

BY-LAW

MINUTES/TAPING OF MEETINGS

The minutes of all meetings of the Board shall be sufficiently detailed to serve as documentation of Board compliance with New Jersey Statutes and Administrative Code.

The minutes of the meetings of the Board shall include:

- A. The classification (regular, adjourned or special), date, and place of meeting;
- B. The call to order stating time, person presiding and his/her office;
- C. The record of the roll call of Board members;
- D. A notation of the presence of the Superintendent, School Business Administrator, Board Secretary, Administrators, Board Solicitor and the public;
- E. Announcement of notification listing the newspapers by name;
- F. A record of any corrections to the minutes of the previous meetings and the action approving them;
- G. A record of all communications presented to the Board;
- H. A record of each motion placed before the Board, the result of the vote, and the vote of each member.

A copy of the minutes of the previous meeting shall be sent to all Board members along with agenda materials.

The minutes shall be filed permanently for reference purposes.

All reports requiring Board action, resolutions, agreements and other written documents shall be placed in the files of the Board secretary and/or the Superintendent or his/her designee as a permanent record.

Minutes of Closed Meetings

The minutes of closed meetings must be made available to the public as soon as the reason for confidentiality no longer applies. Minutes of closed meetings shall be filed in the Board Secretary's office in a place separate from the regular minutes until the time, if any, when the proceedings may be made public. When a closed meeting deals with more

than one privileged matter, the minutes shall be prepared in such a way that each matter can be separated and disclosed in a timely manner.

Public Access to Minutes

Minutes of all regular meetings shall be available to the public for inspection within two weeks of the meeting.

The Board Secretary (or other person deemed to be the custodian of public records) shall permit the minutes to be inspected, examined and copied by any person during regular business hours in accordance with applicable State law. The Board may charge a fee for copies of the minutes as provided by law.

Taping of Public Meetings

Official Tapes: The Board Secretary may tape record public meetings of the Board in order to assure proper documentation of occurrences and the preparation or transcription of minutes. All tapes are the sole property of the Board, and any individual requesting access to these materials must do so in writing five working days in advance. Tapes shall not be removed from the Board office and must be played in the presence of the Board secretary/designee. All tapes shall be stored in a locked cabinet located in the Board office and shall be retained under the New Jersey Division of Archives and Record Management ("NJDARM") schedule for 45 days or until official transcripts or minutes are prepared and adopted, whichever is longer.

Taping by Members of the Public: Any member of the public is entitled to make an audio or video tape recording of a Board of education meeting, subject to reasonable restrictions including that the taping will minimize intrusiveness and not interrupt the proceedings. Any person wishing to audio or video tape meetings shall provide written notice of same, along with his/her name, address and telephone number, at least two (2) days prior to the meeting and will consent to the Board, at its own expense and upon request, to make a reproduction of the recording. Absent prior Board approval, no additional artificial lighting shall be permitted. No electrical or other wiring is allowed due to the danger of entanglement and tripping.

All persons recording Board proceedings shall hold the Board harmless and indemnify the Board against all damage or injury whether to equipment, to themselves or to others. To protect privacy, there shall be no taping of closed executive sessions and no audio pick-up of private conversations occurring in the audience or between the Board and its attorney. Persons taping shall not move around the room while meetings are in session and equipment, once positioned, shall not be moved during the Board meeting. Unless waived by the Board, no more than two portable video tape cameras, operated by not more than two persons, shall be allowed, on a first-come, first-served basis.

Following the adjournment of the Board's meeting, any persons responsible for taping shall immediately remove all equipment and restore the facility to the same condition it was in immediately prior to the recording equipment being set up.

The presiding officer of the meeting shall determine when any recording device interferes with the conduct of a Board meeting and may order that an interfering device be removed.

Date: July 24, 2000

Reviewed/Revised: April 27, 2009

Legal References:

<u>N.J.S.A.</u> 10:4-6	Open Public Meetings Act
<u>N.J.S.A.</u> 18A:11-1	General mandatory powers and duties
<u>N.J.S.A.</u> 18A:17-7	Secretary to give notices and keep minutes, etc.
<u>N.J.S.A.</u> 47:1A-1	Examination and copies of public records
<u>N.J.A.C.</u> 6A:8-4.3	Accountability
<u>N.J.A.C.</u> 6A:32-12.1	Reporting requirements

Executive Order No. 9, September 30, 1963; modified by
Executive Order No. 11, November 15, 1974

Maurice River Board of Education v. Maurice River Teachers Assn., 193 N.J. Super. 488 (App. Div. 1984). Boards must allow video and audio taping of meetings, subject to reasonable Restrictions.

Matawan Ed. Ass'n. v. Matawan-Aberdeen Ed. Bd.,
212 N.J. Super. 328

Liebeskind v. Mayor & Mun. Coun. of Bayonne,
265 N.J. Super. 389, 400-401 (App. Div. 1993)

Atlantic City Convention Center Authority v. South Jersey Publishing Co., Inc., 135 N.J. 53 (1994). Tapes made during closed government meetings are common law public records, to the removal of any confidential or privileged information before disclosure. "Blanket access to the tapes would not be required; rather, access could be limited to those portions of the tapes necessary to vindicate the public interest."

Robert Wayne Tarus v. Borough of Pine Hill, et al.,
189 N.J. 497 (2007). The public's right of access to governmental proceedings includes the right to videotape.

Manual for the Evaluation of Local School Districts

New Jersey Department of State, Division of Archives and
Records Management, School District Records Retention Schedule

Possible Cross References: 3570 District records and reports
9123 Appointment of board secretary