

**COUNTY OF BERGEN
BOROUGH OF PARAMUS
ORDINANCE 19-33**

**AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF PARAMAUS CREATING
CHAPTER § 6-25 ENTITLED “ADMINISTRATIVE PROCEDURES AND REQUIREMENTS
OF BOROUGH COMMISSIONS” CREATING AN OMNIBUS AMENDMENT TO ALL CODE
CHAPTERS ESTABLISHING AND GOVERNING THE COMMISSIONS OF THE BOROUGH
OF PARAMUS AND SETTING FORTH UNIFORM PROCEDURES FOR COMMISSION
TRANSPARENCY**

WHEREAS, various Commissions are created and governed by the Borough’s Code, including, but not limited to, the Environmental Commission (Chapter 33), the Historic Preservation Commission (Chapter 59), the Board of Municipal Swimming Pool Commissioners (Chapter 91), the Board of Recreation Commissioners (Chapter 113), the Board of Shade Tree and Parks Commissioners (Chapter 129) and the Golf Course Commission (Chapter 259) and these Commissions are delegated important functions which benefit the Borough and the public; and

WHEREAS, the Borough of Paramus (the “Borough”) recognizes that its various Commissions are required to create and implement various policies impacting the Borough and the public; and

WHEREAS, the Borough desires to establish uniform and comprehensive policies and procedures to be followed by all the Borough’s Commissions, currently existing and that will exist in the future, to ensure transparency to the public of the Commissions’ activities and decisions, and to provide due process to the public consistent with applicable law.

NOW THEREFORE, BE IT ORDAINED BY THE BOROUGH, that the implementation of the following changes and additions will assist the Borough in promoting public transparency of the activities and decisions of the Borough’s Commissions;

BE IT FURTHER ORDAINED that pursuant to N.J.S.A. 40:48-1 and N.J.S.A. 40:49, Chapter 6 of the Borough Code is hereby amended as follows:

**§6-25. ADMINISTRATIVE PROCEDURES AND
REQUIREMENTS OF BOROUGH COMMISSIONS**

A. Definitions:

- (1) “Commission” shall be defined as a group of individuals empowered by the Borough’s governing body through enactment and amendment of the Borough’s Code and/or Ordinances to vote and execute official acts on behalf of the Borough, including Commission recommendations to the Governing Body and created by Ordinance. The Commissions existing in the Borough as of the effective date of this Section 6-25 include the Environmental Commission, the Historic Preservation Commission; the Board of Municipal Swimming Pool Commissioners; the Board of Recreation Commissioners; the Board of Shade Tree and Parks Commissioners; and the Golf Course Commission. This Section shall apply to all Commissions created after the Effective Date of this Ordinance.

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- B. **Public Meetings.** All meetings of a Commission shall comply with the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., including providing to the public advance notice and an opportunity to attend meetings.

- C. **Preparation and Maintenance of Minutes.** Minutes of every Commission meeting shall be kept and shall include the names of the persons appearing and addressing the Commission and of the persons appearing by attorney, the action taken by the Commission, the findings, if any, made by it and reasons therefore. The minutes shall be provided to the Mayor and Council before the next regularly scheduled meeting of the governing body following adoption by the Commission, and shall also be made available for public inspection during normal business hours at the office of the Municipal Clerk pursuant to the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

- D. **All Official Acts by Resolution.** All official acts by a Commission shall be adopted by resolution which will be reflected in the minutes and made available to the public pursuant to the Open Public Meetings Act and provided to the Governing Body within 10 days of adoption.

- E. **Rules and Regulations.** Each Commission shall develop and implement rules and regulations. All such rules and regulations shall be adopted by resolution. All such rules and regulations shall be provided to the Governing Body which shall have the right, from time to time in its sole discretion, to modify and amend the rules and regulations.

- F. **By-Laws:** Each Commission may prepare and adopt by resolution by-laws setting forth the policies and procedures for the Commission's meetings and official acts, to the extent they do not conflict with the New Jersey Open Public Meeting Act. In lieu of preparing and adopting by-laws, each Commission shall comply with and be governed by the procedures set forth in Robert's Rules of Order.

- G. **Representation by Legal Counsel:** Each Commission shall be represented by legal counsel, who shall be a member of the Borough's Law Department and shall be designated by the Borough Attorney with authorization by the Governing Body as qualified by the Governing Body pursuant to the Borough's Request for Qualifications process. The Borough Attorney shall be precluded from acting as legal counsel for any Commission.

- H. **Appeals.** All appeals by an affected party of any Commission's official act shall be made to the Superior Court of New Jersey.

Section 2. Repealer. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

Section 3. Savings and Construction. This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This

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ordinance repeals provisions of the Paramus Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Paramus Code.

Section 4. Codification. This ordinance shall be codified as amendments to the chapters set forth herein.

Section 5. Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

Attest:

Approved:



ANNEMARIE KRUSZNIS, RMC
Borough Clerk



RICHARD A. LABARBIERA
Mayor

Introduced: December 3, 2019
Final: December 17, 2019