

**RESOLUTION RE: ESTABLISHING REMOTE MEETING PROCEDURES AND REQUIREMENTS DURING DECLARED STATES OF EMERGENCY**

**WHEREAS**, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a state of emergency as a result of the coronavirus disease 2019 (“COVID-19”) pandemic; and

**WHEREAS**, on March 16, 2020, Governor Murphy issued Executive Order 104, which announced aggressive social distancing measures as a result of the COVID-19 pandemic, which included encouraging employees to tele-work if feasible and limiting large social gatherings and in-person meetings such as those conducted by local government entities; and

**WHEREAS**, local government entities, such as the Sussex County Municipal Utilities Authority (the “Authority”), have continued to conduct public meetings and hearings during the COVID-19 pandemic remotely so as to continue the effective administration of government and to enable the general public to continue to participate in government decision making without unduly compromising public health, safety, and welfare; and

**WHEREAS**, the New Jersey Department of Community Affairs, Division of Local Government Services (“DLGS”) issued remote meeting guidance in March 2020 to provide a list of possible solutions available for local government entities to host remote meetings in compliance with the Open Public Meetings Act, N.J.S.A. 10:4-6 to -21 (“OPMA”); and

**WHEREAS**, DLGS has promulgated emergency regulations, codified at N.J.A.C. 5:39-1.1 to -1.7 (the “DLGS Regulations”), which establish standard protocols for remote public meetings held by local government entities during a Governor-declared public health emergency, state of emergency or state of local disaster emergency, including minimum procedures to be followed to provide reasonable notice and to allow public input; and

**WHEREAS**, on September 24, 2020, DLGS issued Local Finance Notice 2020-21, expanding on the DLGS Regulations; and

**WHEREAS**, to allow the Authority to continue to conduct public business, and to allow the public to attend Authority meetings remotely, consistent with and in compliance with Executive Order 104, the OPMA, and the DLGS Regulations, the Authority wishes to establish standard protocols for remote public meetings as set forth in this Resolution;

**WHEREAS**, the Authority has decided to adopt the following standard protocols and procedures for conducting remote public meetings, including minimum procedures to be followed to provide reasonable notice and to allow public input.

**NOW, THEREFORE, BE IT RESOLVED BY THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY that:**

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. The following procedures and requirements are hereby adopted for the Authority's remote meetings:
  - (a) The Authority's public notice of each meeting conducted remotely shall contain the dial-in conference number and/or web address and all other information (e.g., meeting ID, password) necessary for members of the public to participate in and access the meeting remotely. The Authority presently uses Microsoft Teams video conferencing for the Authority only and audio-only telephone conferencing for the public to conduct its remote public meetings, which accommodates at least 50 public participants.
  - (b) Members of the public may submit written comments in advance of a meeting, which will be read during the public portion of the meeting. Written public comments submitted prior to the meeting must identify the name and address of the commenter. No anonymous comments will be accepted. Written comments may be submitted via e-mail with the subject line "Public Comment" to Thomas Varro, P.E., Executive Director at [tvarro@scmua.org](mailto:tvarro@scmua.org), or by mail addressed to: Thomas Varro, P.E., Executive Director, Sussex County Municipal Utilities Authority, 34 South Route 94, Lafayette, NJ 07848. E-mailed comments must be received at least eight (8) hours prior to the meeting. Mailed comments must be received by 4:00 p.m. the day before the meeting.
  - (c) Public comments submitted prior to the meeting shall be read aloud by an authorized representative of the Authority during the public meeting in a matter audible to all meeting participants. Written comments received prior to the meeting will be read after all those members of the public attending the meeting wishing to provide comment have had the opportunity to do so. The same time limit of three (3) minutes shall apply to each of the public comments received prior to the meeting. Each written comment shall be read from the beginning, until the time limit is reached. If duplicative written comments are received, the name of each commenter will be noted for the record, and the contents may be summarized.
  - (d) The Authority will not accept comments made through the Microsoft Teams "chat" feature during remote public meetings.
  - (e) The agenda for the meeting will be available on the Authority's website, <https://www.scmua.org/>, under "Commissioner Meeting Schedule & Minutes" prior to the meeting.

