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Division of Local Government Services (DLGS)

“The Division strives to help all local governments achieve excellence, efficiency, and long-term fiscal stability in their operations”

Local Operational Guidance- Covid-19: **Guidance for Remote Public Meetings in New Jersey**

To ensure continuity of government operations while maintaining the necessary social distance to avoid the spread of COVID-19, the Division issues this guidance document to remind local government officers and employees of the options available to assist them in conducting virtual and telephonic public meetings – as well as to reiterate local units’ continuing obligation to comply with N.J.S.A. 10:4-6 (the “Open Public Meetings Act,” or “Act”).

In light of the Governor’s issuance of Executive Order 107, we have been strongly encouraged to conduct all public meetings subject to the Open Public Meetings Act exclusively using communications equipment (e.g., telephonic conference call-in connections, internet streaming, etc.) for the foreseeable future without providing a physical meeting place.

Local units are still required to provide notice at least forty-eight (48) hours prior to its public meetings; however, during a declared emergency, electronic notice pursuant to N.J.S.A. 10:4-9.1 (electronic notification via the internet at least 48 hours prior to the meeting giving the time, dates, location, and, to the extent known, agenda, etc.) satisfies the notice requirement in lieu of the “adequate notice” provision of N.J.S.A. 10:4-8. P.L. 2020, c.11.

Meetings noticed pursuant to P.L. 2020, c.11, limit, “to the extent practicable” the meeting “to matters necessary for the continuing operation of government which relate to the applicable emergency declaration.” While the language is broad, it does attempt to place some limitations on action taken at electronically noticed meetings.

Specific Guidance in relation to the Open Public Meetings Act:

- N.J.S.A 10:4-8(b) authorizes local units to conduct public meetings through use of streaming services and other online meeting platforms.
- Local units are required to provide at least forty-eight (48) hours of advance notice prior to all public meetings, unless a meeting on shorter notice is compelled by emergent

circumstances. In emergent circumstances, the meeting must be held in a manner consistent with N.J.S.A. 10:4-9(b).

- Local units must ensure that the public retains the ability to attend and provide comment at public meetings. Therefore, local units should provide instructions to the public regarding how to access a remote meeting and the procedures for commenting through whatever equipment or medium is utilized.
- Local units holding remote meetings are advised to avoid executive or closed sessions, unless the topic of concern is urgent, directly affects the health, safety, or welfare of residents, or is an allowed exception under N.J.S.A. 10:4-12. If executive or closed session is imperative, local units should consider having a separate conference line available for that session.

Common Means of Conducting Remote Public Meetings

I. Office Conference Phone

This traditional teleconferencing option is readily available to many local units and generally requires no additional expenditure because the local unit can use existing office equipment. To hold a meeting by teleconference, persons wishing to observe or participate in the public meeting would be required to call into a designated conference line and enter an access code. These numbers would need to be advertised to the public to ensure participation is possible.

Steps to Conducting a Public Meeting Through an Office Conference Phone

1. Decide which telephone number will host the call.
2. Turn on the designated conference phone.
3. Enter the access code.
4. Wait for all participants to 'Dial-in,' enter the access code, and 'Join' the call.
5. Begin meeting.



Potential Downside of Office Phone Conferencing

- Requires the local unit to have access to conference phone equipment and a conference line.
- It may be difficult to determine who is participating in the call throughout and at any individual point during the meeting. Verifying participant identities may be a related challenge.

II. Web-based Conference Calls

This option also enables local units to conduct teleconference meetings using a publicly advertised ‘Dial-in.’

Commonly used web-based applications include (hyperlinks to helpful tutorials/FAQs are provided):

- Skype ([Getting Started](#))
- ZOOM ([Video Tutorials](#))
- GoToMeeting ([Frequently Asked Questions](#))
- Cisco Webex ([Help Center – Getting Started](#))
- Google Hangouts ([Get Started with Hangouts – Video included](#))
- FreeConferenceCall.com ([Video Tutorials](#))
- Audio Conferencing in Microsoft Office 365 ([Frequently Asked Questions](#))

It should be noted that some of these options require the ‘Host’ of the conference call to maintain a paid subscription in order to access the program’s full capabilities and maximum call capacity. For example, a free subscription to ZOOM allows for a maximum of a 40-minute meeting with 100 participants at one time. Certain paid subscriptions on the same service allow for between 500 and 1000 participants to attend a call with no limit on call duration, and expanded meeting capabilities.



Steps to Conducting a Public Meeting Through a Web-based Conference Call

1. Decide on an application (i.e. Google Hangouts, Cisco Webex, or other).
2. Set-up an account.
 - a. For example, Google Hangouts can be utilized by any Gmail or G-Suite account. If the local unit does not already have one, it should set up a google account. For ease of registration and use, it is recommended that the local unit associate an office phone number with the account, but Google does not require a phone number to utilize Google Hangouts.

3. Decide who will host the account (telephone number/email address/G-suite account, etc.). The clerk or administrator may be the most appropriately designated.
4. Invite participants or have them “Dial-in” through a published telephone number or via a web-link, enter the access code (if applicable), and ‘Join’ the web-based call.
5. Begin meeting.

