

Board, Commission & Committee Members' Handbook

2013



WELCOME

On behalf of the newly consolidated Princeton government, I would like to welcome you as a member of a Princeton municipal advisory board, committee or commission. This handbook was prepared as a reference for those residents who volunteer to serve on one of Princeton's advisory bodies.

The mission of Princeton's Boards, Commissions, and Committees is to advise the Princeton Council in our decision-making process through direct citizen participation. Although the specific duties of each board and commission vary widely, there are certain responsibilities common to all board, committee and commission members. These guidelines are intended to assist you in your volunteer efforts on behalf of our community.

I, along with the entire Princeton Council, thank you for volunteering your time and expertise to improve our town.

Sincerely,

Liz Lempert
Mayor

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ACKNOWLEDGEMENTS

This handbook was based on similar handbooks from other municipalities. We thank Fort Collins, Colorado; Rockville, Maryland; and San Mateo County for their example.

RELATIONSHIP TO MAYOR, COUNCIL AND STAFF

Each commission, committee and board has various powers and duties specified by municipal ordinance and/or State law.

Their primary responsibility is to advise and make recommendations to the Princeton Council, the elected policy-making body of the municipality. Except where explicitly specified by state law, all commissions, committees and boards do not make policy decisions. This responsibility legally resides with the Princeton Council and cannot be delegated to any other body.

Council Liaisons

The Mayor selects Council liaisons to the boards and commissions each year with the advice and consent of Council. The role of Council liaisons is as follows:

- To serve as the primary two-way communications channel between the Princeton Council and the board, committee or commission.
- To help resolve questions the board, committee, or commission may have about the role of the Princeton Council, municipal government, and the board, committee or commission.
- To provide procedural direction and relay the Princeton Council's positions to the board or commission.
- To identify and help resolve any problems that may exist with respect to the functioning of the board, committee, or commission.

Meetings with the Mayor and Council

Periodically, the Mayor and Council may hold a work session with a Board, Committee or Commission. These work sessions serve as an opportunity for open dialogue regarding matters of mutual concern. They also provide a forum to address any issues, including those that may have a budgetary impact.

Staff Interaction

Staff members may act as advisors to boards, committees and commissions, and can provide research and administrative services.

Committee members should not and cannot direct staff to work on projects without the approval of the Princeton Mayor and Council and direction of the Administrator. To operate the municipality in an effective and professional

manner, the Mayor, Council and Administrator need to be aware of the projects on which each department is working.

The committees have no authority to supervise or direct the work of departments.

Correspondence and requests directed to the staff on behalf of the Board or Commission should be routed through the chairperson and/or the council liaison.

MEETING PROCEDURES

Open Public Meetings Act

All meetings of a board or commission shall be open to the public at all times, except when the board or commission is meeting in a validly convened executive session.

The term "meeting" is defined as a gathering of a quorum of any board or commission at which any public business is discussed or at which any formal action may be taken. It is important to remember that the open meeting requirements apply to more than just in-person gatherings. They also apply to telephone conference calls, group emails, or any other means of communication where conference-like communication can occur. However, the term "meeting" does not include a chance meeting or social gathering at which the discussion of public business is not the central purpose.

Notice Requirement

Full and timely notice to the public must be given prior to the holding of any meeting of a board or commission at which a majority or quorum is in attendance or is expected to be in attendance.

Each board, commissions and committee chair should provide a list to the Clerk's Office of the regular meeting dates. For special meetings, irregularly scheduled meetings, or rescheduled meetings, notice of the meeting must be filed with the Clerk's Office at least 48 hours before the time of the meeting. Less notice is permitted only when dealing with matters of such urgency and importance that a delay would be likely to result in substantial harm to the public interest. Additional restrictions apply. The chairperson must confirm any such meetings in advance with legal counsel to the board, committee, or commission, if available, or with the municipal administrator or the mayor.

Executive or Closed Session

The holding of an executive session is the only time that a meeting of a board, committee or commission may lawfully be conducted privately. For most boards and commissions, the use of executive sessions is a rare event and board and commission members are encouraged to obtain advice in advance from the administrator if they contemplate requesting such a session.

During an executive session, the board or commission cannot make final policy decisions, adopt resolutions, or take other formal action.

Agenda

The chair should put together an agenda in advance of each meeting.

Only items appearing on the agenda are to be considered. Agendas for regular meetings should be emailed to the clerk at least 48 hours before the meeting to allow sufficient time for posting on the town website.

Each board, committee, or commission should allow members of the public an opportunity to speak to any matter coming within its purview, regardless of whether the matter is on the agenda. The chair can impose time limitations if necessary.

