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AN ACT revising the law concerning meetings of public bodies and amending P.L.2002, c.91 and amending and supplementing P.L.1975, c.231.

Revises law concerning meetings of public bodies to provide greater public access to meetings and to information about meetings.

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Suggested allocation: §§13-17 to C.10:4-19.1 et seq.

AN ACT revising the law concerning meetings of public bodies and amending P.L.2002, c.91 and amending and supplementing P.L.1975, c.231.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 2 of P.L.1975, c.231 (C.10:4-7) is amended to read as follows:

2. The Legislature finds and declares 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 fosters corruption and official misconduct, 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, and to review the minutes and recordings of, 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, and then only to the narrowest extent.

The Legislature further declares it to be the public policy of this State to insure that the aforesaid rights are implemented pursuant to the provisions of this act so that no confusion, misconstructions or misinterpretations may thwart the purposes hereof.

The Legislature, therefore, declares that it is the understanding and the intention of the Legislature that in order to be covered by the provisions of this act a public body must be organized by law and be collectively empowered as a multi-member voting body to spend public funds or affect persons' rights; that, therefore, informal or purely advisory bodies with no effective authority are not covered, nor are groupings composed of a public official with subordinates or advisors, who are not empowered to act by vote such as a mayor or the Governor meeting with department heads or cabinet members, that specific exemptions are provided for the Judiciary, parole bodies, the State Commission of Investigation, the Apportionment Commission and political party organization; that to be covered by the provisions of this act a meeting must be open to all the public body's members, and the members present must intend to discuss or act on the public body's business; and therefore, typical partisan caucus meetings and chance encounters of members of public bodies are neither covered by the provisions of this act, nor are they intended to be so covered.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

(cf: P.L.1981, c.176, s.1)

2. Section 3 of P.L.1975, c.231 (C.10:4-8) is amended to read as follows:

3. As used in this act:

a. "Public body" means a commission, authority, board, council, committee or any other group of two or more persons organized under the laws of this State, and collectively empowered as a voting body to perform a public governmental function affecting the rights, duties, obligations, privileges, benefits, or other legal relations of any person, or collectively authorized to spend public funds including the Legislature, but does not mean or include the judicial branch of the government, any grand or petit jury, any parole board or any agency or body acting in a parole capacity, the State Commission of Investigation, the Apportionment Commission established under Article IV, Section III, of the Constitution, or any political party committee organized under Title 19 of the Revised Statutes. "Public body" also means, but is not limited to, an independent authority, redevelopment entity, or improvement authority.

b. "Meeting" means and includes any gathering whether corporeal or by means of communication equipment, including the use of electronic mail, instant messaging or similar technologies, which is attended by, or open to, all of the members of a public body, held with the intent, on the part of the members of the body present, to discuss or act as a unit upon the specific public business of that body. Meeting does not mean or include any such gathering (1) attended by less than an effective majority of the members of a public body, or (2) attended by or open to all the members of three or more similar public bodies at a convention or similar gathering.

c. "Public business" means and includes all matters which relate in any way, directly or indirectly, to the performance of the public body's functions or the conduct of its business.

d. "Adequate notice" means written advance notice of at least [48 hours] three business days, giving the time, date, location and [, to the extent known,] the agenda of any regular, special or rescheduled meeting, which notice shall accurately state whether formal action may or may not be taken and which shall be (1) prominently posted on the public body's Internet site, if the public body has established an Internet site, and in at least one public place reserved for such or similar announcements, (2) mailed, telephoned, [telegrammed] faxed, mailed electronically, or hand delivered to at least two newspapers which newspapers shall be designated by the public body to receive such notices because they have the greatest likelihood of informing the public within the area of jurisdiction of the public body of such meetings, one of which shall be the official newspaper, where any such has been designated by the public body or if the public body has failed to so designate, where any has been designated by the governing body of the political subdivision whose

