

HOUSING AUTHORITY COUNTY OF MORRIS

REMOTE MEETING PROCEDURES

Pursuant to the Emergency Remote Meeting Protocol for Local Public Bodies, N.J.A.C. 5:39-1 et seq. (“Remote Public Meeting Rules”), public entities must establish standard protocols for remote public meetings. Executive Order 127 allows emergency rules that would otherwise expire during the current public health emergency to be extended until ninety (90) days following the end of the public health emergency. As such, the Remote Public Meeting Rules, which would have expired on November 22, 2020, will remain in effect until ninety (90) days following the end of the public health emergency. Therefore, in accordance with the Remote Public Meeting Rules, the Housing Authority County of Morris (the “Authority”) hereby adopts the following remote meeting procedures.

I. MEETINGS OPEN TO THE PUBLIC

The Board of Commissioners for the Authority (the “Board”) shall provide the public with similar access to a remote public meeting as members of the Board, the Authority Staff and any individuals seeking approval of the Board, at no cost. If the remote public meeting is held by audio and video, the public must be permitted to participate via both audio and video.

An in-person meeting of the Board shall not exclude members of the public from attending in person. The Board shall comply with any capacity restrictions that may be in force at the time of the in-person meeting. If the Board determines that the capacity restrictions reduce the number of individuals present in the meeting room to an amount below that reasonably expected for the in-person meeting, the Board will either (1) hold the meeting in a different location with adequate capacity for the reasonably expected attendance by the public; or (2) conduct a hybrid format meeting which is both in-person and a remote public meeting.

II. AGENDA AND DOCUMENTS

At least forty-eight (48) hours prior to any public meeting, the Agenda of the meeting shall be available for download on the Authority’s website through an internet link either on the meeting notice, or near the posting of the meeting notice on the Authority’s website.

In addition, any presentation or documents that would otherwise be viewed or made available to members of the public at an in-person meeting shall be made visible on a video broadcast of the remote public meeting, or made available on the Authority’s website for download in advance of the meeting 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 meeting would otherwise be held.

III. PUBLIC PARTICIPATION

In addition to the foregoing, the notice of the meeting shall also advise members of the public

that they may submit written comments or questions to the Board by email addressed to Kelly A. Stephens at mcha@morriscountyha.org.

In accordance with N.J.A.C. 5:39-1.4(f), all such written comments or questions must be submitted at least forty-eight (48) hours before the meeting, in which event they shall be read aloud and addressed during the meeting in a manner audible to all meeting participants and the public. The reading of all written comments shall be subject to the same time limitations imposed on in-person participation. Each comment shall be read from the beginning until the time limit is reached. The Board may pass over duplicate comments; however, each duplicate comment shall be noted for the record with the content summarized. If the Board elects to summarize certain duplicative comments, it must not summarize certain duplicative comments while reading other duplicative comments individually.

The public shall also be permitted to make public comments during the designated time on the meeting Agenda. Any existing time limitation shall be applicable. The Board shall facilitate a dialogue with the commenter to the extent permitted by the electronic communication technology employed.

Pursuant to N.J.A.C. 5:39-1.4(a), if a public entity is holding a remote public meeting to conduct public business, electronic communications technology that is routinely used in academic, business, and professional settings must be used, and must be accessible to the public at no cost. Participant capacity on the chosen electronic communications technology should be consistent with the reasonable expectation of the public body, and should not be limited to fewer than fifty (50) public participants beyond those individuals required to conduct business at the meeting.

Additionally, in accordance with N.J.A.C. 5:39-1.4(i), the electronic communications technology used must be authorized for the Federal Risk and Authorization Management Program Moderate Impact Level or otherwise provide proof of satisfactory cybersecurity internal controls. The major commercial platforms such as Microsoft Teams, Zoom, Google Meet or Cisco Webex meet or exceed this standard.

IV. STANDARDS OF CONDUCT

Members of the public shall address the Board only when they are recognized by the Chair or his/her designee. They shall not speak out of turn or disrupt the meeting. Disruptive conduct includes sustained inappropriate behaviors such as but not limited to shouting, interruption and use of profanity. They shall abide by the time limitations imposed by the Authority for in-person meetings.

In the event a member of the public becomes disruptive during the meeting, the Chair or his/her designee shall mute or continue muting the disruptive member of the public and warn that continued disruption may result in their being unable to participate in, or attend the meeting.

If the member of the public persists in disturbing the meeting after being given a warning he or

she may be muted while other members of the public continue with public comments or questions. If time permits, the disruptive individual shall be permitted to speak after all other members of the public have finished. Should said person remain disruptive, he/she may be muted for the remainder of the meeting or removed from the public meeting.

V. COMPLIANCE WITH OPEN PUBLIC MEETINGS ACT (“OPMA”)

In addition to providing the date, time and place of the meeting in accordance with the Open Public Meetings Act (“OPMA”), N.J.S.A. 10:4-8, any notice related to a remote public meeting must state:

- 1) Clear and concise instructions for accessing the meeting;
- 2) The means for making public comment (included in a link in the notice); and
- 3) Where relevant documents will be made available (included in a link in the notice).

For properly noticed in-person meetings that have subsequently been changed to a remote meeting, the Board shall then issue both adequate notice and electronic notice for the remote meeting, with access instructions and means for public comment as described above.