- (f) If any meeting includes a public hearing all material that will be considered by the Authority at the public hearing shall be posted on the Authority's website in a conspicuous location or as otherwise required by law. If sworn testimony is to be taken during the public hearing, it shall be broadcast by both video and audio.
- (g) Immediately after calling the meeting to order, the Authority shall ensure that the Microsoft Teams link and dial-in number are working. If the Microsoft Teams link or dial-in number are not working, and cannot be returned to working order in a reasonable period of time, the meeting shall be adjourned to another time.
- (h) The Authority shall announce at the beginning of the remote public meeting the procedures and requirements for making public comment. The Authority will also explain that members of the public will be automatically put on mute by the Recording Secretary during the meeting until the Public Comment portions of the Agenda. At that time, shall be called upon individually to ask if they have any comments or questions.
- (i) In the event the meeting is being recorded, the Authority will advise the public at the beginning of the meeting.
- (j) If any member of the public is attending remotely, he/she will be provided an opportunity to provide public comment of no greater than three (3) minutes (unless an alternative time limit is stated at the beginning of the public comment portion of the meeting at the sole discretion of the Authority) in duration during the public comment portion of the meeting during the time in the meeting set forth on the agenda (this applies equally to written public comments submitted via email or through the mail). During the Public Comment portions of the Agenda all those attending remotely shall be taken off mute by the Recording Secretary and asked one at a time if they have a comment. The Authority will ask one public participant at a time whether they wish to make a comment or have any questions. If a member of the public wishes to speak, the commenter must state their name and address for the record. The Authority shall address any comments or questions to the best of their ability after each.
- (k) If any member of the public is attending remotely, and a closed session is called by the Authority as permitted by the OPMA, the public shall be put on hold during the entire length of the Closed Session portion of the meeting. The Authority shall clearly state at what point in the agenda the closed session will occur, the reasons for the closed session, the projected length of the closed session, whether formal action will be taken on any matter after the closed session, and that the public will not be able to hear the Authority or provide comment during the closed session. The Authority shall return to the public meeting following closed session to adjourn the meeting or take other action as necessary.

- (l) Any member of the public who is attending remotely must participate in the meeting with appropriate decorum and act in a civil manner. Disruptive behavior will not be tolerated. The Authority reserves the right to exclude those members of the public who display conduct or make comments that are disruptive, which includes but is not limited to sustained inappropriate behaviors such as, shouting, interruption, or the use of profanity. Members of the public engaged in such conduct will receive a warning, and if the conduct continues, the person will be muted and his or her comments deemed concluded. If time permits, and after all other members have been given the opportunity to make comment and all comments submitted in writing before the meeting have been read, the disruptive speaker shall be given the opportunity to continue to comment and be permitted to utilize the unused three (3) minutes of time originally allotted to him or her. Should the commenter remain disruptive, he or she shall be removed altogether from the meeting.
  - (m) Members of the public may also be immediately, and without warning, muted, removed from video and/or removed from the meeting altogether for conduct or comments that are harassing, demeaning, threatening, and/or offensive to any person's race, gender, color, age, national origin, religion, sexual orientation, gender identity or expression, and disability (list is representative, not exclusive).
  - (n) The Authority, in its discretion, may change the technology for conducting remote public meetings from Microsoft Teams web conferencing and audio-only telephone conferencing to an alternate acceptable form of audio/video-conferencing technology, which accommodates at least 50 public participants in addition to those required to conduct the meeting.
3. Any prior ordinance or resolution controlling the decorum of the Authority's meetings continue to be in effect unless directly contradictory to the provisions in this Resolution.
  4. A copy of this Resolution shall be posted on the Authority's website.

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be entered into the permanent records of the Authority.

Certified as a true copy of the  
Resolution adopted by the Authority  
at their Regular Meeting held on  
November 4, 2020

  
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Andrea Cocula, Secretary