geographic boundaries are coextensive with that of the public body and (3) filed with the clerk of the municipality when the public body's geographic boundaries are coextensive with that of a single municipality, with the clerk of the county when the public body's geographic boundaries are coextensive with that of a single county, and with the Secretary of State if the public body has Statewide jurisdiction. For any other public body the filing shall be with the clerk or chief administrative officer of such other public body and each municipal or county clerk of each municipality or county encompassed within the jurisdiction of such public body. Where annual notice or revisions thereof in compliance with section 13 of this act set forth the location of any meeting, no further notice shall be required for such meeting, except for notice pertaining to agendas and formal action on the public body's Internet site, if the body has established an Internet site, and posting in at least one public place reserved for such or similar announcements. Notice shall not be considered "adequate notice" within the meaning of this subsection unless it includes separate specific starting times for the public portion of any meeting and the portion of any meeting from which the public is to be excluded pursuant to subsection b. of section 7 of P.L.1975, c.231 (C.10:4-12). If it is determined that any meeting for which annual notice has been given will include both public and nonpublic portions, a revised notice for that meeting shall be issued which includes separate specific starting times for each portion.

e. "Agenda" means the list of all items of business to be discussed or voted on at a public meeting. For purposes of providing adequate notice, agendas shall include each individual item to be discussed or acted upon and shall identify the names of the parties to and approximate dollar amounts of any contracts or proposed contracts, including employment contracts, to be discussed or acted upon. No public body shall act upon or discuss a matter that is not listed on the agenda for which notice was given three business days prior to the meeting unless the conditions listed in subsection b. of section 4 of P.L.1975, c.231 (C.10:4-9) exist.

(cf: P.L.1981, c.176, s.2)

3. Section 4 of P.L.1975, c.231 (C.10:4-9) is amended to read as follows:

4. a. Except as provided by subsection b. of this section, or for any meeting limited only to consideration of items listed in section 7. b. no public body shall hold a meeting unless adequate notice thereof has been provided to the public.

b. Upon the affirmative vote of three quarters of the members present a public body may hold a meeting notwithstanding the failure to provide adequate notice if:

(1) such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing

adequate notice would be likely to result in substantial harm to the public interest; and

(2) the meeting is limited to discussion of and acting with respect to such matters of urgency and importance; and

(3) notice of such meeting is provided as soon as possible following the calling of such meeting by posting written notice of the same on the public body's Internet site, if the public body has established an Internet site and in the public place described in section 3. d. above, and also by notifying the two newspapers described in section 3. d. by telephone, [telegram,] fax machine, electronic mail, or by delivering a written notice of same to such newspapers; and

(4) [either (a)] the public body could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided [; or (b) although the public body could reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided, it nevertheless failed to do so].

(cf: P.L.1975, c.231, s.4)

4. Section 1 of P.L.2002, c.91 (C.10:4-9.1) is amended to read as follows:

1. In addition to the notice requirements of the "Open Public Meetings Act," P.L.1975, c.231 (C.10:4-6 et seq.), a public body [may] shall provide electronic notice of any meeting of the public body through the Internet, if the public body maintains an Internet site or pages on an Internet site.

As used in this section, "electronic notice" means advance notice available to the public via electronic transmission of at least [48 hours] three business days, giving the time, date, location and, to the extent known, the agenda of any regular, special or rescheduled meeting, which notice shall accurately state whether formal action may or may not be taken at such meeting.

As used in this section, "Internet" means the international computer network of both federal and non-federal interoperable packet switched data networks.

(cf: P.L.2002, c.91, s.1)

