

**BYLAWS OF
SUNSET LAKE COMMISSION
CITY OF ASBURY PARK
ASBURY PARK, NJ 07712**

ARTICLE I

CREATION

SECTION 1.1 Creation.

The Sunset Lake Commission was created by The City Council of Asbury Park pursuant to Asbury Park City Ord. No. 2624.

SECTION 1.2 Existence.

The Commission shall have perpetual existence until such time as it is dissolved by vote of the Asbury Park Mayor and City Council.

ARTICLE II

PURPOSES

SECTION 2.1 Purposes.

a. The Commission shall have full authority over the maintenance, control, and improvement of Sunset Lake (“the Lake”) to the extent that said authority is not inconsistent with the statutes, laws and ordinances of the State of New Jersey, County of Monmouth or the City Council of Asbury Park (“the Governing Body”).

b. The Commission shall have the authority to direct, contract for services, and undertake the following activities with the consent and approval of the Governing Body and after certification of available funds as approved by the Governing Body:

1. To regulate the flow of the Lake including the flow of said waters into Deal Lake. This authority will be subject to the approval of the Governing Body based on the judgement of professional personnel stating that the flow should be adjusted for the betterment of the Lake.

2. To provide and regulate electricity, flood gates, silt traps, chemical testing, and other lake management techniques and devices.

3. To provide and regulate chemical treatment to the Lake for the control of biological growth and the corrections of any and all biologically harmful conditions.

4. To provide and regulate the dredging of the Lake and to enter into any and all agreements to carry out the dredging of the Lake.

5. To improve the Lake to a state of balanced ecological stability to the greatest extent possible to promote both passive and active recreational activities.

6. To contract for any and all other services deemed necessary by the Commission in order to carry out the purposes of this charter subject to necessary funding being available.

7. To recommend to the Governing Body the adoption of ordinances and rules for the improvement of the Lake.

8. To seek and apply for any and all grants available from County, State, Federal, and private sources to achieve the goals and objectives of this Commission.

ARTICLE III

JURISDICTION

SECTION 3.1

a. The Commission shall have jurisdiction over the Lake, which is hereby defined as that area to include the lake and grounds between Sunset Avenue and Fifth Avenue and between Bond Street and Webb Street.

b. The jurisdiction of the Commission shall be designated on a map which may be found on file in the office of the City Clerk and is made a part hereof, and to the extent any portion of this section is inconsistent with said map, said map delineation shall control.

c. Nothing herein shall be deemed to modify or supersede any rule of law governing municipal ownership, control and/or rights over flowing waters.

ARTICLE IV

MEMBERSHIP

SECTION 4.1 Constituency.

- a. The Sunset Lake Commission shall be comprised of residents and employees of the City of Asbury Park in accordance with the terms herein set forth.
- b. The Mayor and Council shall make all appointments to the Sunset Lake Commission.

SECTION 4.2 Representation.

The Commission shall be comprised of seven (7) members and two (2) alternates (See Section 6-1) as follow:

- a. The City Manager or his/her designated representative as a member.
- b. The Director of Public Works or his/her designated representative as a member.
- c. Five (5) residents of the City of Asbury Park as members; and
- d. Two (2) residents of the City of Asbury Park as alternates.

SECTION 4.3 Term of Service.

- a. All persons appointed to the Commission shall serve for a two (2) year term.
- b. The term of office for all Commissioners shall commence from January 1 of the year of appointment to the following December 31.
- c. Initially, the Governing Body shall appoint four (4) of the seven (7) members for a term of one (1) year and all subsequent appointments shall be for a two (2) year term.
- d. The remaining three (3) members shall be appointed by the Governing Body for a term of two (2) years and all subsequent appointments shall be for a two (2) year term.
- e. If a vacancy occurs for whatever reason, the Chairperson shall notify the Governing Body, which shall appoint a Commissioner to fill the vacancy for the unexpired term.

