



Adopted as Amended on the floor, August 18, 2010

VETOED, September 2, 2010

By Governor Chris Christie

Amended Again and Adopted as Amended, August 25, 2010

See above for final Resolution, posted here, dated August 25, 2010

**of its consultants with regard to the requirements and the law, and has determined that the adoption of this Resolution is in the best interests of the Authority and the public it serves.**

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**SUMMARY STATEMENT**  
**New Business: 8/18/10**

**Requiring all Meetings of the  
Authority Board to be Open to the  
Public and Requiring the Authority  
to Follow the Requirements of the  
Pennsylvania Right to Know Law**

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<b>SUMMARY:</b>	<b>Amount:</b>	N/A
	<b>Source of Funds:</b>	N/A
	<b>Capital Project #:</b>	N/A
	<b>Operating Budget:</b>	N/A
	<b>Master Plan Status:</b>	N/A
	<b>Other Fund Sources:</b>	N/A
	<b>Duration of Contract:</b>	N/A
	<b>Other Parties Involved:</b>	N/A

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**DRPA-10-041**

**New Business: August 18, 2010**

**Board Date: August 18, 2010**

**Requiring all Meetings of the  
Authority Board be Open to the  
Public and Requiring the Authority  
Follow the Requirements of the  
Pennsylvania Right to Know Law**

## **RESOLUTION**

**RESOLVED:** That the Board adopt the Open Public Meetings Policy, as set forth in the attachment and hereby declares it shall function as if it were subject to the Pennsylvania Right to Know Law until such time as the staff shall recommend a policy which is a hybrid of the Pennsylvania Right to Know Law and the New Jersey Open Public Records Act.

**SUMMARY:**

<b>Amount:</b>	<b>N/A</b>
<b>Source of Funds:</b>	<b>N/A</b>
<b>Capital Project #:</b>	<b>N/A</b>
<b>Operating Budget:</b>	<b>N/A</b>
<b>Master Plan Status:</b>	<b>N/A</b>
<b>Other Fund Sources:</b>	<b>N/A</b>
<b>Duration of Contract:</b>	<b>N/A</b>
<b>Other Parties Involved:</b>	<b>N/A</b>

OGC

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## OPEN PUBLIC MEETINGS

**SCOPE** Defines policy and procedure governing the meetings of the Delaware River Port Authority and Port Authority Transit Corporation (collectively the “Authority”).

**POLICY** The Authority has determined that the right of the public to be present at all meetings of the Authority Board and to witness the deliberation, policy formulation and decision-making of the Authority is vital to the enhancement and proper functioning of the Authority and that secrecy in public affairs undermines the faith of the public. The Authority has determined that the public should have notice of and the right to attend all meetings of the Authority Board at which any Authority business is discussed or acted upon subject to the exceptions set forth in the Authority’s By-laws.

1. All official action and deliberations at meetings open to all DRPA commissioners shall take place at a meeting open to the public unless closed to the public for the following reasons:

a. *Executive session.* The Authority Board may hold an executive session for any purpose set forth under the By-laws and for one or more of the following reasons:

i. To discuss any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance, promotion or disciplining of any specific prospective, current or former public officer or employee employed or appointed by the Authority, provided, however, that with respect to current officers or employees, the individual employee or appointee whose rights could be adversely affected may request, in writing, that the matter or matters be discussed at an open meeting. The Authority's decision to discuss such matters in executive session shall not serve to adversely affect any due process rights granted by law,

ii. To hold information, strategy and negotiation sessions related to the negotiation or arbitration of a collective bargaining agreement or, in the absence of a collective bargaining unit, related to labor relations and arbitration.

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iii. To consider the purchase or lease of real property up to the time an option to purchase or lease the real property is obtained or up to the time an agreement to purchase or lease such property is obtained if the agreement is obtained directly without an option.

iv. To consult with its attorney or other professional advisor regarding information or strategy in connection with litigation or with issues on which identifiable complaints are expected to be filed.

v. To review and discuss Authority business which, if conducted in public, would violate a lawful privilege or lead to the disclosure of information or confidentiality protected by law, including matters related to the initiation and conduct of investigations of possible or certain violations of the law and quasi-judicial deliberations.

vi. To discuss or act upon matters relating to security or public safety where conducting the said discussions or actions in public might adversely impact security or safety of the public.

b. *Conference.* The Authority Board may participate in a conference which need not be open to the public. Deliberation of Authority business may not occur at a conference.

2. In all meetings of the Authority Board, the vote of each member who actually votes on any resolution, rule, order, regulation, or the setting of official policy must be publicly cast and, in the case of roll call votes, recorded.

3. Written minutes shall be kept of all open meetings of the Authority. The minutes shall include:

a. The date, time and place of the meeting.

b. The names of members present.

c. The substance of all official actions and a record by individual member of the roll call votes taken.

d. The names of all citizens who appeared officially and the subject of their testimony.

4. The Authority shall give public notice of its first regular meeting of each calendar or fiscal year not less than three days in advance of the meeting and shall give public notice of the schedule of its remaining regular meetings. The Authority

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shall give public notice of each special meeting or each rescheduled regular or special meeting at least 48 hours in advance of the time of the convening of the meeting specified in the notice. Public notice is not required in the case of an emergency meeting or a conference.

5. With respect to public notice which must be given by a certain date, the Authority, must give the notice in time to allow it to be published or circulated within the at least one newspaper of general circulation within the Port District, before the date of the specified meeting.

6. In addition to the public notice required, the Authority shall supply, upon request, copies of the public notice thereof to any newspaper of general circulation in the Port District in which the meeting will be held, to any radio or television station which regularly broadcasts into the Port District and to any interested parties if the newspaper, station or party provides the Authority with a stamped, self-addressed envelope for number or e-mail address prior to the meeting.

7. The Authority shall provide a reasonable opportunity at each advertised regular meeting and advertised special meeting for residents of the Port District to comment on matters of concern, official action or deliberation which are or may be before the Authority prior to taking official action. The Authority has the option to accept all public comment at the beginning of the meeting. The Authority will set reasonable time limits for public comment in order to permit reception of public comments from all interested parties and in order to allow the efficient completion of Authority business. If the Authority determines that there is not sufficient time at a meeting for residents to comment, the Authority may defer the comment period to the next regular meeting or to a special meeting occurring in advance of the next regular meeting.