counsel or by the Board, and in the absence of the County Counsel perform their duties. All Counsel shall receive an annual salary to be fixed by the Board.

## **10. Purchasing Agent**

The Purchasing Agent shall purchase supplies, materials and equipment, and contract for services required by any department purchases made and contracts awarded for any supplies, materials or equipment or contractual services shall be pursuant to a written requisition from the department whose appropriation will be charged and the Certification of the Treasurer that a sufficient unencumbered balance of appropriation is available to pay therefor. He/she shall establish and enforce specifications with respect to such services, supplies, materials and equipment. He/she shall receive bids and recommend to the Commissioners the awarding of contracts other than those contracts where the Board of Commissioners, by resolution, have designated responsibility to another official. The County Purchasing Agent shall have the authority, with the advice of assigned Counsel, to reject any bids and rebid for goods and services. In case of the rejection of bids, the Purchasing Agent shall notify the Commissioner in charge of Administration, the Commissioner in charge of the department seeking the goods and/or services and the County Administrator.

He/she shall have charge of any and all central storerooms which may be established pursuant to effectively carrying out his/her duties. He/she shall attend such meetings of the Board as the Director of the Board so requests.

## **11. All other officers**

All other officer, agents and employees of this Board as may be required to do the business of the County as may be appointed therefor shall do and perform such duties as are now or may hereafter be required by law, by the Board, or by the proper Director in charge thereof.

## 12. Indemnification and liability

a. The Board of County Commissioners of the County of Gloucester (hereinafter referred to as the Board) shall defend and indemnify any Commissioner member of said Board (hereinafter referred to as member), or officer described in Article VI (hereinafter referred to as officer) in accordance with the New Jersey Tort Claims Act, P.L. 1982, c. 45 (c. 59:1-1 et seq.). The Board shall pay or reimburse any member or officer of the Board for any bona fide settlement agreement, and shall pay or reimburse all costs of defending the action, including reasonable attorney fees and expenses, together with costs of appeal, if any.

The Board shall not defend and indemnify any member or officer of the Board when the act of omission was not within the scope of employment or duties, or the act or omission was because of actual fraud, willful misconduct or actual malice.

b. When the Board defends an Action against any member or officer of the Board, the Board may assume exclusive control of the defense of such persons.

c. In any action undertaken by the Board on behalf of a member or officer of the Board, such person defended by the Board shall cooperate fully with the defense. The member or officer of the Board shall provide prompt notice to the Board and its legal counsel of any complaints or claims served upon such person or the Board. The Board shall provide timely information to the member or officer defended by the Board on the progress of the action.

d. No member of the Board or person executing bonds or notes as authorized by the Board shall be liable personally on the bonds or notes by reason of their issuance.

## ARTICLE VIII

### Departments

There are hereby created seven departments for the proper administration of the business of the County by this Board. Each department shall be under the direct control and supervision of a director thereof, who shall be appointed at the annual meeting by the Director of this Board. The Director of this Board may also appoint such other members to each department as the Director deems necessary. The various departments and their duties are as hereinafter set forth:

1. **Department of Administration.** The Department of Administration, through the Human Resources Division, shall have jurisdiction over all personnel policies of the County, and of its officers and employees, and all matters relating to Civil Service. This Department shall be responsible for all labor negotiations and shall have jurisdiction over Administrator/Human Resources/Clerk of the Board, County Counsel, Improvement Authority, Information Technology, Insurance Commission, Planning Board Member (Statutory), Purchasing, Tax Assessor/Board of Taxation, Treasurer, Wage & Hour.

2. **Department of Public Safety and Veterans Affairs.** The Department of Public Safety and Veterans Affairs shall have jurisdiction over the following sub-departments and/or committees: Emergency Management/ Emergency Management Council, Emergency Response (911), Emergency Medical Services (EMS), Fire Marshal, Veteran’s Affairs, Veteran’s Advisory Committee and Veteran’s Cemetery Committee.

3. **Department of Public Works and Economic Development.** The Department of Public Works and Economic Development shall have jurisdiction over the following sub-departments and/or committees: Economic Development, Gloucester County Chamber of Commerce Representative (GCCC), Planning Board Member (Statutory), Public Works (Engineering, Fleet Management, Planning/CDBG, and Roads), S.W.A.C. and Tri-County Water Quality Management Board.

4. **Department of Education.** The Department of Education shall have jurisdiction over the following sub-departments and/or committees: Gloucester County Institute of Technology/ Special Services School District (GCIT/SSSD), Gloucester County Library System, Police Academy Advisory Council, Rowan College of South Jersey (RCSJ) and Superintendent of Schools.

5. **Department of Parks & Land Preservation.** The Department of Parks & Land Preservation shall have jurisdiction over the following sub-departments and/or committees: Agriculture Development Board, Extension Services, Golf Course, Land Preservation, Parks and Golf Advisory Board, and Parks & Recreation.

6. **Department of Buildings and Government Services.** The Department of Buildings and Government Services shall have jurisdiction over the following sub-departments and/or committees: Animal Shelter, Animal Shelter Advisory Committee, Buildings and Grounds, Construction Board of Appeals, Correctional Services, County Clerk, Courts/Probation, Elections, Board & Superintendent, Housing Authority, Prosecutor, Sheriff, Surrogate, Utilities Authority and Voting Accessibility Advisory Committee.

7. **Department of Health and Human Services.** The Department of Health and Human Services shall have jurisdiction over the following sub-departments and/or committees: Commission for Women, Health (Disability/Mental Health/DPAC, Medical Examiner, and Senior Services), Human Services Advisory Council, Human Services, Social Services, Transportation Advisory Council and Youth Services Commission.

## **ARTICLE IX**

### **Auditing of Bills**

The Treasurer shall examine all bills presented to it for payment by persons furnishing or selling the County goods or services of any kind in the different offices or the several departments thereof in the County. All bills and claims against the County shall be presented to the Treasurer not later than the close of business on the first day of each month, or they may be presented to the County Treasurer during regular office hours. All requests for payments thus presented shall be audited prior to the regular monthly meeting. The Treasurer may set more than one day to attend to its duties in connection with any one meeting if, in its judgment, such action is necessary. The Treasurer may in its sole discretion audit any bill presented at any time.

## **ARTICLE X**

### **Suspension and Amendments**

These rules and any order of the Board may be suspended upon the affirmative vote of at least four members of the entire Board. These rules may be amended by submitting the proposed amendments in writing to the Board at a meeting duly called in accordance with these rules, read aloud by the Clerk of the Board and laid over for a vote at the next regular meeting of the Board or at a special meeting duly called for the purpose, at which time a majority vote of the entire membership shall be required for the adoption of the amendment, provided however, and rule may be altered or amended at any meeting by the unanimous consent of all members of the Board.

Revised: 12/28/20