

TOPIC: JOINT MEETINGS OF PUBLIC AGENCIES

In July 2015, there were discussions on NJFOG's Facebook page and Q&A Forum regarding the application of OPRA and OPMA to joint meetings of public agencies, in particular a joint meeting of a school board and municipal governing body. Salient passages follow:

"It's been brought to [NJFOG's]...attention that on April 7, 2015, the Nutley Board of Commissioners (BOC) and Nutley Board of Education (BOE) held a joint meeting. Joint meetings are red flags. Joint meetings almost always must be held in public. While we can think of hypothetical situations where two public bodies might be able to meet in a closed session, these are rare. Joint meetings, in our view, are always suspicious. Here, Nutley is refusing to release any information about the meeting other than the original agenda, which itself makes little effort to let the community know what the intended discussions were.

First of all, if five members of the BOE were present – [i.e., if a quorum of each body was present] -- then this was two meetings governed by the OPMA. Both the BOE and Nutley BOC had to issue notices and agendas. Second, if a quorum of the BOE were present, both the BOE and BOC are responsible for issuing minutes. Third, they probably should not have had a closed session. Closed sessions are not for negotiations. I see the agenda lists property acquisition and potential contractual arrangements. These exceptions do not apply if the counter-parties are the BOE and BOC. These exceptions are for internal deliberations only, and are not for the actual negotiating..." -Walter Luers for NJFOG