



Borough of Oakland
Bergen County, New Jersey

Resolution 20-258
Adopt Guidelines for Remote Meetings

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a state of emergency as a result of the 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 Borough of Oakland (the “Borough”) 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 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, et seq. (“OPMA”); and

WHEREAS, the Director of the DLGS has promulgated emergency regulations, codified at N.J.A.C.5:39-1.1 to -1.7, which establish standard protocols for remote public meetings held

by local government entities during a Governor-declared emergency, including minimum procedures to be followed to provide reasonable notice and to allow public input; and

WHEREAS, on September 24, 2020, the DLGS issued Local Finance Notice 2020-21, expounding upon the emergency regulations; and

WHEREAS, to allow the Borough to continue to conduct public business, and to allow the public to attend Mayor and Council public meetings remotely, consistent with and in compliance with Executive Order 104, the OPMA, and N.J.A.C. 5:39-1.1 to -1.7, the Mayor and Council establishes standard protocols for remote public meetings as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Oakland Mayor and Council that:

- The aforesaid recitals are incorporated herein as though fully set forth at length.
- The following procedures and requirements are hereby adopted for the Mayor and Council meetings held remotely:
 - (a) The Borough's notice of the meeting shall contain the dial-in conference number and/or web address and all other information (e.g., meeting ID, password) that will be necessary for members of the public to use to access the meeting remotely and to participate. The Borough is presently using "ZOOM" video for its public meetings. Members of the public wishing to comment during the public portion of meetings or during a public hearing may press "*9" for Zoom audio, or click on the appropriate "Zoom" video button to raise their hand. The Borough Clerk will keep members of the public muted, except when they are selected to speak during the public portion of the meeting or during any public hearing. Members of the public may also mute themselves or discontinue their video through the "Zoom" platform.
 - (b) Members of the public may submit written comments in advance of a meeting, which will be read during the relevant public portion of the meeting. Written comments shall contain the person's name and address and may be submitted via email to the Borough Clerk (boroclerk@oakland-nj.org) or by mail addressed to: Borough Clerk,

Borough Hall, One Municipal Plaza, Oakland, NJ 07436. Emailed comments must be received at least 48 hours prior to the meeting. Mailed comments must be received by 4:00 p.m. the day before the meeting.

- (c) The Borough will not accept comments through the “chat” feature available on Zoom remote meetings or other platforms.
- (d) The agenda for the meeting will be available in the “Borough Council” section of the Borough website prior to the meeting.
- (e) If any meeting includes a public hearing, all material that will be considered by the Borough at the public hearing shall be posted on or linked to the homepage of the Borough’s website in a conspicuous location or as otherwise required by law. Written comments, as set forth above, will be accepted for such public hearings. If sworn testimony is to be taken during the public hearing, it shall be broadcast by both video and audio. Written public comments will not be considered where sworn testimony is required.
- (f) Immediately after calling the meeting to order, the Borough Clerk or other designated facilitator shall ensure that the dial-in number or other means of conducting the meeting remotely is working. If the dial-in number or other means of conducting the meeting remotely is not working, and cannot be fixed in a reasonable period of time, the meeting shall be adjourned by the chair of the meeting to another time.
- (g) The Borough Clerk shall announce at the beginning of the remote public meeting the procedures and requirements for making public comment, along with an explanation of the audio muting function of the electronic communications platform being used.
- (h) In the event the meeting is being recorded, the Borough Clerk will advise the public at the beginning of the meeting.
- (i) If any member of the public is attending remotely, they will be provided an opportunity to provide public comment during a public comment period of a hearing. The Borough Clerk will ask whether any member of the public has a comment. If a member of the public provides an indication as set forth above that they wish to speak, then the Borough Clerk shall enable the person to speak. Such person shall set forth their name and address.
- (j) If any member of the public is attending remotely and a closed session is called by the Borough as permitted by the OPMA, a separate call-in number or other electronic means of limiting remote participation shall be

available so only the Borough and other persons needed for the closed session may participate. The Borough 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 Borough or provide comment during the closed session. The Borough shall return to the public meeting following closed session to adjourn the meeting or take other action as necessary.

- (k) Any member of the public who is attending remotely must participate in the meeting with appropriate decorum. The Borough reserves the right to exclude those members of the public who display conduct or make comments that are disruptive, which includes sustained inappropriate behaviors such as, but not necessarily limited to, 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, removed from video and/or removed altogether from the meeting.
 - (l) Members of the public may also be immediately, and without warning, muted, removed from video and/or removed altogether from the meeting 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 identify or expression, and disability (list is representative, not exclusive).
- Any prior ordinance or resolution controlling the decorum of the Mayor and Council meetings continue to be in effect unless directly contradictory to the provisions in this Resolution.
- A copy of this Resolution shall be prominently posted under the "Official Notices" section of the Borough's website and posted outside the Council chambers at Borough Hall, One Municipal Plaza, Oakland.

BE IT FURTHER RESOLVED that the Mayor, Borough Administrator, Borough Attorney, Borough Clerk and any other necessary official, officer or employee of the Borough be and they are hereby authorized to execute any and all documents and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution.

LINDA H. SCHWAGER, MAYOR

ATTEST:

LISA M. DUNCAN, BOROUGH CLERK

Date Adopted

	Motion	Second	Ayes	Nays	Abstain	Absent
Biale						
Knapp						
Kulmala						
Pignatelli						
Talamini						
Van Eck						
Mayor Schwager						