

South Brunswick Township ORD-2021-32

540 Ridge Road

Monmouth Junction, NJ 08852

ORDINANCE 2021-32

AMENDING CHAPTER 2, ADMINISTRATION, ARTICLE III, TOWNSHIP COUNCIL, OF THE TOWNSHIP CODE ESTABLISHING STANDARDS FOR ELECTRONIC MEETINGS

WHEREAS, the intent of New Jersey's Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. (OPMA), is to ensure that governmental meetings are conducted in the open; and

WHEREAS, the OPMA permits a public body to (1) conduct a meeting and any public business, (2) cause a meeting to be open to the public, (3) vote, and (4) receive public comment by use of teleconferencing or other electronic means, such as internet-streaming sites like Zoom, Teams, Go-To-Meeting, etc.; and

WHEREAS, all municipalities must comply with the 48-hour advance notice requirements of the OPMA for all meetings, and must ensure that the public retains the ability to attend and provide comment at meetings conducted by electronic means; and

WHEREAS, it is the desire of the Township of South Brunswick to ensure that members of the Governing Body, municipal officials, and members of the public are guaranteed the opportunity to fully participate in meetings conducted by electronic means;

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of South Brunswick, County of Middlesex, State of New Jersey, that:

I. The Township Code of the Township of South Brunswick shall be and is hereby amended and supplemented with the addition of the following:

Sec. 2-73. Standards for Electronic Meetings.

The Governing Body is hereby authorized to conduct public meetings exclusively in electronic form in compliance with the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., provided the medium for such meeting, whether telephonic, broadcast video, computer-based, or other electronic media, or any combination of these, and the conduct of the electronic meeting, allows for the following standards and practices to be met:

() At the beginning of any electronic meeting, the Township Clerk, or in the absence of the Township Clerk the presiding officer, shall poll the members of the Governing Body to confirm attendance, and any member of the Governing Body attending by way of electronic media shall be considered present for the purposes of constituting a quorum.

() Whenever a meeting shall be noticed by the Township Clerk to be conducted by electronic media, each member of the Governing Body who intends to participate in such meeting shall provide to the Township Clerk a telephone number or other means of alternative contact by which the Clerk can contact that individual in the event that they do not answer the roll call at the beginning of the meeting to confirm whether or not that individual intends to participate in the meeting.

() If any member of the Governing Body has expressed to the Clerk an intention to attend the electronic meeting but does not answer the roll call, then the proceedings shall be paused by the presiding officer for a period not to exceed ten (10) minutes to allow the Clerk sufficient time to contact that individual using the telephone number or other means provided or, if no such number has been provided for the specific meeting, then the telephone number on file for that person with the Township Clerk's Office.

() If any Governing Body member has not notified the Clerk of an intention to attend the meeting to be conducted in full or in part by electronic media, then no such contact as set forth in paragraph (c) shall be required.

() Following the taking of the roll call, and before the transaction of any business, the Clerk shall affirm that she or her designee has confirmed that the information provided on the public notice of hearing is correct and that the designated electronic system is in proper working order so that members of the public can participate in the meeting.

() Any member of the Governing Body that is unable to participate via computer, smartphone or other electronic device shall be afforded the opportunity to participate by telephone.

() Any vote of the Governing Body during a meeting conducted fully or partially by electronic means shall be conducted by voice vote of the members of the Governing Body, who shall verbally indicate their vote on any matter. All individual votes shall be recorded by the Clerk.

() Meetings shall be recorded or minutes kept in the same manner as an in-person meeting.

() Under circumstances where the speaker at a meeting is not readily identifiable, the speaker shall identify themselves by name and be recognized prior to speaking. Members of the Governing Body shall strictly comply with the rules of the Governing Body as they relate to procedural matters to preserve order and allow for the effectiveness of electronic meetings.

() Electronic executive sessions shall be permitted in accordance with the provisions of the Open Public Meetings Act and the Governing Body shall properly announce by resolution its reason for going into any executive session in conformance with the Act. The electronic meeting utilized for such executive session may be held by (i) a separate telephonic, broadcast video, computer-based, or other electronic media, or any combination of these wherein the public shall not be permitted to participate, or (ii) on the initial telephonic, broadcast video, computer-based, or other electronic media, or any combination of these, with the implementation of necessary participation or listening restrictions, provided that in either instance all members of the Governing Body must have the capability to be heard at all times.

() Public comment periods, and the opportunity for the public to be heard during any public meeting conducted fully or partially by electronic media, shall be the same as if the meeting were conducted fully in-person, and shall comply with the Open Public Meetings Act and this Chapter. Additionally, in lieu of appearing during a public comment period, members of the public may submit written public comments not to exceed 250 words to the Clerk not later than twenty-four (24) hours prior to the noticed start of the meeting, and such comments shall be read into the record immediately following closure of the public comment portion of the meeting.

Secs. 2-73 74-2-105. - Reserved

III. If any clause, sentence, paragraph, section or part of this ordinance or any other codes or ordinances incorporated herein shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which said judgment shall have been rendered.

IV. This ordinance shall become effective twenty (20) days after its final passage.

The above ordinance was introduced and passed on first reading at a meeting of the Township Council of the Township of South Brunswick held on August 24, 2021. It will be considered on second reading and final passage at a meeting of the Township Council of the Township of South Brunswick to be held either: (1) at the Municipal Building, Monmouth Junction, New Jersey; or, if that is not possible, (2) via video conference, at 6:00 p.m. on September 28, 2021. If the meeting is held via video conference, an electronic link to the meeting will be made available to the public at www.sbtnj.net no later than noon on the day of the meeting. In either case, at the time of second reading and final passage any person having an interest therein will be given an opportunity to be heard.

RESULT: ADOPTED [UNANIMOUS]

MOVER: Joseph Camarota, Deputy Mayor

SECONDER: Josephine "Jo" Hochman, Councilwoman

AYES: Joseph Camarota, Archana "Ann" Grover, Josephine "Jo" Hochman, Charlie Carley

ABSENT: Ken Bierman

This is to certify that the foregoing is a true copy of a Ordinance Adopted at the South Brunswick Township Council meeting held on September 28, 2021.