

ORDINANCE NO. 2015-11

ORDINANCE OF THE TOWNSHIP OF LOPATCONG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF LOPATCONG TO CREATE CHAPTER 25, "EXECUTIVE SESSION".

WHEREAS, pursuant to State law (N.J.S.A. 10:4-6, *et seq.*), it requires that all meetings of public bodies be open to the public, except that a public body has a right to exclude the public when it is necessary to discuss certain items as enumerated in N.J.S.A. 10:4-12B, which at the option of the public body can be discussed in what is known as an "Executive Session"; and

WHEREAS, the Council of the Township of Lopatcong, County of Warren, State of New Jersey, wishes to memorialize its procedure with reference to Executive Sessions, so that it is consistent with State law.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Township of Lopatcong, County of Warren, State of New Jersey that the Code of the Township of Lopatcong shall be amended to create Chapter 25, "Executive Session," as follows:

Section 1:

Chapter 25 Executive Session

§25-1 Executive Session

Whenever it is permissible pursuant to State law for the Township Council to adjourn into an Executive Session to discuss those matters which are set forth in N.J.S.A. 10:4-12B, the Township shall be required to follow the procedures as set forth herein.

§25-2 Resolution for Executive Session

Before the Township Council may discuss any matter in executive session, it must first adopt a resolution, at a meeting to which the public shall be admitted, stating the general nature of the subject to be discussed and stating as precisely as possible, the time when and the circumstances under which the discussion conducted in closed session of the governing body can be disclosed to the public.

§25-3 Minutes of Executive Session

The Township Council shall cause to be kept reasonably comprehensive minutes of all executive session meetings showing the time and place, the members present, the subject considered and any other information required to be shown in the minutes by law.

§25-4 Approval of Executive Session Minutes

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The Township Clerk shall make every effort to draft executive session meeting minutes within thirty (30) days of the meeting; however, all executive session minutes must be drafted and submitted to the Council no later than sixty (60) days from the meeting date, absent exigent circumstances.

When feasible, executive session minutes shall be considered for adoption by the Township Council at the next regularly scheduled meeting after the draft minutes have been provided by the Township Clerk, but no later than the second regularly scheduled meeting of the Township Council. Nothing herein shall be construed as to require the Council to authorize release of any portion of the minutes of an executive meeting when the Council, pursuant to advice from the Township attorney, deems that it cannot be released at that time because the information is still required to be withheld from the public for reasons set forth in the aforesaid statute.

§25-5 Release of Executive Session Minutes

Once the executive session meeting minutes are approved by the Township Council, those minutes are available for inspection pursuant to the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.). The Township Clerk and/or the Township Attorney shall review executive session minutes and make the appropriate redactions prior to any inspection or release of executive session minutes.

§25-6 Annual Review of Minutes

Annually, the Township Clerk and the Township Attorney shall review the executive session meetings minutes and determine if any of those records are no longer subject to redactions under the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.). A list of those meeting minutes shall be provided to Council.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Township of Lopatcong held on November 12, 2015, and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Township Council to be held on December 2, 2015 at 7 p.m. or as soon thereafter as the Township Council may hear this Ordinance at the Municipal Building, 232 S. Third Street, Phillipsburg, New Jersey, at which time all persons interested may appear for or against the passage of said Ordinance.

Margaret B. Dilts, CMC
Township Clerk