5. Section 7 of P.L.1975, c.231 (C.10:4-12) is amended to read as follows:

7. a. Except as provided by subsection b. of this section all meetings of public bodies shall be open to the public at all times. No member of a public body, during any meeting of that public body to which the public is admitted, shall communicate privately, by any means, with any other member of the public body, with any staff of the public body or of its members, or with any member of the public who wishes to comment on, or whose personal interest will be directly affected by, public business under consideration at

that meeting of the public body. Nothing in this act shall be construed to limit the discretion of a public body to permit, prohibit or regulate the active participation of the public at any meeting, except that a [municipal governing] public body [and a board of education] , other than the Legislature, shall be required to set aside a portion of every meeting of the [municipal governing] public body [or board of education], the length of the portion to be determined by the [municipal governing] public body [or board of education], for public comment on any governmental [or school district] issue that a member of the public feels may be of concern to the [residents of the municipality or school district] public body. A public body, other than the Legislature, may require members of the public to sign in before speaking, but only if signing in is permitted up to the start of the comment period and is limited to providing name and address. A public body, other than the Legislature, shall be required to provide for public comment on items that are added to the regular meeting agenda that were not on the adequately-noticed agenda three business days prior. In so far as practical, a public body shall also invite public comment before taking final action on any matter at any meeting. Such comments shall be limited to the matter at hand and the duration shall be not less than three minutes per person wishing to speak. A public body shall permit all proceedings of any public meeting to be recorded, photographed, audiotaped, videotaped, broadcast or recorded for broadcast by any member of the public or news organization, subject only to such reasonable rules as the public body may adopt prior to the meeting to minimize undue disruption to its meetings.

b. A public body may exclude the public only from that portion of a meeting at which the public body discusses:

(1) Any matter which, by express provision of federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of subsection a. of this section.

(2) Any matter in which the release of information would legally impair a right to receive funds from the Government of the United States.

(3) Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his

guardian) shall request in writing that the same be disclosed publicly.

(4) Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

(5) Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where [it] public discussion could [adversely affect] reasonably be expected to jeopardize the public interest if discussion of such matters were disclosed.

(6) Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or [possible] probable violations of the law.

(7) Any [pending or anticipated litigation or contract negotiation] consultation with legal counsel concerning the legal rights and duties of the public body with regard to current litigation or litigation likely to be filed in which the public body is, or is likely to become, a party, or concerning current or anticipated contract negotiations, other than in subsection b. (4) herein in which the public body is, or may become a party.

[Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.]

(8) Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless [all the individual employees or appointees whose rights could be adversely affected] the individual employee or employees whose case or cases are to be discussed request in writing that such matter or matters be discussed at a public meeting. Public bodies shall give timely notice to any employee or officer in advance of any closed meeting at which his or her termination, hiring, promotion or discipline may be discussed so that the employee or officer may ask that the matter or matters pertaining to him or her not be discussed in closed session. However, the matter may still be discussed in closed session if another known employee or officer whose termination, hiring, promotion or discipline would unavoidably have to be disclosed in the discussion declines in writing to have the matter discussed in public.

(9) Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or

permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility.

c. The grounds for exclusion of the public set forth in subsection b. of this section shall be construed strictly to minimize instances in which meetings or portions of meetings are closed to the public. The public may not be excluded from a public body's discussion of actual or potential contracts or agreements involving public funds or public concessions that are conducted with or in the presence of actual or potential adverse or beneficial parties.

(cf: P.L.2008, c.14, s.1)

6. Section 8 of P.L.1975, c.231 (C.10:4-13) is amended to read as follows:

8. No public body shall exclude the public from any meeting to discuss any matter described in subsection 7. b. until the public body shall first adopt a resolution, at a meeting to which the public shall be admitted:

a. Stating as specifically as possible the [general] nature of the subject to be discussed and the specific basis for excluding the public; and b. Stating as precisely as possible, the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed to the public.

(cf: P.L.1975, c.231, s.8)