ARTICLE V

OFFICERS

SECTION 5.1 Officers.

a. The Commission shall elect from its members a Chairperson, Vice-Chairperson, Treasurer, and Secretary. Each shall serve for a term of one (1) year commencing on January 1 of each year and until their successors have been elected. The duties of each officer shall be as follows:

1. Chairperson: The Chairperson shall be responsible for the management and conduct of the commissions business. Additionally, he or she shall conduct all meetings and shall call meetings to order and close all meetings. The Chairperson shall be responsible for setting the agenda and providing each meeting agenda to the Secretary for dissemination in a timely manner. The Chairperson shall provide a written annual report of activities of the Commission to the Governing Body. The Chairperson shall have full voting power.

2. Vice-Chairperson: The Vice-Chairperson shall act in the absence of the Chairperson. When so acting, the Vice-Chairperson shall have all the powers of and be subject to the same restrictions as the Chairperson.

3. Treasurer. The Treasurer shall be responsible for the keeping of all accounts, payment of all bills, verification of debts, and to provide a depository within the City of Asbury Park for the safekeeping of funds, and will also be responsible for the signing of all checks.

4. Secretary. The Secretary shall be responsible for the keeping minutes and attendance records for all meetings, as well as official records of the Commission. The Secretary will provide notice of pending meetings with appropriate agendas, as provided by the Chairperson, in a timely manner. The Secretary shall see that all notices are given in accordance with the provisions of these bylaws and consistent with the Ordinance 2624 creating the Commission.

b. The officers may have such other duties as may be assigned to them from time.

ARTICLE VI

MEETINGS

SECTION 6.1 Quorum.

Four (4) of the seven (7) members of the Commission present at a meeting constitute a quorum. For purposes of the Quorum alternates may act as a proxy for an absent member and cast the designated proxy vote of the absent member.

SECTION 6.2 Public Meetings.

a. All meetings shall be open to the public, except such executive sessions as authorized by N.J.S.A. 10:4-6 et seq. The public shall have the right to address and present questions to the Commission. The Commission shall have the right to hold executive sessions pursuant to N.J.S.A. 10:4-6 et seq.

b. The Commission shall have one (1) regular scheduled meeting each month. The meeting shall be on a date adopted by the Commission by resolution. The Commission may suspend such monthly meetings at its sole discretion.

c. The Chairperson may call special meetings of the Commission provided that at least forty-eight (48) hours' notice is given. The Chairperson shall be required to call a special meeting upon a receipt of a request by at least four (4) members of the Commission.

d. All official action of the Commission shall be carried out only after a duly adopted resolution is prepared.

SECTION 6.3 Attendance.

a. Each member is expected to attend each meeting except for good cause and with prior notice to the Chairperson. If a member of the Commission should without excuse absent himself/herself for three (3) consecutive meetings within a calendar year, the Commission shall by resolution notify the Governing Body in order to have the individual removed from the Commission and a suitable replacement made to serve the remaining term of such member.

b. The Secretary shall keep an accurate record of attendance and the reasons for nonattendance.

(Ord. No. 2624)

ARTICLE VII

FINANCE

SECTION 7.1 Budgets.

On January 1 of each year, the Commission shall present a budget request to the Governing Body, which shall have first been adopted by a majority vote of the members of the Commission. The Governing Body shall not be obligated to contribute any funds to the Commission until such time as the budget is approved.

SECTION 7.2 Emergency Appropriations.

The Commission shall have the right to adopt emergency resolutions for appropriations to the Governing Body for maintaining or remediating Sunset Lake and the surrounding grounds.

SECTION 7.3 Public Bidding.

All contracts, agreements, etc. shall be subject to the Statutes of the State of New Jersey pertaining to public bidding.

ARTICLE VIII

ADMENDMENTS

SECTION 8.1 Force of Bylaws

These bylaws are operating guidelines which must be consistent with existing or future laws of the State of New Jersey, County of Monmouth or the City Council of Asbury Park (the Governing Body). If at any time any provision in these bylaws should be inconsistent with any law of the State of New Jersey, County of Monmouth or the City Council of Asbury Park (the Governing Body) said law shall govern to the extent of the inconsistency.

SECTION 8.1 Power to Amend

Subject to the laws of the State of New Jersey, County of Monmouth or the City Council of Asbury Park (the Governing Body) the bylaws of The Commission may be amended, repealed, or added to, or new bylaws may be adopted, by a resolution approved by a majority of The Commission.