Quorum Requirements

In order for a board, committee or commission to conduct business or take formal action, a quorum of the membership must be present. A quorum consists of the majority of the total number of members specified by the municipal ordinance for that board, committee or commission. This quorum requirement does not change even if a position on the board or commission is vacant and the Mayor has not appointed a replacement. In the event that a quorum is not present for a meeting, those present can adjourn the meeting to a later date and time.

Selection of a Chair

Each group is responsible for selecting its own chairperson and vice-chairperson at the first meeting of each calendar year. In the absence of the chairperson, the vice-chairperson shall preside. In the absence of both the chairperson and vice-chairperson, a quorum of those members present shall designate an acting chairperson to preside over the meeting.

The chairperson has the power to confine discussion and to limit debate when it is no longer productive. The chairperson's rulings prevail unless overruled by a majority of the members. The chairperson retains the right to make and second motions, participate and vote on all matters.

Minutes

Minutes must be taken at any meeting of a board or commission at which the adoption of any proposed policy, position, resolution, rule, regulation, or formal action occurs or could occur. The minutes will be made available to the public and a copy must be filed with the Clerk upon approval.

The minutes of a meeting during which an executive session is held shall reflect the topic of the discussion at the executive session.

At a minimum, the minutes of a meeting should contain the following information:

- Date, time and location of the meeting.
- Listing of members present
- General outline of each major topic discussed, considered, and the outcome.
- Verbatim (to the extent possible) record of all motions along with a list of how each member voted on each motion.
- Statements made by individual board members explaining their vote. (Note: it is especially important that board members state, and the minutes reflect, reasons for dissenting opinions.)
- Detailed recording of all formal action taken.
- Time of adjournment.

Approval of Minutes

Boards, commissions and committees should review minutes and make any additions, deletions, or corrections. Each board, committee, and commission is encouraged to draft, review, and approve minutes in a timely manner. The approved minutes should be sent by the chairperson or secretary of the board or commission to the Clerk.

Rules of Procedure

Advisory group meetings are usually conducted according to parliamentary procedure. Many advisory groups have adopted standard rules of procedure for the conduct of official meetings as found in "Robert's Rules of Order."

The agenda constitutes the body's agreed-upon road map. Each agenda item can be handled by the chair in the following basic format:

- 1) The chair should announce the agenda item number and subject.
- 2) The chair should invite the appropriate people to report on the item, including any recommendation they might have.
- 3) The chair should ask members of the body if they have any technical questions for clarification.

4) The chair should invite public comments or, if appropriate at a formal meeting, open the meeting to public input. If many members of the public want to speak, the chair may limit the time of each public speaker. At the conclusion of the public comments, the chair should announce that public input has concluded.

5) The chair should invite a motion from the advisory body members. The chair should announce the name of the member who makes the motion.

6) The chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member who seconds the motion.

7) If the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of two ways:

- a. The chair can ask the maker of the motion to repeat it; or
- b. The chair can repeat the motion

8) The chair should now invite discussion of the motion by the members of the advisory body. If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

9) The chair takes a vote. Simply asking for the "ayes" and then the "nays" is normally sufficient. If members of the body do not vote, then they "abstain." A simple majority determines whether the motion passes or is defeated.

10) The chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members, if any, who voted in the minority on the motion.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the advisory body and the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the chair and the members of the advisory body to maintain common courtesy and decorum. Only one person at a

time should have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should ensure that debate and discussion of an agenda item focus on the item and the policy in question, and has the right to cut off discussion that is too personal, too loud or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may limit the time allotted to speakers, including members of the advisory body.

On many occasions, the success or failure of the efforts of a board or commission is dependent upon the degree of cooperation evident among the individual members of the body. We encourage you to keep the following points in mind in your interactions with other members:

- Show respect for other's viewpoints.
- Allow others adequate time to present their views fully before making comments.
- Be open and honest. Welcome new members and help them become acquainted with their duties.

Communications Policy

Any position the board or commission would like to take on behalf of the municipality must be approved by the Princeton Council unless otherwise provided for by law. Boards are encouraged to coordinate with Council on policy and fiscal matters.

Correspondence directed to staff on behalf of the Board or Commission, including requests for information, should be routed through the chairperson and/or the council liaison.

Expressing Individual vs. Board Views

As an individual member of a board or commission, you must not represent your own views or recommendations as those of the board or commission unless the majority of the body has officially voted to approve such action. Board or commission members making recommendations or expressing views which have not been approved by a majority of the board should indicate they are expressing individual opinions and are not speaking on behalf of the advisory board or the municipality.

When making a public statement, members should remind listeners that board actions are recommendations (unless otherwise provided by law) and that final action will be taken by the Princeton Council. Remember that your actions and statements as a board or commission member assume special significance, and if not responsibly discharged, could result in a situation detrimental to the public's best interests.

Although board and commission members may be selected, in part, on the basis of representing specific interest groups, each member should represent the overall public good and not that of an exclusive group or interest.

