

**RESOLUTION NO. R-20-10-5**

**RESOLUTION ESTABLISHING STANDARD PROCEDURES AND REQUIREMENTS FOR PUBLIC COMMENT MADE DURING A REMOTE PUBLIC MEETING AS WELL AS FOR PUBLIC COMMENTS SUBMITTED IN WRITING AHEAD OF THE REMOTE PUBLIC MEETING IN ACCORDANCE WITH N.J.A.C. 5:39-1 et seq.**

**WHEREAS**, Section 8 of P.L. 2020 c. 34 approved May 15, 2020 confirms that a local public body is permitted to conduct a public meeting by electronic means under certain emergency conditions as therein defined, provided that reasonable public notice and provision for public input is made under the circumstances; and

**WHEREAS**, said statute authorizes the Director of the Division of Local Government Services (“DLGS”) in the Department of Community Affairs (“DCA”) to adopt emergency regulations pursuant to N.J.S.A. 52:14B-4; and

**WHEREAS**, the Director has adopted such emergency regulations as N.J.A.C. 5:39-1 et seq.;

and

**WHEREAS**, N.J.A.C. 5:39-1.4(h) directs the adoption of a resolution establishing standard procedures and requirements: (i) for the making of public comments during a remote public meeting; (ii) for the making of public comments submitted in writing ahead of a remote meeting; and (iii) for establishing standards of conduct to be followed by members of the public when making comments; and

**WHEREAS**, the Authority desires to adopt such a resolution in compliance with the emergency regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the Pequannock River Basin Regional Sewerage Authority in the Counties of Morris and Passaic in the State of New Jersey on this 21<sup>th</sup> day of October, 2020 as follows:

1. In conducting a remote public meeting as permitted under Section 8 of P.L. 2020 c. 34, the following standard procedures and requirements shall be applicable:
  - a. The Authority shall allow members of the public to make public comment by audio or by audio and video, depending upon the manner in which the member of the public has accessed the remote meeting. Prior to providing public comment, the individuals shall be required to identify themselves by name and address. The procedure that will be followed to make public comment will be provided in the meeting notice and announced at the beginning of the meeting and repeated immediately prior to the public comment portion of the meeting. With the exception of the public comment portion of the remote public meeting, members of the public attending the public meeting remotely will be muted. While muted, members of the public will still be able to hear the discussion and actions of the Authority at the remote public meeting.
  - b. In advance of the remote public meeting, the Authority will accept comments by electronic mail or in written letter form on matters on which the Authority is required to otherwise accept audio and/or audio and video comment, **PROVIDED, HOWEVER**, that comment by electronic mail or in written letter form is received by the Authority Administrator by 10:00 p.m. the night before the meeting.

- c. To the extent that public comment is permitted to be submitted before the remote public meeting through electronic mail or by written letter, it shall be read aloud and addressed during the remote public meeting in a manner audible to all meeting participants and the public. To the extent the Authority imposes a reasonable time limit on public comment in a particular matter, the same time limit shall apply in the reading of a written public comment received in advance of the meeting. The Authority may pass over duplicate written comments, provided that each duplicate comment shall be noted for the record, with its content summarized. No duplicative comments summarized by the Authority shall otherwise be read individually.
- d. The public attending the remote meeting and/or offering comment shall conduct themselves in a courteous manner and shall follow the decorum in the same fashion as if the meeting were being conducted in-person. **IF A MEMBER OF THE PUBLIC DISRUPTS A VIRTUAL MEETING**, the following procedures shall be followed:
  - i. The Authority shall facilitate a dialogue with the commenter to the extent permitted by the electronic platform being utilized;
  - ii. If a member of the public becomes disruptive during the remote public meeting, including, but not limited to, any period for public comment, the disruptive member of the public shall be muted and shall continue to be muted and shall be warned that continued disruption may result in their being prevented from speaking during the remote public meeting, or removed from the remote public meeting. Disruptive conduct includes sustained inappropriate behaviors such as, but not necessarily limited to, shouting, interruption of the meeting, and use of profanity.
  - iii. A member of the public who continues to act in a disruptive manner after receiving an initial warning may be muted while other members of the public are allowed to proceed with their questions and/or comments. If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to make comment. Should the individual remain disruptive, the individual may be muted or kept on mute for the remainder of the remote public meeting, or removed from the remote public meeting.

2. This Resolution shall take effect immediately.

#### CERTIFICATION

Certified to be a true copy of a Resolution duly adopted by the Pequannock River Basin Regional Sewerage Authority at a duly convened meeting of the Authority held on October 21, 2020.

  
James P. Lampmann, Asst. Secretary