7. Section 9 of P.L.1975, c.231 (C.10:4-14) is amended to read as follows:

9. Each public body shall keep [reasonably comprehensible] comprehensive minutes of all its meetings, including any portion of a meeting from which the public was excluded pursuant to section 7 of P.L.1975, c.231 (C.10:4-12), showing, at a minimum, the time and place, the members present, the subjects considered, the actions taken, including all motions made, the identities of the moving and seconding members, the vote of each member and each member's stated reasons, if any, for his or her action or vote, the identity of each member of the public who spoke and a summary of what was said, and any other information required to be shown in the minutes by law [, which] . Each public body shall cause to be recorded by sound recording devices all meetings of that public body, including any emergency meeting held pursuant to section 4 of P.L.1975, c.231 (C.10:4-9), and shall maintain possession of the recordings for at least seven years to permit their use in litigation, to enforce the provisions of P.L.1975, c.231 (C.10:4-6 et seq.), or for public access. The recordings and draft minutes, marked as such, shall be promptly made available to the public, either within two weeks of the meeting or at least three days before the next regularly scheduled meeting, whichever is sooner, to the extent that making such matters public shall not be inconsistent with section 7 of this act. The minutes of a meeting of a public body shall include any audio or video recording of the meeting, or any portion of a

meeting, made by the public body and such recording shall be available to the public on the same basis as other meeting minutes. However, all recordings of meetings or portions of meetings closed pursuant to subsection b. of section 7 of P.L.1975, c.231 (C.10:4-12) shall be deemed confidential and not a public record, except that a court of competent jurisdiction may determine that disclosure is necessary or proper for the enforcement of the laws of this or another state of the United States.
(cf: P.L.1975, c.231, s.9)

8. Section 10 of P.L.1975, c.231 (C.10:4-15) is amended to read as follows:

10. a. Any action taken by a public body at a meeting which does not conform with the provisions of this act shall be voidable in a proceeding in lieu of prerogative writ in the Superior Court, which proceeding may be brought by any person within 45 days after the action sought to be voided has been made public; provided, however, that a public body may take corrective or remedial action by acting de novo at a public meeting held in conformity with this act and other applicable law regarding any action which may otherwise be voidable pursuant to this section; and provided further that any action for which advance published notice of at least [48 hours] three business days is provided as required by law shall not be voidable solely for failure to conform with any notice required in this act. No action under this section shall be subject to dismissal on the grounds that the matters in question no longer present a case or controversy.

b. Any party, including any member of the public, may institute a proceeding in lieu of prerogative writ in the Superior Court to challenge any action taken by a public body on the grounds that such action is void for the reasons stated in subsection a. of this section, and if the court shall find that the action was taken at a meeting which does not conform to the provisions of this act, the court shall declare such action void. Any party, other than a public body, that prevails in an action brought pursuant to this section, or whose complaint is found to have been instrumental in bringing about compliance, shall be awarded the amount of reasonable attorney's fees incurred in bringing the action. The cost of any attorney's fee awarded by the court shall be paid by the public body.
(cf: P.L.1975, c.231, s.10)

9. Section 11 of P.L.1975, c.231 (C.10:4-16) is amended to read as follows:

11. Any person, including a member of the public, may apply to the Superior Court for injunctive orders or other remedies to insure compliance with the provisions of this act, and the court shall issue such orders and provide such remedies as shall be necessary to insure compliance with the provisions of this act. Any party, other

than a public body, that prevails in an action brought pursuant to this section shall be awarded the amount of reasonable attorney's fees incurred in bringing the action. The cost of any attorney's fee awarded by the court shall be paid by the public body.
(cf: P.L.1975, c.231, s.11)

10. Section 12 of P.L.1975, c.231 (C.10:4-17) is amended to read as follows:

12. Any person who knowingly violates any of the foregoing sections of this act shall be fined [$100.00] up to $1,000 for the first offense and no less than [$100.00] $1,000 nor more than [$500.00] $5,000 for any subsequent offense [, recoverable by the State by] . The Attorney General, county prosecutor, or any member of the public shall have standing to bring an action in Superior Court to prove that a violation of P.L.1975, c.231 (C.10:4-6 et seq.) has occurred.

Any person upon whom a fine is imposed shall pay the prevailing part's litigation costs and reasonable attorney's fees.

