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## **BYLAWS OF THE NEW JERSEY GOVERNMENT RECORDS COUNCIL**

We, the members of the New Jersey Government Records Council (“Council”), created pursuant to N.J.S.A. 47:1A-7 of the Open Public Records Act (“OPRA”), hereby adopt the following bylaws for operations, internal management, and the conduct of the Council’s affairs and business.

### **I. The Council**

Section 1. Offices. The principal office of the Council shall be located in the New Jersey Department of Community Affairs building, 101 South Broad Street, Trenton, New Jersey 08625. The Council’s mailing address is 101 South Broad Street, P.O. Box 819, Trenton, New Jersey 08625-0819. The Council may have such offices at such other locations within the State of New Jersey as the business of the Council may require or make desirable, as determined by the Council.

Section 2. Functions. Pursuant to N.J.S.A. 47:1A-7(b), the functions of the Council are:

- Establish an informal mediation program to facilitate the resolution of disputes regarding access to government records as defined by OPRA;
- Receive, hear, review and adjudicate a complaint filed by any person concerning a denial of access to a government record by a records custodian;
- Issue advisory opinions, on its own initiative, as to whether a particular type of record is a government record which is accessible to the public;
- Prepare guidelines and an informational pamphlet for use by records custodians in complying with the law governing access to public records;
- Prepare an informational pamphlet explaining the public’s right of access to government records and the methods for resolving disputes regarding access, which records custodians shall make available to persons requesting access to a government record;
- Prepare lists for use by records custodians of the types of records in the possession of public agencies which are government records;



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- Make training opportunities available for records custodians and other public officers and employees which explain the law governing access to public records;
- Promulgate rules and regulations to establish a uniform government record request form for all government record requests permitted for use by any public agency that includes the required form components as set forth in subsection f. of section 6 of P.L.2001, c.404 (C.47:1A-5). The form shall include certification that a party to a legal proceeding may not request a government record if the record sought is the subject of a court order or a pending discovery request. The council shall make the form available electronically and in print and shall make the form available to incarcerated individuals; and
- Operate an informational website and a toll-free helpline staffed by knowledgeable employees of the Council during regular business hours which shall enable any person, including records custodians, to call for information regarding the law governing access to public records and allow any person to request mediation or to file a complaint with the Council when access has been denied.

Section 3. Seal. The seal of the Council, which shall be affixed to all decisions, orders, resolutions and other legal documents created in the course of the Council's official business shall be that icon which appears at the top left-hand side of page 1 of these bylaws.

Section 4. Membership. Pursuant to N.J.S.A. 47:1A-7(a), the Council shall consist of nine (9) members. The Commissioner of the New Jersey Department of Community Affairs or the commissioner's designee shall serve as chair. Within 90 days following the enactment date of P.L. 2024, c.16, the Governor shall directly appoint eight (8) public members to the council as follows: two (2) from persons recommended by the President of the Senate, no more than one (1) of whom shall be a member of the same political party; two (2) from persons recommended by the Speaker of the General Assembly, no more than one (1) of whom shall be a member of the same political party; and four (4) appointed at the sole discretion of the Governor, no more than two (2) of whom shall be members of the same political party.

Upon expiration of the initial member terms and reappointment, the Commissioner of Community Affairs or the commissioner's designee will remain as Chair, and eight (8) public members will be appointed as follows: four (4) appointed by the Governor with the advice and consent of the Senate, no more than two (2) of whom shall be members of the same political party; two (2)



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directly appointed by the Governor from persons recommended by the President of the Senate, no more than one (1) of whom shall be a member of the same political party; and two (2) directly appointed by the Governor from persons recommended by the Speaker of the General Assembly, no more than one (1) of whom shall be a member of the same political party.

Section 5. Term of Office. The initial eight (8) appointments under P.L. 2024, c.16 shall serve for a term of three (3) years and until a successor is appointed and qualified. Upon expiration of the initial member terms and reappointment, new public members of the Council shall serve for a term of five (5) years and until the appointment of a successor. A member may be removed by the Governor for cause.

Section 6. Appointee Restrictions. A public member shall not hold any other State or local elected office while serving as a member of the council.