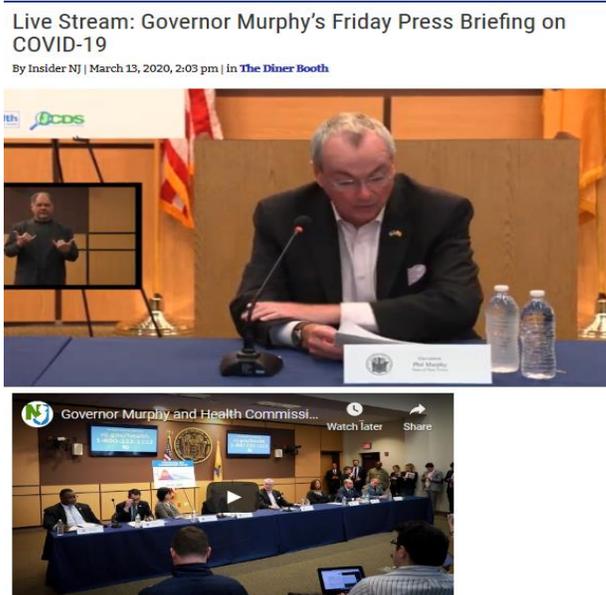
Potential Downsides of Web-based Conference Calls

- Some local units may have to incur additional costs in order to meet their meeting capacity needs.
- Larger local units may exceed the maximum connection capacity of many programs.
- Many of these services require all participants to download an application to their chosen device before they can participate in a meeting on the application’s platform.

III. Live-Streaming through Social Media Platforms

Local units that already utilize social media platforms (Ex.: Facebook, Twitter, Instagram, etc.) may also decide to hold small in-person meetings that are within the limitations required by social distancing guidelines and Executive Order 107, or remote meetings, that are simultaneously recorded and broadcast (commonly known as Live-Streaming) on social media platforms. For example, Gov. Murphy has live streamed many of his COVID-19 related press conferences on his public Facebook page.

Unlike the conference calling option listed above, none of these platforms have limits on the number of participants allowed to view the live stream. To permit public comment in this format, the comments section of the social media site must be publicly accessible, and the comments should be read into the record.



Screenshot from a March 13th, 2020 NJ Insider Article
[\(https://www.insidernj.com/live-stream-governor-murphys-friday-press-briefing-covid-19/\)](https://www.insidernj.com/live-stream-governor-murphys-friday-press-briefing-covid-19/)

Steps to Live-Streaming a Public Meeting on Social Media

1. Decide on a Streaming Platform.

2. Create a social media account/page (if one does not already exist).
3. Log-on to the account utilizing a mobile device or laptop.
4. Determine how to record the meeting:
 - a. Smart Devices – cellphones or tablets are readily accessible to officers and employees in many local units, and there are generally few barriers to use.
 - b. Camera connected to or imbedded within a laptop – this method allows for more professional recording of the meeting, however it likely requires a greater degree of technical skills and a larger expense if the local unit does not already possess a camera.
5. Begin live-stream.
6. Begin the meeting.

Instructions and Resources

- Facebook Live – (<https://www.facebook.com/help/587160588142067>)
- Twitter Live Videos – (<https://help.twitter.com/en/using-twitter/twitter-live>)
- Instagram Live Videos – (<https://help.instagram.com/292478487812558>)

Potential Downsides of Streaming

- Social media may be alienating for those members of the public who do not typically engage via these communication tools.
- The quality of the live-stream is dependent upon the skills and resources available to the person recording the meeting. For example, when using a smart phone or other mobile device, some viewers of the livestream may become distracted from the substance of the meeting by the shaky movement of a hand-held camera.
- The official meeting participants likely need to gather in one-room.

IV. Multiple options for accepting public comments

When employing any method for conducting remote public meetings, ensuring public participation and comment is the most significant concern. It is recommended that local units consider multiple means of accepting public comment. Examples are provided below:

Example 1: Your local unit chooses to live stream its public meeting on Facebook

- Public Comments accepted by:
 - Submitting text comments to be read out loud during the live-stream through:
 - The text “Comment” feature on the live stream.
 - Emails submitted to a township email address publicized in the meeting notice and mentioned at the beginning of the live-stream.
 - Tweeting a comment to the local unit’s Twitter account with a meeting-specific tag.
 - Calling a specific telephone number that is answered on the live-stream, allowing the caller to be put on speaker and enter his or her comment on the record.

Example 2: Your local unit chooses to conduct a conference call open to the public through Google Hangouts.

- Public Comments are accepted by:
 - Making audible comments through the phone.
 - Submitting text comments to be read out loud during the conference call by:
 - Sending an email to a published and verbally identified township email address.
 - Tweeting comments to the local unit's Twitter account
 - "Commenting" on a local unit Facebook post about the conference call.

Local units have many options available to them to ensure they can continue the operation of government safely, efficiently, and publicly. The options listed above are intended to help get local units started. Should you have any further questions or seek additional information, please contact the Division by email at DLGS@dca.nj.gov or by phone at 609-292-6613.