

1st RAG 1/6
2nd RAG 2/6
Adopted
2-6-12

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2012-01

AN ORDINANCE AMENDING CHAPTER 3, ADMINISTRATION OF GOVERNMENT, OF THE CODE OF THE TOWNSHIP OF LOWER

WHEREAS, the Council has determined it would be appropriate and in the best interest of good government to formally establish policies for the governing body which may be amended from time to time as necessary.

NOW, THEREFORE, BE IT ORDAINED as follows:

SECTION 1. Section 3-8, Powers and duties of Township Council, B (4) Policy is hereby amended with the following addition.

(d) Attendance Policy

- a. The Mayor & Councilmembers are expected to attend regular and special meetings at the time and place where said meetings are held and for the entirety of each meeting. If attendance is not possible, notification is to be made to the Township Manager and the Township Clerk prior to the scheduled meeting.
- b. Attendance shall be taken at all meetings and reflected in the minutes of all meetings which will subsequently be posted to the Township's website.

(e) Training

- a. Newly elected members of Council are strongly encouraged to complete the Rutgers University Course for Newly Elected Officials during the first year of their term and all members of Council are encouraged to continue their municipal government education by completing the courses necessary to complete the Municipal elected Officials Certificate Program offered by the Edward J. Bloustein School of Planning & Public Policy at The Rutgers Center for Government Service or any comparable program offered through the New Jersey League of Municipalities.
- b. Records of all courses taken shall be furnished to the Municipal Clerk and shall be available for public inspection. The Township shall pay for all tuition costs and travel expense incurred by the member of Council in completing these courses upon providing adequate documentation to substantiate the expenses.

(f) Email Communications

- a. In keeping with the Open Public Meetings Act (OPMA), email communications should, as far as practicable, not include an effective majority of the governing body and should never include an effective majority of the governing body where "discussion" of information related to the business of the Township is involved. "Discussion" should be distinguished from a single email that simply provides information.
- b. Where email communications do include an effective majority of the governing body, such communications should almost universally not include any request for information in response. The provision of information to the entire governing body (e.g. copies of agendas, etc.) should specifically indicate that there should be no email reply or other communication contrary to the OPMA.

- c. In the rare instance where a response is requested, such request must not involve any decision making or deliberative function of the governing body or otherwise address Township business that is subject to the OPMA and shall not be made to the entire list of email addressees, so that even the appearance of impropriety may be avoided. Instances such as this should be extremely rare and should only be informational. (E.g. "I am attending the seminar on the 21st, if anyone else is going or wants information, please let me know.") Substantive matters of public business must never be the subjects of an email discussion between or among an effective majority of the governing body. Utilizing a third party, such as the Clerk, does not change the requirements of the OPMA.
- d. "Rolling" email conversations must also be avoided. One member of the governing body or a third party may not contact other members via email individually to successively discuss or gain opinions on an item of Township business. This applies to other forms of electronic communications as well.
- e. Members of the governing body or other Township officials providing information to the governing body are encouraged to use the "bcc" function or other similar function in order to eliminate or minimize the prospects of a bulk reply that might increase the potential for communications that might implicate the requirements of the OPMA.

SECTION 2. All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

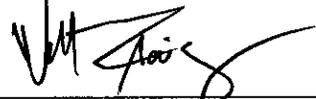
SECTION 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 4. Upon final passage and publication according to law, a copy of this Ordinance shall forthwith be certified by an appropriate officer of the Township of Lower.

SECTION 5. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law provided.



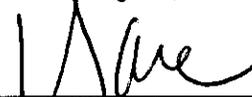
 Thomas Conrad, Councilmember



 , Councilmember



 Glenn Douglass, Councilmember



 Kevin Lare, Deputy Mayor

Adopted: Feb. 6, 2012

Attest: 

 Claudia R. Kammer, Clerk



 Michael E. Beck, Mayor