VI. ADEQUATE NOTICE

In accordance with N.J.S.A. 10:4-18, the Authority shall post and maintain an annual schedule of the regular meetings of the Board, which shall include the location of each meeting to the extent that it is known. The annual notice shall be prominently posted in at least one public place, sent to the Daily Record and at least one other newspaper within the municipality, and filed with the Morris County Clerk. Pursuant to the definition of “adequate notice” outlined in N.J.S.A. 10:4-8, no further notice shall be required of any of the regular meetings contained within the annual meeting notice.

Pursuant to N.J.A.C. 5:39-1.5(e), where the Board expects to continue remote public meetings, the annual notice must be revised at least seven (7) days before the next regular meeting, and contain clear and concise instructions for accessing the meeting, the means for making public comment, and where relevant documents will be made available. In addition to the means of notice transmission required pursuant to N.J.S.A. 10:4-18, the annual notice shall be posted on the Authority’s website. Unless otherwise prohibited by the declared public emergency, the annual notice shall also be posted on the door where the meeting is usually held and on any handicap accessible entrance. Notice must be viewable from outside of the building.

For any special or rescheduled meeting not contained within the annual meeting notice, at least forty eight (48) hours written advance notice shall be provided in accordance with N.J.S.A. 10:4-8. Such notice shall provide the time, date, location, and, to the extent known, the agenda of any such meeting, and shall be prominently posted in at least one public place, sent to the Daily Record and at least one other newspaper within the municipality, and filed with the Morris County Clerk.

VII. ELECTRONIC NOTICE

Pursuant to N.J.A.C. 5:39-1.5(b), the Board shall also provide an electronic notice of any remote public meeting, except as may be permitted by N.J.S.A. 10:4-9.3. The electronic notice shall contain the time, date, location, and, to the extent known, the agenda of any remote meeting, including the instructions for access, means for making public comment, and where relevant documents will be made available.

The aforesaid electronic notice shall be:

- 1) Posted on the Authority's website; and
- 2) Posted on the main access door of the building where the meeting was scheduled to be held.

The notice must be visible from the outside of the building, and also posted on any handicap entrance.

VIII. STATEMENT OF ADEQUATE AND/OR ELECTRONIC NOTICE

In accordance with N.J.A.C. 5:39-1.5(g), at the commencement of every remote public meeting, the chair or his/her designee shall cause to be entered into the minutes a statement to the effect that:

- 1) Both adequate and electronic notice of this meeting has been provided, specifying the time, place and manner in which such notice was provided; or
- 2) That only electronic notice of the meeting has been provided, specifying the time, place and manner in which such notice was provided, and that discussion and effectuation of public business shall be limited only to those matters:
 - a. necessary for the continuing operation of government and which relate to the applicable emergency declaration; or
 - b. requiring decision during the remote public meeting due to imminent time constraints; or
- 3) That adequate notice and electronic notice was not provided, in which case such announcement shall state:
 - a. the reason or reasons why the matter or matters discussed are of such urgency and importance as contemplated under N.J.S.A. 10:4-9(b)(1), and the nature of the substantial harm to the public interest likely to result from a delay in the holding of the meeting;
 - b. that the remote public meeting will be limited to discussion of and acting with respect to such matters of urgency and importance;
 - c. the time, place, and manner in which notice of the meeting was provided; and
 - d. either that the need for such meeting could not reasonably have been foreseen at a time when adequate notice and/or electronic notice could have been provided, in which event, such announcement shall specify the reason why such need could not reasonably have been foreseen; or that such need could reasonably have been foreseen at a time when adequate notice and/or electronic notice could have been provided, but such notice was not provided, in which event the announcement shall specify the reason why adequate notice and/or electronic notice was not provided.

IX. STATEMENT REGARDING PUBLIC COMMENT

At the commencement of each meeting the Chair or his/her designee shall read the following

statement:

“The Authority welcomes comments from the public which will be addressed under ‘Meeting Open to the Public’ of the Agenda. Members of the public shall be free to speak on any subject on or off the Agenda. [As is the case for in-person meetings, all speakers will be limited to five (5) minutes.] Members of the public shall be muted until public discussion, at which time the public will be unmuted, and any member of the public may ask to be recognized.

Please do not speak out of turn, or disrupt the meeting. Disruptive conduct includes: sustained inappropriate behaviors such as but not limited to shouting, interruption, and/or the use of profanity. The Chair or his/her designee shall mute or continue muting any disruptive member of the public and warn him or her that continued disruption may result in their being unable to participate in or attend the meeting.

If the member of the public persists in disturbing the meeting after being given a warning, he or she may be muted while other members of the public continue with public comments or questions. If time permits, the disruptive individual shall be permitted to speak after all other members of the public have finished. Should said person remain disruptive, he/she may be muted for the remainder of the meeting or removed from the public meeting.

At the conclusion of comments from those attending remotely, the Board will address comments or questions which were submitted in writing forty-eight (48) hours before the meeting. All submissions shall be read aloud and addressed during the meeting in a manner audible to all meeting participants and the public. The reading of all written comments shall be subject to the same time limitations imposed on in-person participation. Each comment shall be read from the beginning until the time limit is reached. The Board may pass over duplicate comments however, each duplicate comment shall be noted for the record with the content summarized. If the Board elects to summarize certain duplicative comments it must not summarize certain duplicative comments while reading other duplicative comments individually.”

X. EXECUTIVE OR CLOSED SESSION

Upon adoption of motion to enter into closed or executive session, the Chair or his/her designee shall terminate the participation of all meeting attendees who are not authorized to attend that portion of the meeting. They shall be readmitted at the conclusion of the closed session if they are reconvening to conduct business. Alternatively, the Board may establish a separate nonpublic conference line or platform employed for this purpose.