Section 7. Member Compensation. Public members shall receive a salary equivalent to that provided for a public member of the Local Finance Board within the Division of Local Government Services within the Department of Community Affairs.

### II. Officers

Section 1. Number. The officers of the Council shall be a Chair, Vice Chair, and Secretary. The Council may also appoint such other officers as it shall deem necessary who shall hold their offices for such terms determined by the Council and who shall exercise such powers and perform such duties as determined from time to time by the Council.

Section 2. Chair. Pursuant to N.J.S.A. 47:1A-7(a), the Commissioner of Community Affairs or the Commissioner's designee shall serve as the Council's Chair. The Chair shall:

- (a) Preside at all meetings of the Council;
- (b) Rule on all questions of order, subject to appeal to the Council;
- (c) Create subcommittees in consultation with the Council;
- (d) Appoint subcommittee members and designate the Chairs thereof as necessary;



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- (e) Sign all decisions, orders, and resolutions adopted by the Council, and any other legal document or instrument authorized by the Council;
- (f) Submit such recommendations and information as shall be deemed necessary concerning the business, duties, and offices of the Council;
- (g) Have such other duties and powers as conferred by these bylaws, regulation, or any resolution adopted by the Council; and
- (h) Designate an Acting Chair for the conduct of a meeting and signing of decisions, orders and resolutions should both the Chair and Vice Chair be absent from a Council meeting.

Section 3. Vice Chair. The Vice Chair shall perform the duties of the Chair in the event that the Chair is unable to perform such duties by reason of recusal, illness, disability, absence, or when requested to perform such duties by the Chair. The Vice Chair shall perform such other duties as may from time to time be assigned by the Chair.

Section 4. Secretary. The Secretary shall:

- (a) Cause copies to be made of all minutes, decisions, orders, resolutions and other records and documents of the Council and give certification under personal oath or affirmation or the seal of the Council, if any, to the effect that such copies are true copies and that all persons dealing with the Council may rely on such certification; and
- (b) Sign all decisions, orders and resolutions authorized and adopted by the Council.

Section 5. Executive Director. The Executive Director shall have all the powers delegated in accordance with these bylaws and actions of the Council. The Executive Director shall, subject to the provisions of these bylaws and any regulations, be generally in charge of all activities of the Council. The Executive Director shall designate a staff member to act in the event the Executive Director is unable to perform such duties by reason of recusal, illness, disability, absence, or when requested to perform such duties. In addition, the Executive Director shall:



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- (a) Perform such other duties as are incidental to the position as may be assigned from time to time by the Council;
- (b) Have the power to appoint, promote, remove, discipline and supervise employees in accordance with the personnel policies of the New Jersey Civil Service Commission and the Department of the Community Affairs;
- (c) Administer the Council for the efficient, orderly, and economical function of all administrative and executive affairs thereof, including setting the agenda for the Council's meetings and arranging for adequate public notice of the meeting as defined under the Open Public Meetings Act ("OPMA"), N.J.S.A. 10:4-6 et seq.
- (d) Contract for and purchase goods and services in an amount not to exceed that which has been delegated to state agencies pursuant to N.J.S.A. 52:25-23 and approve payments;
- (e) Supervise a program whereby requestors and records custodians seeking to avoid litigation concerning OPRA record requests are afforded access to professional mediation dispute resolution at no charge;
- (f) Review all complaints alleging denial of access to a government record requested under OPRA which have not been settled or mediated successfully and submit recommendations thereon to the Council in accordance with the internal and regulatory procedures established by the Council for processing such complaints;
- (g) Maintain, operate, supervise, and periodically review the Council's website and post thereon all decisions, orders and advisory opinions approved by the Council, as well as other relevant informational material;
- (h) Formulate, with the approval of the Council, guidelines to comply with OPRA for use by records custodians, informational pamphlets explaining the public's right to access government records, methods for resolving disputes regarding access, and other documents as determined necessary, and post all these on the Council's website;
- (i) Establish and maintain a toll-free helpline and staff it with employees of the Council who are properly trained which shall



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enable requestors and records custodians to call for information regarding the law governing access to government records;

- (j) Attend all meetings of the Council and record the minutes of each meeting of the Council which shall be government records accessible to the public under OPRA;
- (k) Maintain records of the Council's transactions, communications and proceedings which shall be government records accessible to the public under OPRA;
- (l) Keep in safe custody the seal of the Council, if any, and affix such seal to all papers authorized to be executed by the Council requiring a seal to be affixed; and
- (m) Arrange for training of Council staff and schedule training and educational opportunities about OPRA for records custodians and the public.

