

TOWNSHIP OF MOORESTOWN

RESOLUTION NO. 47-2013

**ESTABLISHING GUIDELINES FOR TOWNSHIP OFFICIALS IN THE USE OF
ELECTRONIC COMMUNICATIONS IN COMPLIANCE WITH
THE OPEN PUBLIC MEETINGS ACT**

WHEREAS, the Prosecutor of Burlington County has forwarded a memorandum to all Burlington County Municipal Governing Bodies relative to the use of electronic e-mails to discuss municipal business; and

WHEREAS, the Prosecutor of Burlington County has directed that each municipality develop written guidelines in order that there be compliance with the Open Public Meetings Act.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, that the Members of the Governing Body adhere to the following guidelines relative to electronic mail communications:

1. E-mail communications should, as far as practicable, not include an effective majority of the Governing Body (three or more members) and should never include an effective majority of the Governing Body where discussion of information related to the business of the Township is involved.

2. Where e-mail communications do include an effective majority of the Governing Body, such communication should not include any request for response. In fact, any e-mail communication should indicate that there should be no e-mail reply or other responsive communication.

3. In the rare instance where a response to an e-mail is necessary, such response must not involve any decision-making or deliberative function of the Governing Body or otherwise address public business as contemplated by the Open Public Meetings Act. Further, the response shall not be made to the entire list of e-mail addressees to avoid even the appearance of impropriety. Utilizing a third party, such as the Municipal Clerk, does not change the requirements of the Open Public Meetings Act.

4. "Rolling" e-mail conversations must also be avoided. A "rolling" e-mail occurs when one (1) member of the Governing Body or a third party contacts other members by e-mail individually to successively discuss or gain opinions on an item of Township business. This would apply to other forms of electronic communications as well. However, communications between less than an effective majority of the Governing Body (two members or less) do not violate the Open Public Meetings Act provided the dialogue does not become a "rolling" discussion that ends up including an effective majority of the Governing Body.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Planning and Zoning Boards of the Township of Moorestown in order that they might establish similar guidelines for their respective Boards with respect to the conduct of their public business in compliance with the Open Public Meetings Act.

VOTE:
JORDAN
CHIACCHIO
GARWOOD
NEWCOMER
NAPOLITANO

Certified to be a true and correct copy of a Resolution adopted by the Township Council at its meeting on January 7, 2013.

Patricia L. Hunt, RMC
Township Clerk