

**RECOMMENDED GUIDELINES FOR CONDUCTING MEETINGS OF THE
GOVERNING BODY VIA CONFERENCE CALL WHILE STILL
MAINTAINING THE SPIRIT OF THE OPEN PUBLIC MEETINGS ACT**

The Senator Byron M. Baer Open Public Meetings Act (N.J.S.A. 10:4-6 *et seq.*) was adopted by the New Jersey State Legislature in 1975. The Legislature found “that that the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process; that secrecy in public affairs undermines the faith of the public in government and the public's effectiveness in fulfilling its role in a democratic society, and hereby declares it to be the public policy of this State to insure the right of its citizens to have adequate advance notice of and the right to attend all meetings of public bodies at which any business affecting the public is discussed or acted upon in any way except only in those circumstances where otherwise the public interest would be clearly endangered or the personal privacy or guaranteed rights of individuals would be clearly in danger of unwarranted invasion.

The courts have in the past upheld the use of communications equipment. Additionally, the New Jersey Attorney General, while not authorized to issue an opinion, issued the following opinion:

...on a number of occasions members of State boards and public bodies subject to the Open Public Meetings Act and represented by this office have participated in public meetings by means of speaker telephones without first obtaining a court order. In those instances all of the other requirements of the OPMA were followed and appropriate measures were taken to ensure that members of the public attending the meeting had the opportunity to hear the member who was not physically present participate in and take action in connection with the public meeting.

That being said, the following guidance is provided for the purpose of continuing to be able to conduct the business matters of the Township without risking the health, safety or welfare of the governing body, employees, residents and visitors of the Township while still maintaining the spirit of the Act.

What functions was the Township was looking in a conference call service.

1. Reservation-less calls
2. The ability for multiple hosts to speak (in lecture mode) for the business portion of the meeting and allow for the public to listen only until the time for public comment/participation.
3. The ability to moderate the public's participation to that only one member of the public can comment or question the body at any one time, be re-muted and other members of the public can do the same.
4. The ability to record the call's audio and download said for permanent retention.
5. Not cost prohibited.
6. Ability to have over 100 people on a call.

STEP BY STEP INSTRUCTIONS

Step 1 - Account Setup

1. Visit www.FreeConferenceCall.com and sign up for a free account. *NOTE: Best functionality was found using FireFox.*

Step 2 - Purchase Upgrades

1. In order to ensure ease of access to all members of the public who wish to participate in the meeting of the governing body the Township upgraded the service with www.FreeConferenceCall.com to include One Number to allow the public the ability to connect without access codes. The cost of this upgrade is \$3.95 per month.
2. In order to ensure the meeting is properly recorded, the Township upgraded the standard Storage of the recorded conference call from 1 GB to 80 GB for a cost of \$20.00 per month.
3. In order to customize the public's experience with the Conference Call, the Township upgraded from standard Default greeting where the public was welcomed to FreeConferenceCall.com to a Custom Greeting for a cost of \$2.00 per month.
4. It is noted that the call-in number provided could potentially be a long distance number for certain individuals. The ability to provide callers with a Toll-Free number is not currently deemed necessary, however is available for a fee of 3.9 cents per minute/per caller if it is found to be necessary in the future. This fee would need to be borne by the Township.

Step 3 - Configure Settings

1. Dial-in number
Set to *One Number*
2. Access code
This access code is for use when callers are calling from outside the United States. The number does not need to change from the number originally assigned.
3. Online meeting ID
The number does not need to change from the number originally assigned.
4. Host PIN
This number is randomly assigned and if the service is going to be used by only one body, the code does not need to change from call to call. However, if the service is going to be used by multiple bodies (i.e. Township Council and Board of Education) then it is recommended that this number be regenerated between each call to restrict the hosts to only members of the body that will be participating the call.

5. Copy Reports

At the completion of each call, the host will receive a Detail Report via email with details of the call, including the number of participants, time each participant joined and ended the call and a link to the voice record of the meeting in .mp3 format. This file is downloadable for permanent storage by the Township. For the purposes of retention, the Township Clerk has been added to receive the emailed report of the call. As this system is intended to be used by the Verona Board of Education as well, the Superintendent of Schools will also receive a copy of the emailed report of the call.

6. Meeting Settings

Entry & Exit Tones - *Off*

Announce caller count - *Hosts only*

Display Attendee List - *Hosts only*

Wait for host - *On-45 minutes*

Continue without host - *On-5 minutes*

Recording - *Auto*

Ask Job Code - *Never*

In-meeting chat - *Off*

7. Custom Greeting

A custom greeting has been uploaded that reads the following:


Welcome to the Township of Verona's Public Meeting Conference Bridge. Please note that in compliance with the Open Public Meetings Act, this meeting is being recorded for retention by the Township. When you are placed into the meeting, you will be joined to the call on MUTE and the governing body will open the meeting to a moderated public comment period when the time is appropriate.

Step 4 - Download and install the FCC App

1. The person who is intended to be the principal moderator of the call (probably the Manager, Clerk or Superintendent) should download and install the FCC App from <https://www.freeconferencecall.com/downloads>.
2. The principal moderator should log into the FCC App using the credentials established in Step 1.