Section 6. Selection of Officers. All officers of the Council shall be elected by majority vote of the Council.

Section 7. Vacancies. Any vacancies occurring among the members of the Council by reason of death, resignation, disqualification, incapacity to serve, removal from office in accordance with the law, or otherwise, shall be filled in the same manner in which the original appointment was made. No vacancy in the membership of the Council shall impair the right of a duly constituted quorum to exercise all the rights and perform all the duties of the Council.

### III. Council Proceedings

Section 1. General Powers. The Council shall manage the business of the Council in accordance with these bylaws and any other rule or regulation established by the Council.

Section 2. Regular Meetings. Regular monthly meetings of the Council shall be held at a time and place, whether physical or virtual, to be designated by the Council. Adequate notice, as defined under OPMA shall be given by the Executive Director. Regular monthly meetings may be cancelled pursuant to OPMA at the discretion of the Chair. One (1) meeting a year may be designated as a public training seminar as determined by the Chair with the advice of the Executive Director.



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Section 3. December Meeting. The Council shall at its regularly scheduled December meeting;

- (a) Establish a meeting schedule for the following year;
- (b) Elect a Vice Chair and Secretary; and
- (c) The Chair may appoint any Council subcommittee Chairs and membership deemed necessary.

Section 4. Special Meetings. The Chair may call special meetings of the Council at any time. The Chair may fix any time and place, physical or virtual, as the time and place for holding a special meeting. The Executive Director shall be informed of the call of such special meeting sufficiently in advance to arrange for adequate public notice of the meeting as defined under OPMA.

Section 5. Emergency Meetings. The Chair may call emergency meetings at any time in accordance with OPMA.

Section 6. Quorum. Five (5) members shall constitute a quorum. If a quorum is not present at any meeting of the Council, a majority of the Council members present may agree to meet another time and place. Notice of any such adjourned meeting shall be given in accordance with the requirements of OPMA.

Section 7. Manner of Acting. On any question presented, the Executive Director shall record the number of members present. Actions may be taken, and motions, decisions, orders and resolutions adopted by the Council upon the affirmative vote of five or more members.

Section 8. Minutes of Meetings. The minutes of each meeting shall reflect the presence of each member in attendance and shall be adopted by the Council at the following regularly scheduled meeting of the Council at which a quorum is present.

Section 9. Order of Business. Except as otherwise directed by the Chair, the order of business at regular meetings shall be:

- (a) Reading of the Open Public Meeting Act statement;
- (b) Pledge of Allegiance;
- (c) Roll call;
- (d) Approval of minutes of previous meetings;
- (e) Subcommittee reports (if any);
- (f) Complaint Adjudication;



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- (g) Communications (if any);
- (h) Unfinished business;
- (i) New business;
- (j) Public Comment; and
- (k) Adjournment.

The Council reserves the right to enter into closed session and act accordingly pursuant to OPMA at any time during a public meeting as may be determined necessary.

Section 10. Policy on Public Comment. It is the policy of the Council to provide citizens an opportunity to present suggestions, views and comments relevant to the Council's functions, responsibilities, or proposed actions for a reasonable period of time during each meeting to the extent the agenda of the Council permits it and not to exceed five (5) minutes.

#### V. Amendments and Suspensions

The provisions of these bylaws may be amended or suspended, in whole or in part, by a resolution duly adopted at any Council meeting. No amendment, repeal or addition to these bylaws may be considered unless notice describing the proposed amendment or suspension is given in writing and mailed or delivered personally to each member of the Council at least seven (7) days in advance of the meeting at which the motion to adopt the amendment, repeal or addition will be present.