CODE OF CONDUCT FOR MEMBER'S OF PRINCETON'S VOLUNTEER BOARDS, COMMITTEES AND COMMISSIONS

Introduction

As representatives of the Princeton government, members of the municipality's volunteer boards, committees and commissions are required to comply with the following rules.

These rules require members to abide by certain ethical standards and to comply with the municipality's harassment policy.

Each member shall upon his or her appointment sign and submit to the Administrator's office the attached "Receipt and Acknowledgment" stating that they have received a copy of this Code and shall abide thereby.

Local Government Ethics

Members shall abide by the Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et seq. and familiarize themselves with the "Disqualification Rules" attached hereto as Exhibit A.

Members shall not solicit or accept personal gifts of any form from private sources for services rendered or to be rendered as members of volunteer boards, committees or commissions, or in the course of conducting business in their capacity as members of volunteer boards, committees or commissions.

No member shall be interested, directly or indirectly, in any contract with the Municipality, or in the compensation for goods or services furnished to the Municipality or any contractor furnishing the same to the Municipality; nor shall he or she participate in any profits of such parties or receive any gift or other reward for actions related to such activities.

Members shall not engage in partisan political activity on municipal time or property, use their position for personal gain, or unlawfully use their position to coerce others. Nothing herein shall be construed to prevent members from becoming or continuing to be members of any political party, club or organization, attending political meetings or expressing partisan political views or circulating petitions on public questions outside of working hours and off municipal property. Nor shall members be prevented from voting with complete freedom in any election.

Harassment Policy

To the extent applicable, members shall abide by and conduct themselves in accordance with the "Policy Against Harassment" attached hereto as Exhibit B. This is the harassment policy governing Princeton municipal employees and it shall be equally applicable to members of volunteer boards, committees and commissions.

Attendance Policy

All members of boards, committees and commissions shall regularly attend the meeting of the agency upon which they are serving. Failure to do so may lead to the member's removal after a public hearing if said member requests one, for cause.

Eligibility

All members of boards, committees and commissions shall be residents of Princeton during their tenure on said boards, committees and commissions unless the enabling legislation or ordinance creating said board, committee and commission permits non-residents to serve.

Persons employed by the municipality may not serve on any board or commission unless so provided in the enabling legislation.

Members are free to resign at any time.

EXHIBIT A: Disqualification Rules

Members of voluntary boards, committees and commissions should conscientiously avoid participating in the functions of their respective boards, committees and commissions on any matter that may involve directly or indirectly a conflict of interest which would prejudice the value of their advice. Members are often persons who by professional personal qualifications have unique involvement in certain specialty fields including but not limited to engineering, law, real estate and medicine, and as such may personally or professionally have an interest generally in the progress of particular points of view or cases in the community, which professional interest is a part of and not detrimental to their function on the respective board, committee or commission.

Consequently, it is improper for any member to participate in consideration of or vote on any application to which he or she may have a direct or indirect special relationship which could influence his or her comments, or give the appearance of unduly influencing recommendations of the board, committee or commission of which he or she is a member. It is the obligation of each member to determine whether he or she has such a special relationship to any application by applying the guidelines set forth herein. In no event shall a member be considered to have a special relationship to an application merely because of a specific opinion based upon personal beliefs or professional views. A special relationship shall be deemed to exist where economic or personal interest, professional or otherwise, is directly or indirectly concerned with the individual application.

The following are examples of such explanations:

- (1) Having been engaged by or having given substantial assistance to the applicant in preparation of any part of his or her submission.
- (2) Having a direct or indirect interest in financial results which may result from a ruling on the application.
- (3) Being the employer, employee, client, associate or relative, of the applicant or having a financial or proprietary interest in the application.

The foregoing examples are merely illustrative of the special interest referred to by these rules and are not to be considered definitive limits of the form special interest might take. In any situation when a special interest exists, whatever its form, it shall be the duty of the member

affected to make it known to the other members of the board, committee or commission and withdraw from consideration of the affected application.

EXHIBIT B: POLICY AGAINST HARASSMENT

Purpose. The purpose of this policy is to maintain a work environment free from any type of harassment and to provide procedures for reporting, investigating, and resolving complaints of harassment.

Policy. It is the policy of Princeton to maintain a work environment that permits every employee to be free from harassment by any co-worker, supervisor, or other person. It is unacceptable for any employee to engage in any type of harassment, including, but not limited to harassment on the basis of age, race, sex, disability, national origin, religion, ancestry, and/or sexual orientation.

While it is not easy to define harassment, harassment includes slurs, epithets, threats, unwelcome phone calls, derogatory comments, unwelcome jokes, teasing, sexual innuendo, unwelcome sexual advances, requests for sexual favors, other similar verbal or physical conduct such as uninvited touching or sexually related comments, and persistence in any or all of the above.