An action may be brought in a summary proceeding under ["the penalty enforcement law" (N.J.S.2A:58-1 et seq.)] the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court shall have jurisdiction to enforce said penalty upon complaint of the Attorney General or the county prosecutor or any member of the public. Whenever a member of a public body believes that a meeting of such body is being held in violation of the provisions of this act, he shall immediately state this at the meeting together with specific reasons for his belief which shall be recorded in the minutes of that meeting, and if the meeting is one from which the public is excluded, the member's statement and reasons shall also be announced at and recorded in the minutes of the next meeting of the public body at which the public is not excluded. Whenever such a member's objections to the holding of such meeting are overruled by the majority of those present, such a member may continue to participate at such meeting without penalty provided he has complied with the duties imposed upon him by this section.
(cf: P.L.1994, c.58, s.41)

11. Section 13 of P.L.1975, c.231 (C.10:4-18) is amended to read as follows:

13. At least once each year, within 7 days following the annual organization or reorganization meeting of a public body, or if there be no such organization or reorganization meeting in the year, then by not later than January 10 of such year, every public body shall publish in the newspapers designated in subsection d. of section 3 of P.L.1975, c.231 (C.10:4-8) a schedule of the regular meetings of the public body to be held during the succeeding year. The public body shall also post and maintain posted throughout the year on the

public body's Internet site, if the public body has established an Internet site, and in the place reserved for such or similar announcements described in subsection 3. d. (1), mail to the newspapers described in subsection 3. d. (2), submit to the persons described in subsection 3. d. (3), for the purpose of public inspection a schedule of the regular meetings of the public body to be held during the succeeding year. Such schedule shall contain the location of each meeting to the extent it is known, and the time and date of each meeting. In the event that such schedule is thereafter revised, the public body, within 7 days following such revision, shall publish in the designated newspapers a revised schedule, and shall post, mail and submit such revision in the manner described above.
(cf: P.L.1975, c.231, s.13)

12. Section 14 of P.L.1975, c.231 (C.10:4-19) is amended to read as follows:

14. Any person may request that a public body mail or electronically mail to him, at his option, copies of any regular meeting schedule or revision described in section 13 of this act and any advance written notice described in subsection 3. d. of this act of any regular, special or rescheduled meeting of such body, and upon prepayment by such person of a reasonable sum, if any has been fixed by resolution of the public body to cover the costs of providing such notice, the public body shall mail to such person written advance notice of all of its meetings within the time prescribed by subsection 3. d. herein, subject only to the exceptions set forth in subsection 4. b. herein. Such resolution may provide that notice requested by the news media shall be mailed to such news media free of charge. If a person requests advance written notice by electronic mail, no payments shall be required. All requests for notices made under this section shall terminate at midnight on December 31 of each year, but shall be subject to renewal upon a new request to the public body.
(cf: P.L.1975, c.231, s.14)

13. (New section) In the case of State agencies, the Secretary of State, through the Department of State, shall create and maintain an Internet site for the posting of information, including time, date, location, and purpose, of public hearings and meetings of State agencies. Each State agency shall promptly notify the Secretary of State and submit the necessary information concerning that agency's public hearings and meetings.

14. (New section) At least quarterly, a public body shall conduct a review of the minutes of any previous meeting when any part has been withheld from public access. The review shall determine whether any part of any minutes that have been withheld from public access can now be made accessible to the public. If the

public body determines that any part of previously withheld minutes can now be disclosed to the public, it shall make that part thereof accessible to the public.

15. (New section) In addition to any other penalties imposed by law, an appointed member of a public body may be removed from the public body by the appointing authority because of two or more violations of P.L.1975, c.231 (C.10:4-6 et seq.) that result in a significant denial of the public's right of access as provided by that act.

16. (New section) Every public body that maintains or publishes an Internet site, or maintains or publishes web pages on an Internet site operated by a government or non-public entity, shall have posted on that site: the public body's annual schedule of regular meetings and its agendas of those meetings and revisions thereto; notice of any meeting held without adequate notice pursuant to one of the exceptions to the adequate notice requirement listed in subsection b. of section 4 of P.L.1975, c.231 (C.10:4-9); the minutes, prepared pursuant to section 9 of P.L.1975, c.231 (C.10:4-14), of each meeting of the public body, including the minutes of the closed portion of any meeting to the extent that those minutes have been made available to the public, which shall remain posted on the site for a period of at least five years from the date of posting; resolutions and ordinances, to the extent they are not already set forth in the minutes; any resolution adopted by the public body for the purpose of complying with the provisions of section 8 of P.L.1975, c.231 (C.10:4-13), which shall remain posted on the site for a period of at least five years from the date of posting; and, in the case of municipalities and counties, their ordinances.

