

New Jersey Department of Community Affairs
Division of Local Government Services

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LOCAL FINANCE NOTICE

JAMES E. MCGREEVEY
GOVERNOR

SUSAN BASS LEVIN
COMMISSIONER

MATTHEW U. WATKINS
DIRECTOR

Amendments to the Open Public Meetings Act

On September 5, 2002, Governor McGreevey enacted [P.L. 2002, c.80](#) (S-1255/A-332), which amends the Open Public Meetings Act (Sunshine Law), N.J.S.A. 10:4-6 et seq. The amendment is effective immediately. Municipal Clerks are asked to share this Notice with their elected officials.

The amendment places a new requirement on municipal governing bodies: city, town, and township councils; township committees; village councils; or whatever the body in any form of government that is elected to govern the municipality. It does not include boards and commissions that are appointed by the governing body.

The requirement is that as part of any meeting of the governing body that is subject to the requirements of the "Open Public Meetings Act", there must be a portion of that meeting set aside for public comment. The governing body has the discretion to set the length of time for the public comment.

The amendment includes **all** governing body meetings subject to the Sunshine Law. This includes whatever local term is used to describe these meetings: regular or public meetings, special or 48-hour notice meetings, workshops or conference meetings, or "closed" or "executive session" meetings where the public is excluded; all regardless of whether or not formal action is taken by the governing body.

For meetings where the public is excluded, provision must be made for public comment before or after the closed portion takes place. When a closed session is part of another meeting, a separate public comment session is not required.

The public comment can be on any "governmental issue that a member of the public feels may be of concern to the residents of the municipality." With this phrase, the comments are not limited to items on the agenda for that meeting or even items under the purview of the governing body.

It is important for that local officials immediately implement the public comment period at each and every meeting of the governing body. Local officials should also consider policies concerning length of public session and when they take place, as well as related local issues. Consultation with legal counsel is appropriate to address details of this new law.

s/ Matthew U. Watkins

Matthew U. Watkins, Director
Division of Local Government Services

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Director's Office
(609) 292-6613

Local Government
Research
(609) 292-6110

Financial Regulation
and Assistance
(609) 292-4806

Local Finance
Board
(609) 292-0479

Local Management
Services
(609) 292-7842

Authority Regulation
(609) 984-0132

Fax
(609) 984-7388

101 South Broad Street

P.O. Box 803
www.nj.gov/dca/lgs

Trenton, New Jersey 08625-0803