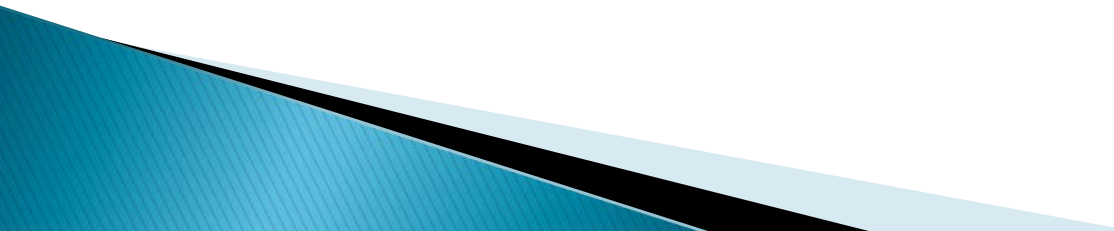


NJ OPEN PUBLIC MEETING ACT

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NJ Conservation Partnership
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The Senator Byron M. Baer Open Public Meetings Act

- ▶ Initially adopted in 1976 (PL 1976 c 231)
 - ▶ Amended in 1981, 2002, 2006
 - ▶ Codified at NJSA 10:4-6 et seq.
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Requirements

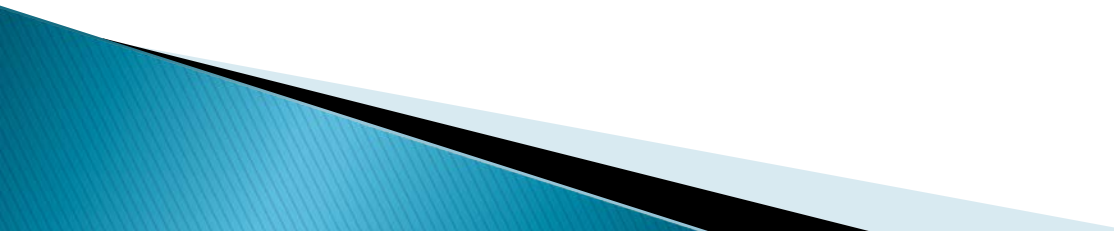
▶ **TRANSPARENCY**

- ▶ Every meeting must be open to the public.
- ▶ Every meeting must be announced to the public.
- ▶ Every meeting must commence with a mandatory statement. (NJSA 10:4-10)
- ▶ Meeting defined as “any gathering whether corporeal or by means of communication equipment, which is attended by, or open to, all of the members of a public body, held with the intent on the part of the members present, to discuss or act as a unit upon the specific public business of that body. Meeting does not mean or include any such gathering (1) Attended by less than an effective majority of the members of the public body, or (2) Attended by or open to all the members of three or more similar public bodies at a convention or similar gathering. “

Procedural requirements

- ▶ District must adopt a Resolution at its Annual Meeting that lists all meetings for the year. (NJSA 10:4-18)
- ▶ Resolution must contain dates, places and times of meeting and agenda to extent known.
- ▶ Resolution must be filed with the County Clerk (NJSA 10:4-8.d)
- ▶ District must provide notice to anyone who requests same. Reasonable costs allowed. (NJSA 10:4-19)
- ▶ District must provide 48 advance notice to media outlets. At least 2. (NJSA 10:4-8.d)
- ▶ Notice of meeting must be posted at District office.
- ▶ Electronic Notice is an acceptable option but does not replace other required notice

Special Meetings

- ▶ 48 Hour advance notice of special meetings
 - ▶ Must be to at least 2 media outlets and to all media outlets that request same.
 - ▶ Also a provision of “Emergency” meetings. Requires a $\frac{3}{4}$ majority vote. A specific resolution is required.
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EXECUTIVE SESSIONS

▶ Procedural Requirements

Must adopt resolution specifying reasons (NJSA 10:4-13.)

Must keep minutes (NJSA 10:4-14)

Minutes must show who was in attendance

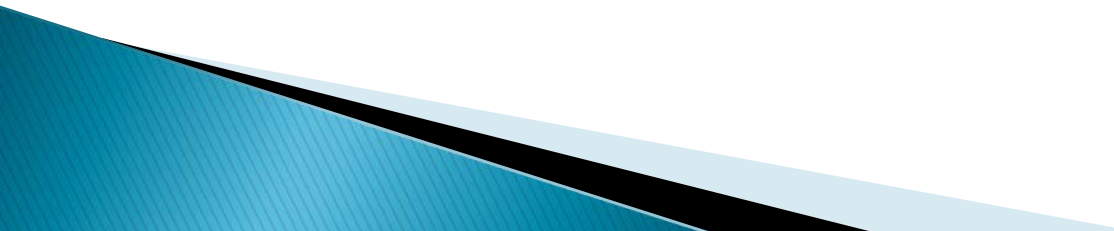
Minutes must be made available at some point in time

Hint: Perform an annual evaluation of Executive Session minutes.

EXECUTIVE SESSSIONS

- ▶ Limited permissible topics:
 - Confidential matters under other laws or court rule;
 - Confidential matters as specified in grant agreements;
 - Protection of privacy;
 - Personnel matters– Special Rice Notice rules apply;
 - Collective bargaining agreements;
 - Litigation;
 - Attorney Client privilege;
 - Contract negotiations;
 - Real Estate contracts /investments;
 - Security tactics;
 - Penalty deliberations.
- ▶ Exceptions are narrowly construed.

Some points

- ▶ OPMA does not require actual public participation (except for Municipal Governing Bodies and School Board.)
 - ▶ Chairman and Board have authority to impose reasonable restrictions on public comments
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HOT TOPICS UNDER OPMA

- ▶ Committee meetings?
- ▶ E-mail- “Reply-all.”
- ▶ Texting each other at meetings?
- ▶ Passing notes at meetings?
- ▶ When to do an executive session in relation to an overall meeting?

TRANSPARENCY IS THE DESIRED OUTCOME.
Don't do anything to embarrass yourself or
your District

