LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY

RESOLUTION 20-46

A RESOLUTION ESTABLISHING PROTOCOLS FOR REMOTE PUBLIC MEETINGS HELD BY A LOCAL PUBLIC BODY DURING A GOVERNOR-DECLARED EMERGENCY

WHEREAS, due to the COVID-19 pandemic, local government entities were forced to hold public meetings remotely; and

WHEREAS, new enacted P.L. 2020, c.34 authorizes the Director of the DCA to issue regulations establishing standard protocols for remote public meetings held by a local public body during a Governor-declared emergency; and

WHEREAS, N.J.A.C. 5:39-1.1, et. seq. have been adopted as emergency regulations and are proposed for permanent adoption in the October 19, 2020 New Jersey Register; and

WHEREAS, these protocols aim to ensure continuity of government operations and transparency in conducting public business when an emergency requires a governing body meeting to be held remotely, including standard procedures and requirements for public comments and notice.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lafayette, Sussex County, New Jersey that the Township Committee hereby adopts the Remote Public Meeting Protocol attached hereto, to be followed by the Township of Lafayette.

This Resolution shall take effect immediately.

A copy of this Resolution shall be placed on file with the Township Clerk.

If any section, subsection, sentence, clause or phrase in this Resolution is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Resolution.

CERTIFICATION

Certified as a true copy of a Resolution adopted by the Lafayette Township Committee, Sussex County, New Jersey at a meeting held on December 1, 2020.

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Anna Rose Fedish, RMC
Municipal Clerk

LAFAYETTE TOWNSHIP
SUSSEX COUNTY, NEW JERSEY

REMOTE PUBLIC MEETING PROTOCOL

In accordance with N.J.A.C. 5:39-1.1., et seq., the Township Committee hereby adopts the following meeting protocols whenever a declared emergency requires the municipal governing body to conduct a public meeting with limited, or without physical attendance by members of the public. This protocol has been adopted by resolution of the Township of Stillwater.

1. The Mayor shall make the determination as to whether a remote public meeting should be held due to a declared emergency that reasonably prevents a public body from safely conducting public business at a physical location with members of the public present.

2. If the Township Committee does not meet in person, all other municipal boards shall not meet physically, unless otherwise directed by the Mayor or Township Committee.

3. If in-person meeting attendance is restricted due to capacity restrictions, the local public body must hold the public meeting in a location with adequate capacity or hold both an in-person and remote public meeting. No in person meeting may proceed if room capacity does not permit any member of the public to attend.

4. Remote meetings shall be conducted with adequate electronic communications technology, at no cost to the public, for attendance of at least 50 public participants.

5. A telephonic conference line shall be provided for the public to dial in to and listen to and provide public comment during meetings. Additional technology is permissible, including video and Internet-accessible technology, but a telephonic conference line must be provided.

6. All members of the public that provide public comment shall first identify themselves.

7. The public shall be provided with similar access to a remote meeting as members of the local public body, staff, and individuals seeking approvals.

8. A public meeting must be broadcast by video as well as audio if sworn testimony is being taken at the remote public meeting.

9. If documents would be made available at a local public body meeting, such documents shall be made visible on a video broadcast or available on the municipal website. If hard copies of a document would be made available to members while physically attending a meeting, the document shall be made available on the municipal webpage near the meeting notice and at the municipal building.

10. Members of the public may make public comments through audio and video (if the meeting is held via video), during the meeting. Public comments may be submitted to the Clerk or municipal board secretaries via email or written letter if received at least eight (8) hours prior to the meeting. Such public comments shall be read at the remote meeting with the same time restrictions of all public comments at the meeting. Duplicative comments may be summarized at the discretion of the Mayor or board chairperson.

11. The remote meeting must allow for members of the public to be muted and the public to mute themselves.

12. The public comment protocol and muting function shall be announced at the beginning of the remote meeting.

13. The Mayor or board chairperson may direct that a member of the public that becomes disruptive may be muted and warned that continued disruption may result in their being prevented from speaking or removal from the remote public meeting.

14. Remote public meetings shall be hosted on FedRAMP Moderate Impact Level Authorized dedicated services or Cloud, or evidence of satisfactory cybersecurity internal controls through an annual SOC2 audit report.

15. Notice shall comply with N.J.S.A. 10:4-8 and shall provide clear and concise instructions for accessing the remote public meetings, means for making public comments, and where relevant documents, if any, are available.

16. Electronic notice of a remote public meeting shall be posted on the municipal website and at the main access door of the municipal building, where viewable from outside.

17. If a series of remote public meetings are expected, the annual notice shall be revised at least seven (7) days prior to the next regularly scheduled meeting, indicating which meetings will be remote, and with clear and concise instructions for accessing the remote public meetings, means for making public comments, and where relevant documents, if any, are available. The revised annual notice shall be posted on the municipal website and at the main access door of the municipal building, where viewable from outside.

18. At the commencement of every remote public meeting, the Mayor or board chairperson shall announce publicly, and shall cause to be entered in the minutes, an accurate statement to the effect that:

    a. both adequate and electronic notice of the meeting has been provided, specifying the time, place, and manner in which such notice was provided; or

    b. only electronic notice of the meeting has been provided, specifying the time, place, and manner in which such notice was provided, and that discussion and effectuation of public business shall be limited to only those matters:

        1. necessary for the continuing operation of government and which relate to the applicable emergency declaration; or
        2. requiring decision during the remote public meeting due to imminent time constraints.

    c. that adequate notice and electronic notice was not provided, in which case such announcement shall state:

        1. the reason or reasons why the matter or matters discussed are of such urgency and importance as contemplated under N.J.S.A. 10:4-9(b)(1), and the nature of the substantial harm to the public interest likely to result from a delay in the holding of the meeting;
        2. that the remote public meeting will be limited to discussion of and acting with respect to such matters of urgency and importance;
        3. the time, place, and manner in which notice of the meeting was provided; and
        4. either that the need for such meeting could not reasonably have been foreseen at a time when adequate notice and/or electronic notice could have been provided, in which event, such announcement shall specify the reason why such need could not reasonably have been foreseen; or that such need could reasonably have been foreseen at a time when adequate notice and/or electronic notice could have been provided, but such notice was not provided, in which event the announcement shall specify the reason why adequate notice and/or electronic notice was not provided.

19. Prior to the commencement of a remote public meeting, a copy of the agenda shall be made available to the public for download through an internet link appearing either on the meeting notice, or near the posting of the meeting notice on the website. The notice shall

also be posted at the municipal building prior to the commencement of the remote public meeting

20. Executive session shall be accessed only by these individuals participating in the session. A separate non-public conference line or e-platform session may be employed for this purpose.