

RESOLUTION OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY

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**TITLE:**

**RESOLUTION OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY ADOPTING STANDARDS AND PROTOCOLS FOR THE CONDUCT OF PUBLIC MEETINGS DURING DECLARED PUBLIC HEALTH OR SIMILAR EMERGENCIES, AND PUBLIC PARTICIPATION THEREIN**

**WHEREAS**, the Morris County Improvement Authority, County of Morris, New Jersey (the “Authority”), a county improvement authority organized and existing under the laws of the State of New Jersey, among other things conducts public meetings in furtherance of its statutory authority; and

**WHEREAS**, pursuant to both Local Finance Notice 2020-21 promulgated and issued by the Division of Local Government Services within the New Jersey Department of Community Affairs (hereafter “LFN 2020-21”), and pursuant to regulations promulgated and amended from time to time at *N.J.A.C. 5:39-1 et seq.* pertaining to Emergency Remote Meeting Protocol for Local Public Bodies (collectively the “Regulations”), the Division of Local Government Services has provided direction to local public bodies, such as the Authority, respecting the conduct of public meetings during periods of declared public health or similar emergencies, such as those surrounding the COVID-19 pandemic, including the participation of the public therein; and

**WHEREAS**, during the declared COVID-19 public health emergency, the Authority has been conducting telephonic meetings, with the public and Authority Commissioners calling into each meeting remotely, and as of the date hereof, video meetings with the public and Authority Commissioners having the option of participating by video or by telephone. As a result, portions of public meetings of the Commissioners do involve the remote participation and communication from the Authority Commissioners, as well as members of the general public; and

**WHEREAS**, consistent with LFN 2020-21 and the Regulations, including without limit *N.J.A.C. 5:39-1.4*, the Authority Commissioners are desirous of adopting this resolution establishing standards and protocols pertaining to the conduct of remote public meetings, including public participation in remote public meetings, of the Commissioners during times of public health or similar emergencies, all as set forth within this resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE MORRIS COUNTY IMPROVEMENT AUTHORITY**, that the following standards and protocols be and hereby are implemented with respect to the remote conduct of public meetings, including remote participation in public meetings of the Commissioners, during any public health or similar declared emergency:

1. To the degree applicable, the provisions of LFN 2020-21 and the Regulations are hereby adopted as applicable to the conduct of remote meetings of the Authority Commissioners,

including remote participation therein. Same are incorporated hereby by reference as if set forth at length.

2. When holding a remote public meeting, the Commissioners shall allow members of the general public to make public comment by audio, or by audio and video if the remote public meeting is held over both audio and video, during the public meeting. In advance of the remote public meeting, the Commissioners shall allow public comments to be submitted to the Authority official responsible for creating the meeting agenda by electronic mail and in written letter form, by a reasonable deadline. The Commissioners shall have the discretion to accept text-based public comment received during a remote public meeting held through an electronic communications platform or Internet-accessible technology.

3. Public comments submitted before the remote public meeting through electronic mail or by written letter shall be read aloud, and addressed during the remote public meeting in a manner audible to all meeting participants, and the public. Insofar as the Authority Commissioners impose a reasonable time limit on public comments where permitted by applicable law, the same limits can be placed upon the reading of written comments. Each comment shall be read from the beginning, until the time limit is reached. The Commissioners may pass over duplicate written comments; however, each duplicate comment shall be noted for the record, with the content summarized. If the Commissioners elect to summarize duplicative comments, the Commissioners must not summarize certain duplicative comments while reading other duplicative comments individually.

4. Any presentations or documents that would otherwise be viewed or made available to members of the public physically attending an Authority Commissioners meeting, shall be made visible on a video broadcast of the remote public meeting, or, otherwise made available on the Internet website of the Authority, or that of the County of Morris, as applicable. If a document would be made available to individual members of the public in hard copy while physically attending the meeting, the document shall be made available in advance of the meeting for download through an internet link appearing either on the meeting notice, or, near the posting of the meeting notice, both on the website, and at the building where the Commissioners' meeting would otherwise be held, respectively.

5. The procedures and requirements for making public comment, along with an explanation of the audio muting function of the electronic communications platform being used by the Authority, shall be announced at the beginning of the remote public meeting. Regulation of conduct by members of the public on a remote public meeting shall be consistent with law and practices followed if a member of the public disrupts an in-person meeting.

6. The Commissioners shall facilitate a dialogue with the commenter to the extent permitted by the electronic communications technology.

7. If a member of the public becomes disruptive during a remote public meeting, including during any period for public comment, the member of the Board of Commissioners charged with running the remote public meeting shall mute or continue muting, or direct appropriate staff to mute or continue muting, the disruptive member of the public and warn 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, and use of profanity.

8. 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 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 person 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.

**BE IT FURTHER RESOLVED**, that all of the foregoing Recitals to this Resolution are hereby incorporated herein by reference as if set forth at length herein. A copy of this Resolution shall be available for distribution to the public and for public inspection at the Authority offices.

**BE IT FURTHER RESOLVED**, that all Authority personnel, including without limit the Chairman of the Authority Board of Commissioners and the Board Secretary, be and are hereby authorized and directed to implement the standards and protocols set forth herein with respect to any remote public meeting held during a declared public health or similar emergency.

**BE IT FURTHER RESOLVED**, that the foregoing be implemented as soon as practicable in accordance herewith.

Subject to the following requirements, this Resolution shall take effect immediately. In accordance with *N.J.S.A. 40:37A-50*, the Secretary of the Authority is hereby authorized and directed to submit to each member of the Board of Chosen Freeholders of the County of Morris, by the end of the fifth business day following this meeting, a copy of the minutes of this meeting. The Secretary is hereby further authorized and directed to obtain from the Clerk of the Board of Chosen Freeholders of the County of Morris a certification from the Clerk of the Board of Chosen Freeholders of the County of Morris, stating that the minutes of this meeting have not been vetoed by the Director of the Board of Chosen Freeholders of the County of Morris.

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**MOVED/SECONDED:**

Resolution moved by Commissioner \_\_\_\_\_.  
Resolution seconded by Commissioner \_\_\_\_\_.

**VOTE:**

<b>Commissioner</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Bonanni				
Ramirez				
Bauer				
Sandman				
Gallopo				

This Resolution was acted upon at the Regular Meeting of the Authority held on Wednesday, October 21, 2020, at the Authority's principal corporate offices in Morristown, New Jersey.

Attested to this 21st day of October, 2020:

By: \_\_\_\_\_  
Secretary of the Authority

**FORM and LEGALITY:**

This Resolution is approved as to form and legality as of October 21, 2020.

By: \_\_\_\_\_  
Matthew D. Jessup, Member, McManimon, Scotland & Baumann, LLC  
Counsel to the Authority  
Resolution No. 20-31