

RESOLUTION NO: 4-21

NJ SUSTAINABLE ENERGY JOINT MEETING

(hereafter referred to as the “SEM”)

**Establishing Standard Procedures and Requirements for Public Comment
At Remote Meetings**

WHEREAS, pursuant to the Bylaws of the New Jersey Sustainable Energy Joint Meeting (“Bylaws”), the State Executive Committee is empowered to perform the day to day operations of the Management Committee; and

WHEREAS, by way of additional Executive Orders, the Governor has established extensive social distancing protocols to protect the health, safety and welfare of New Jersey citizens; and

WHEREAS, on March 9, 2020, the Governor of New Jersey declared a Public Health Emergency and State of Emergency exists in the State of New Jersey by way of Executive Order 103 due to the presence of Coronavirus disease 2019 (“COVID-19”) in New Jersey; and

WHEREAS, the Governor of New Jersey extended this Public Health Emergency and State of Emergency numerous times and is likely to continue to extend this Public Health Emergency and State of Emergency into the foreseeable future as the number of COVID-19 cases in New Jersey continue to rise; and

WHEREAS, by way of additional Executive Orders, the Governor has established extensive social distancing protocols to protect the health, safety and welfare of New Jersey citizens; and

WHEREAS, by way of Executive Order 173, the Governor of New Jersey imposed limits on indoor gatherings that are not religious services or celebrations, political activities, wedding ceremonies, funerals, or memorial services, which limits the number of persons present to 25% of the capacity of the room in which it takes place, but not more than 25 persons; and

WHEREAS, by way of Executive Order 196, the Governor of New Jersey, the Governor of New Jersey reduced the limits on indoor gatherings to 10 persons or less; and

WHEREAS, in order to comply with the capacity requirements and in order to protect public health, safety and welfare, and to prevent the spread of COVID-19, the NJSEM anticipates the need to hold remote public meetings via remote platforms to ensure the continued operation of local government with participation by the public, in a way that limits public health risk; and

WHEREAS, on September 23, 2020, the New Jersey Department of Community Affairs adopted Emergency Regulations set forth at N.J.A.C. 5:39, which established standards for remote public meetings governed by the OPMA and held during the Governor-declared state of emergency; and

WHEREAS, N.J.A.C. 5:39-1.3 permits a public body to hold a remote meeting during a declared emergency if the emergency prevents the public body from safely conducting a meeting at a physical location with members of the public present; and

WHEREAS, N.J.A.C. 5:39-1.4(h) requires a public body who conducts a remote public meeting to adopt, by resolution, standard procedures and requirements for public comment made during a remote public meeting; and

WHEREAS, the NJSEM has determined that it is in the best interest of the NJSEM to adopt standard procedures and requirements for public comment made during a remote public meeting.

NOW, THEREFORE, BE IT RESOLVED by the State Executive Committee that the following standard procedures and requirements shall apply during all remote meetings held by the NJSEM:

1. **Notice of Public Comment.** At the beginning of each meeting, the chairman shall ask that all members of the public wishing to make a public comment to identify themselves and state that they would like to make a public comment. Each member of the public wishing to make a public comment shall identify themselves at this time and a list shall be created.
2. **Time for Public Comment.** Public comment shall take place at the public meeting only during the public comment portion of the meeting, as identified on the agenda. At the end of each meeting, a portion of the meeting will be reserved for public comment. All members of the public shall be muted during the meeting until they are recognized by the Chairperson in accordance with Paragraph 3 below. Any one person may address the Chairperson for a maximum of five (5) minutes; once a particular topic has been addressed by a member of the public, subsequent comments on that same topic by other people is limited to a maximum of two (2) minutes; citizens who have spoken once during the session will not be recognized a second time.
3. **Manner of Public Comment at Meeting.** Public comment shall be permitted in the medium in which the meeting is being conducted. If the meeting is being conducted using audio technology only, the public comment shall be by the same audio technology. If the meeting is being conducted using both audio and video, the public comment shall be permitted using the same audio and video technology. No public comment shall be permitted by text or chat features during the public meeting.

During the public comment portion, any member of the public wishing to speak shall raise their hands either on video or through a virtual raise your hand feature on the medium in which the meeting is being conducted or the medium in which the member of the public is participating. Members of the public shall be unmuted during the public comment portion of the meeting when they are called on or recognized by the Chairperson. Any person identified in the list created at the beginning of the meeting but who has not raised their hands or who is unable to raise their hand, but shall be recognized by the Chairperson at the end of the public comment session and given an opportunity to speak. Upon being recognized or called upon by the Chairperson, the

member of the public shall state their names, addresses and who they represent, if anyone, prior to providing their public comment.

4. **Written Public Comment Prior to Meeting.**

(a) Opportunity to Submit Written Comments. Members of the public shall have an opportunity to submit public comments in writing to the NJSEM prior to the meeting. Written comments shall be read into the record during the public comment period by the NJSEM Executive Director and will be subject to the same standards and limitations, including time limitations, as other public comments made during the meeting. All written public comments shall be read in their entirety unless one of the limitations apply. Written public comments containing profanity or vulgarity will not be read into the record.

(b) Manner of Submitting Written Comments. Written comment shall be submitted to the NJSEM Executive Director by email or regular mail to the address and email address set forth on the NJSEM's website at <https://www.njsem.org/29-CONTACT-US>. All written comment shall be received no later than four (4) hours prior to published start time of the remote meeting. Written public comments submitted via email or mail must include the individual's name, full address and contact information (telephone number and/or email address), as the Executive Director's Office reserves the right to verify the submitter's identity. Written public comments may not be submitted via any other form of electronic communication. Written public comments received after the four (4) hour deadline set forth by this resolution will not be read into the record or become part of the meeting record.

(c) Additional Public Comment at the Public Meeting After Submission. A member of the public who has submitted written comments prior to the meeting in accordance with this resolution, who attends the remote public meeting, and wishes to participate during the public comment portion will be deemed and treated as having already had the floor once.

5. **Disruptive Behavior.** Members of the public shall not engage in disruptive behavior. Disruptive behavior is any sustained and inappropriate behavior such as shouting, interrupting or the use of profanity. In the event that a member of the public engages in disruptive behavior, the following shall apply:

- a. The member of the public engaged in disruptive behavior will receive a warning.
- b. The warning shall identify the behavior which must stop and shall advise that if the behavior continues, it may prevent the member of the public from being able to speak at the meeting or it could result in removal from the meeting.
- c. If the member of the public continues with disruptive behavior, the member of the public will be muted until all of the other members of the public have had a chance to make their public comment. At that time, the member of the public will be allowed to speak.

- d. If the member of the public continues to engage in disruptive behavior at this point, the member of the public will either be muted for the rest of the meeting or will be removed from the meeting.
6. **Additional Actions.** The chair and/or presiding officer of the remote meeting shall reserve the right to take necessary action to protect the rights of the public to participate in the remote public meeting.

NOW, THEREFORE, BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

ADOPTED: *this day before the Governing Body:*