Public bodies that maintain an Internet site or pages on that site pursuant to this section shall provide any requestor with free paper copies of any information that is required to be posted on the Internet site but is not so posted.

17. (New Section) When a public body provides information on the Internet, it shall make a reasonable effort to make the existence and location of its site or pages known to members of the public within its jurisdiction by, at a minimum, including such information in its required written public notices, agendas, and minutes and by announcing it at its public meetings.

18. This act shall take effect immediately.

STATEMENT

This bill revises the "Senator Byron M. Baer Open Public Meetings Act," N.J.S.A.10:4-6 et seq., to provide greater public access to meetings of public bodies and to information about those meetings.

Specifically, the bill would:

amend the findings and declarations section of the current law to express the Legislature's belief that secrecy in public affairs fosters corruption and official misconduct, to make it clear that the public has a right to review the minutes and recordings of all meetings of public bodies, and to provide that exceptions to the right of access should be narrowly construed;

provide that independent authorities, redevelopment entities and improvement authorities are subject to the act's provisions;

provide that a gathering of the members of a public body that is conducted through the use of electronic mail, instant messaging or similar technologies constitutes a "meeting" of the public body;

extend the required period for adequate notice of a meeting of a public body from 48 hours to three business days and require such notice, as well as certain other information, to be posted on a public body's Internet site, if the public body has established an Internet site;

provide that a meeting notice will not be considered adequate unless it includes separate specific starting times for the public portion of any meeting and the portion of any meeting from which the public is to be excluded and that if it is determined that any meeting for which annual notice has been given will include both public and nonpublic portions, a revised notice for that meeting will be issued which includes separate specific starting times for each portion;

eliminate a provision in the act that currently allows a public body to provide advance notice of its agenda for a meeting "to the extent known" and provide, instead, that meeting agendas must list each individual item to be discussed or acted upon and to identify the names of the parties to, and the approximate dollar value of, any contracts or proposed contracts to be discussed or acted upon. A public body would be prohibited, except in cases of emergency, from discussing or acting upon any matter not so listed;

provide that when a public body holds an emergency meeting, notice of such meeting will be provided as soon as possible on the public body's Internet site and that the required notice to two newspapers may be provided by fax machine or electronic mail instead of by telegraph;

eliminate a provision of existing law that allows a public body, upon affirmative vote of three-quarters of the members present, to hold a meeting notwithstanding the failure to provide adequate notice when the public body could have reasonably foreseen the need for such a meeting at a time when adequate notice could have been provided;

replace a provision of existing law which allows a public body to provide electronic notice of a meeting through the Internet with a requirement that such Internet notice be given if the public body maintains an Internet site or pages on an Internet site;

prohibit a member of a public body during a meeting of that body from communicating privately by any means with any other member of the public body, with any staff of the public body or its members, or with any member of the public who wishes to comment on, or whose personal interest will be directly affected by, public business under consideration at that meeting of the public body;

expand a requirement of existing law that municipal governing bodies and boards of education must set aside a portion of each meeting for public comment to apply to all public bodies, except the Legislature; allow a public body to require members of the public wishing to be heard to sign up by providing the person's name and address; expand the scope of public comments which must be allowed; and require a public body to permit meetings to be recorded, photographed, audiotaped, videotaped, broadcast or recorded for broadcast by any member of the public or a news organization, subject only to reasonable rules of the public body adopted to minimize disruption of a meeting;

narrow the ability of a public body to go into closed session to consider a matter in which the release of information would impair the right to receive federal funds to circumstances where the release of information would "legally" impair the right to receive federal funds;

