

Division of Local Government Services (DLGS)

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Given the recent attention to the potential impacts of coronavirus, the Division issues this notice as a general precaution and to remind local units of options available to ensure the continued regular operation of government.

The Division of Local Government Services reminds local units that, in accordance with N.J.S.A. 10:4-6, et seq., (the “Open Public Meetings Act,” or “Act”), public meetings may be held in person or by means of communication equipment, N.J.S.A. 10:4-8(b), to include streaming services and other online meeting platforms. All meetings, including those held using communications equipment, must be noticed in a manner consistent with the requirements of the Act, unless the meeting is for emergent circumstances and held in a manner consistent with the requirements set forth at N.J.S.A. 10:4-9(b). Local units should also provide guidance to the public for remotely accessing and providing comment at a meeting. Local units should still have an advertised meeting place, which, is connected to the meeting through communications equipment, unless otherwise directed by state or local emergency management or health officials, consistent with Executive Order 103 (Murphy 3/9/2020).

This mechanism has been used by local governments during weather events and other circumstances that render in-person meetings less than optimal.

Local units are reminded that they are required to provide a means of public comment even if a meeting is held remotely. Further, if a local unit currently records the audio or video of its meetings, we recommend that it continue to record a remote meeting.

Local units holding meetings remotely are advised to avoid entering executive or closed session unless the topic of concern is urgent, directly affects the health, safety, or welfare of residents, and is an allowed exception as listed in N.J.S.A. 10:4-12, given the difficulty of ensuring only appropriate individuals are on the line during a separate session. If an executive or closed session is necessary, local units must use a mechanism that ensures the confidentiality of closed session. To this end, after announcing the executive or closed session at the public portion of the meeting consistent with the Act, a local unit may consider using a separate, non-public, dial-in mechanism for the executive or closed portion of the meeting.

In preparation for upcoming community events and meetings of public bodies, local units are encouraged to coordinate with legal counsel and local offices of emergency management to ensure continued compliance with N.J.S.A. 10:4-6 and other statutory obligations.