In addition, it is unacceptable for any employee to engage in conduct that involves unwelcome advances where:

- (a) Submission to such conduct is made implicitly or explicitly a term or condition of employment;
- (b) Submission to or rejection of such conduct is used as the basis for employment decisions;
- or
- (c) Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance, or creates an intimidating, hostile, or offensive work environment.

The Municipality will not tolerate any kind of harassment of its employees, and any employee found to be engaging in such conduct will be subject to appropriate disciplinary action, up to and including termination of employment.

Administration of Policy.

(a) Each Department Head has an affirmative duty to maintain his or her department or other area of responsibility free of harassment. A manager/supervisor who becomes aware of harassment shall report the

incident to his or her manager or supervisor as noted in Paragraph (c) below, and shall take appropriate corrective action to insure that such conduct ceases immediately.

(b) Any employee who feels that he or she is a victim of harassment should immediately report the matter to their Department head or Administrator. Under no circumstances need the employee report the harassment to a supervisor he or she is accusing of harassment. The employee should, therefore, go to the management level with which they feel most comfortable to report the alleged incident. No retaliatory measures will be taken against any employee who complains of harassment, or against any employee who assists an investigation by providing testimony. All reports of harassment will be thoroughly and discreetly investigated. The Municipality will, to the maximum extent feasible, maintain the confidentiality of such complaints.

(1) If it is not practical for a Police Department employee to report harassment to his or her supervisor, the employee instead may make a report to another supervisor, the Internal Investigation Officer, or the Chief of Police.

(c) Any Department Head to whom a complaint of harassment is made shall be responsible for immediate investigation of the claim. The investigating Department Head shall immediately notify the Administrator, and submit a written, confidential report of the complaint, and investigation no later than five working days after the initial report. Failure to make such investigations and reports will subject the responsible Department Head to appropriate disciplinary actions, up to and including termination of employment.

(d) This policy will be posted in an appropriate place in each municipal building. Department Heads will inform all members of their staff of this policy.

Harassment Complaint procedure.

(a) When a complaint is made of alleged harassment, conduct an interview with the employee who made the complaint. Obtain any facts and/or documentation pertaining to the alleged incident. Assure the employee that the matter will be kept confidential except to the limited extent necessary to investigate the allegations.

(b) Conduct a thorough investigation of the claim. One person should be responsible for handling the investigation in order to

preserve the confidentiality of the incident and to ensure prompt response.

(1) Check the personnel folders of the parties involved for previous complaints or problems.

(2) Examine the work record of the parties involved.

(3) Interviewing the accused, and any witnesses to the alleged incident

(c) If a thorough investigation reveals there is no basis to the claim of harassment, reiterate the policy to the parties involved and note the incident in their respective folders.

(d) If the investigation reveals there is a basis for the claim of harassment, take prompt action against the offending employee. Depending on the seriousness of the harassment and prior history, the following actions should be taken:

(1) Written memorandum of censure by the Department Head, with copy to the Administrator. Letter of admonition to the employee from the Administrator. Counseling on harassment required.

(2) Placement of the employee on probation by action of the Administrator.

(3) Mandatory transfer or demotion of the employee by action of the Administrator

(4) Suspension from duty by action of the Administrator.

(5) Dismissal of the employee from Princeton municipal service by the Administrator.

As a final step, the investigating Department head should prepare a written report of the Investigation and action taken. A copy of the report should be sent to the Administrator and placed in the personnel folder of each of the parties involved.

(e) The Internal Investigation Officer shall be responsible for the investigations of any complaint within the Police Department alleging harassment. The Internal Investigation Officer shall immediately notify the Chief of Police and the Prosecutor's Office if the complaint contains evidence of criminal activity, such as battery, attempted rape, or rape. The investigator shall include a determination whether other employees

are being harassed by the person, and whether other Department members participated in, or encouraged the harassment. The Investigator shall inform the parties involved of the outcome of the investigation. A file of harassment complaints shall be maintained in a secure location. The Chief of Police shall be provided with an annual summary of these complaints.

Any questions concerning Princeton's policy against harassment should be directed to the Administrator's Office.

Receipt and Acknowledgment

It is your responsibility to familiarize yourself with the Code of Conduct for Members of Princeton Municipal Voluntary Boards, Committees and Commissions. If you do not understand any portion of the Code of Conduct or its attachments, please contact the Administrator for further guidance.

I, _____, have received a copy of the Code of Conduct for Members of Princeton Municipal Volunteer Boards, Committees and Commissions ("Code"). I understand that the Code of Conduct describes policies governing harassment and government ethics that are applicable to Princeton's boards, committees and commissions. I agree to abide by these policies.

Member's Signature

Date

Print Name