Step 4 - Hosting a call

1. The Clerk/Administrator shall transmit (or publish) notice of the meeting as normal with the following additions.
 - a. Notice shall include that the Public Meeting will take place via conference call beginning at whatever date and time the meeting will begin.
 - b. That all members of the public are invited to call in to participate in the meeting.




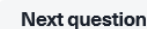

- c. That a public comment period will be held in the order it is listed on the meeting agenda. Note: Any restrictions to the public comment period such as time limits should be listed in this meeting notice and on the agenda.
 - d. The call-in information for the meeting.
 - e. Where the agenda and handouts may be received by the public (i.e. on website)
 - f. That official action will be taken.
2. The call-in information shall be included on the published agenda and any addenda.
3. The principal moderator should distribute the host code and instructions to the members of the body and those members who are free to participate in the call at any time (i.e. Manager/ Administrator, Clerk, Attorney, etc.). This notice should include a reminder to the Hosts to mute their phones when they are not speaking as to allow for clear communication.
4. The principal moderator (Host) of the call should open the call on the FCC App and follow the instructions on the screen to link either computer audio or dialing into the meeting. Note: The Host code for the principal moderator is different than the Host code that is provided to the rest of the body (hosts) which was set in Meeting Settings (see Step 3, number 4 above).
5. **IMPORTANT: The principal moderator should mute all callers by activating LECTURE MODE by pressing  and selecting LECTURE.**
6. All hosts and members of the public can call into the call and the meeting should begin at the time listed in the public notice.
7. A statement should be read pursuant to the Open Public Meetings Act. A sample statement for a regularly scheduled meeting is as follows:

The notice requirements of the Open Public Meetings Act have been satisfied with respect to this meeting of the [name of the governing body] which is being held via conference call. Specifically, the time, date, and public call-in information were included in the meeting notice, posted in the Municipal Building, and sent the official newspapers of the Township, the [insert newspaper 1] and [insert newspaper 2]. Additionally, the agenda for this meeting was posted in the Municipal Building, sent to the two newspapers [and XXXXX, the official online news source(s) of the Township], at least 48 hour preceding the start time of this meeting. The agenda and public handouts for this meeting can be viewed online at [web address]. A public comment period will be held in the order it is listed on the meeting agenda and instructions on how to comment will be provided at the appropriate time.



8. The meeting should continue as normal.
9. When it comes time for a public hearing or for public comment the following should occur:


- a. A statement should be read advising the members of the public of how to provide comment. A sample statement is as follows:

*Anyone from the public wishing to address the [name of the governing body] on any matter, when prompted press * (star) 6 on your key pad, then the number 1 when prompted and you will be placed in queue. When you are advised it is your turn to address the [name of the governing body], please state your name and address for the record. You will have [#] minutes to address the body. At the conclusion of your comments the [name of the governing body] and/or the Manager/Administration may address your comments and/or questions.*

- b. The principal moderator should open the Q&A Session on the FCC App by pressing the  button.
- c. When a caller appears in the queue and you are ready to address them, the principal moderator should press the  symbol that appears next to their phone number.
- d. At the completion of the comment from the public:
 - i. If the body's policy is to address the caller immediately, the moderator should press the  symbol that appears next to the caller's phone number in the queue so the Council can address their comment.
 - ii. If the body's policy is to not address any callers until all have been given a chance to speak, the moderator should press the  button to allow the next person in queue to speak.
- e. When the queue is empty and all callers who wish to address the body have had a chance to be heard, the principal moderator should end the Q&A Session by pressing on the  button.
- f. This process should be repeated for each public comment or public hearing portion of the meeting.

10. If it becomes necessary for the body to enter Executive Session, it is recommended that this occur at the end of the meeting. To do so, kindly advise all your public participants to disconnect from the call. The principal moderator should than:

- a. Lock the call by pressing the  button so no new callers can call into the call.
- b. Place the call on hold by pressing the  button. The principal moderator should drop all people not privy to Executive Session from the call that have not already disconnected.

- c. Once the public has been dropped from the call, the principal moderator should un-hold the call again pressing the  button and continue in Executive Session.
11. At the end of the meeting, the principal moderator should end the call by pressing the LEAVE button and then END. NOTE: If the principal moderator does not end the call, the call will continue without the hosts for 5 minutes (see Step 3, number 6 above)

NOTE: Only 1,000 are permitted to participate simultaneously during a call. www.FreeConferenceCall.com does provide a paid subscription to allow up to 5,000 simultaneous callers however it was determined that this was not necessary. As an aside, a normal meeting of the governing body does not attract 1,000. As a matter of fact, the room and building where physical meetings are held does not hold 1,000 people.

Step 5 - Download Call Recording

1. After the call is ended, the principal host and those set up to receive Copy Reports (see Step 3, number 6 above) will receive Detail Report via email. This Detail Report contains the number of participants, time each participant joined and ended the call and a link to the voice record of the meeting in .mp3 format. Follow the link to listen to the call to download the call in .mp3 format.

REMINDER: If you plan to publish the recording of the meeting on your website or provide a copy of the recording to a member of the public, utilize online software to redact Executive Session prior to release