

**RESOLUTION NO. 2020 – 167**

**RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING STANDARD PROCEDURES AND REQUIREMENTS FOR PUBLIC COMMENTS MADE DURING A REMOTE PUBLIC MEETING IN ACCORDANCE WITH N.J.A.C. 5:39-1.4**

**WHEREAS**, pursuant to P.L. 2020, c. 34, the Director of Local Government Services was tasked with establishing standard protocols for remote public meetings held by a local public body during an emergency, including minimum standards for public notice and public comment; and

**WHEREAS**, N.J.A.C. 5:39-1.1 through 1.7 were promulgated by the Director; and

**WHEREAS**, these were promulgated as emergency regulations but are being proposed as final regulations and are available in the New Jersey Register for review and comment; and

**WHEREAS**, under the terms of the N.J.A.C. 5:39-1.4, municipalities conducting remote public meetings must adopt, by Resolution, standard procedures for public comments made during the meeting, and for those submitted in advance; and

**WHEREAS**, it is the desire of the governing body to authorize the mandated standard procedures for public comments made during a remote public meeting, and for those public comments submitted in advance.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

1. That the governing body does hereby authorize the following procedures for public comments and materials submitted in advance for a remote

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public meeting and for public comments during the remote public meeting as required by N.J.A.C. 5:39:1.1 et seq.:

a. If a person does not intend to participate in real time at the advertised remote public meeting, but wishes to submit a written comment prior to the meeting, that comment shall be submitted by 12:00 noon to the Municipal Clerk, with name, address and phone number clearly stated. The written comment will be read aloud, from the beginning, and addressed during the remote public meeting by the Chair, Municipal Clerk or other appropriate Municipal official or professional. Current time limits on public comments will apply to the reading of the comment.

1. Duplicative public comments submitted timely and in writing may be noted and not read aloud, and simply noted for the record as to the duplicative comment.

b. Any person who wishes to submit materials (e.g. documents, pictures) for review by the governing body during a remote public meeting, must submit said materials by electronic mail (email) or by hardcopy to the Municipal Clerk no later than 12:00 noon on the day **prior** to the advertised remote public meeting.

i. The materials **must** be accompanied by the name, address and phone number of the person submitting said materials.

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1. Anonymous materials will not be considered, discussed nor referenced as received, by the governing body at the remote public meeting.
2. Any materials which are determined by the Municipal Attorney to be inappropriate for consideration at the public remote meeting may not be discussed at the remote public meeting by the governing body. Such materials include, but are not limited to, obscene materials and photographs, political materials, and any other materials which may violate applicable law. The governing body may indicate that such materials were received, state the name and person from whom said materials were received and the reason why such materials will not be shared or discussed.

ii. Persons submitting hardcopy of materials for consideration at the remote public meeting shall submit ten (10) copies of the materials to the Municipal Clerk.

iii. Late materials or written comments submitted to the Municipal Clerk after 12:00 noon. on the day prior to the advertised remote public meeting may not be considered by the governing body during the public meeting.

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iv. At no time during the remote public meeting shall any member of the general public be authorized to “screen share” or otherwise have authority to share materials from that individual’s personal access medium utilized to participate in the meeting, except by submitting materials in advance to the Municipal Clerk in the manner described herein.

c. Procedures for public comment during remote public meetings (real time).

i. Only the governing body, Municipal officials and professionals and the remote meeting administrator shall be “unmuted” during the meeting, until such time that the meeting is open for public comment as indicated below in Paragraph 1(c)(ii).

ii. Public comments shall be considered during the advertised remote public meeting during the scheduled portion of the meeting for such comments as required under N.J.S.A 10:4-12(a), second readings of proposed ordinances, and any other time that public comment is required by law.

iii. At the time the meeting is open to the public for comment as indicated in Paragraph 1(c)(ii) above, the person who is



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administering the remote public meeting, or other such person authorized by the Municipality, shall “unmute” all meeting participants.

- iv. The Chair of the meeting, or other person delegated by the Chair, shall recognize the individuals who wish to participate.
- v. Individuals shall seek to be recognized either by raising his or her hand, if on video, or by verbally requesting time to speak.
- vi. The Chair shall have the discretion to allow participation and queue in the order decided by the Chair.
- vii. Any time limitations or other limitations on public comment that are in effect in the Municipality shall apply to public comment during remote public meetings.
- viii. “Chat”, “whiteboard” and other similar functions on remote meeting platforms shall be disabled during the remote public meeting.
- ix. If an individual becomes disruptive during public comment, the Chair or person administering the meeting shall warn the individual speaking that they will be muted. If the disruption continues, they will be muted and may be prevented from

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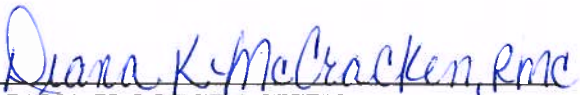
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speaking during the meeting or removed from the remote public meeting. Disruptive conduct includes, but not limited to, shouting, interruption, and use of profanity.

2. This Resolution shall take effect immediately.

**CERTIFICATION**

I, **DIANA K. MCCRACKEN, RMC**, Municipal Clerk of the Township of Little Egg Harbor do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the 12<sup>th</sup> day of November, 2020.

  
**DIANA K. MCCRACKEN, Township Clerk**  
Little Egg Harbor Township

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