provide that a public body may go into closed session to consider the purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where public discussion could "reasonably be expected to jeopardize" the public interest, instead of where public discussion could "adversely affect" the public interest as provided by current law;

provide that a public body may go into closed session to discuss "probable" violations of law, instead of "possible" violations of law as provided by current law;

eliminate the ability of a public body to go into closed session to discuss "pending or anticipated litigation" and provide instead that a public body may go into closed session to discuss any consultation with legal counsel concerning the legal rights and duties of the public body with regard to current litigation or litigation likely to be filed in which the public body is, or is likely to become, a party;

provide that a public body will go into closed session to discuss personnel matters unless the individual employee or employees whose case or cases are to be discussed request that the matter be heard in public; existing law provides for a closed meeting "unless all of the individual employees or appointees whose rights could be adversely affected" ask for an open meeting;

require public bodies to give the individual employee timely notice of a hearing on a personnel matter affecting the employee directly so that the employee may request an open meeting, and provide that a meeting will be closed at the request of another employee whose personnel matter would unavoidably be disclosed;

provide that grounds for holding a closed meeting will be construed strictly to minimize instances in which meetings or portions of meetings are closed to the public;

provide that the public may not be excluded from a public body's discussion of actual or potential contracts or agreements involving public funds or public concessions that are conducted with, or in the presence of, actual or potential adverse or beneficial parties;

require that when a public body adopts a resolution permitting the public body to go into closed session, as permitted by existing law, the resolution must state the general nature of the subject to be disclosed in closed session "as specifically as possible", as well as "the specific basis for excluding the public";

require a public body to sound record each of its meetings and to maintain the recordings for seven years so as to permit the recordings use in litigation, to enforce the provisions of the public meetings law and for public access, with the recordings and draft minutes made available to the public either within two weeks of a meeting or at least three days before the next regularly scheduled meeting, whichever is sooner;

provide that the minutes of a meeting of a public body will include any audio or video recording of the meeting, or any portion of a meeting, made by the public body and that such recording shall be available to the public on the same basis as other meeting minutes, except that all recordings of closed meetings or portions of closed meetings will be deemed confidential and not a public record, and provided that a court of competent jurisdiction may determine that disclosure is necessary or proper for the enforcement of the laws of this or another state of the United States;

provide that an action brought against a public body in Superior Court to void an act of a public body taken at a meeting that was not held in conformity with the act will not be subject to dismissal on the grounds that the matter no longer presents case or controversy;

provide that reasonable attorney's fees will be awarded to any party, other than a public body, who prevails in an action brought in Superior Court to challenge an action of a public body for failure to comply with the act's requirements or whose complaint was instrumental in bringing about compliance, or who sought an injunction to compel compliance, with the act;

increase the fines for noncompliance with the act and authorize the Attorney General, county prosecutor, or any member of the public to bring an action in Superior Court to prove that a violation of the public meetings law has occurred;

provide that when a member of a public body expresses his or her belief that the public is being improperly excluded from a meeting, the member's statement will be announced and recorded in the minutes of the next meeting of the public body from which the public is not excluded;

provide that a public body must post its annual meeting schedule on its Internet site, if it has established a site, and publish that schedule, as well as any revisions thereof, in two newspapers;

provide that no payment will be required of a person who requests advance written notice by electronic mail of a public body's meeting schedule;

require the Secretary of State to establish an Internet site on which State agency information regarding hearings and meetings will be posted;

require a public body to conduct a quarterly review of the minutes of any meeting which have been withheld from public access to determine if the minutes can be made available;

provide that an appointed member of a public body may be removed for two or more violations of the public meetings law;

require a public body that has established an Internet site to post thereon notices of meetings, agendas, minutes of meetings, resolutions and ordinances, with certain of this information required to remain posted for five years; and

provide that when a public body provides information on the Internet it must make a reasonable effort to make the existence and location of its Internet site or pages known to members of the public by, at a minimum, including such information in its required written public notices, agendas, and minutes and by announcing it at its public meetings.

Revises law concerning meetings of public bodies to provide greater public access to meetings and to information about meetings.