

**GATEWAY DEVELOPMENT COMMISSION
OPEN MEETINGS POLICY**

I. INTRODUCTION

This document sets forth the official policy of the Gateway Development Commission (the “Commission”), a body corporate and politic created by the New York and New Jersey Gateway Development Commission Act (2019 N.Y. Sess. Laws ch. 108 and 2019 N.J. Sess. Law Serv. ch. 195) (collectively, the “Act”), relating to public attendance at and participation in meetings of the Commission’s Board of Commissioners (collectively, the “Board” and individually, each a “Commissioner”) consistent with the Act.

II. POLICY

A. The activities and decisions of the Commission and the Board are taken in the public interest and may implicate the expenditure of public funds or the use of public assets. Accordingly, the Commission’s policy is that all meetings of the Commission, except for an executive session initiated in accordance with Section IV(D) of this policy, will be open to the public and members of the news media, individually and collectively, for the purpose of observing the full details of all phases of the deliberation, policy-making, and decision-making of the Board.

B. Public portions of meetings of the Board, to the extent practicable and within available funds, shall be live streamed on the Commission’s website or via a third-party platform accessible from a link on the Commission’s website, and posted on the Commission’s website within and for a reasonable time after the meeting.

C. For purposes of this policy, the term “meeting” means any gathering, whether corporeal or by means of communication equipment, that is attended by, or open to, the Board or any committee thereof, held with the intent, on the part of the Commissioners present, to act as a unit upon the specific public business of the Commission. “Meeting” does not mean a gathering (1) attended by less than a quorum of Commissioners (as determined in accordance with the Act and the bylaws of the Commission (the “Bylaws”)); (2) in which the Board or such committee is engaged in ordinary course supervision of Commission staff; (3) in which Commission business matters are informally discussed without the intent or effect of effectuating any action of the Commission; or (4) attended by or open to all the members of three or more similar public bodies at a convention or similar gathering.

D. For purpose of this policy, the term “public business” means matters that relate in any way, directly or indirectly, to the performance of the functions of the Commission or the conduct of its business.

III. EXCEPTIONS

As the public interest could be adversely affected, or the personal privacy or guaranteed rights of individuals (including employees) could be subject to unwarranted invasion, when certain subjects are considered by the Board, the meetings of which would otherwise be open to members of the general public, including representatives of the media, the Board may act in executive session, in

accordance with Section IV.D below, when discussing any of the following “Subject Matter Exceptions”:

- A. matter in which the release of information would impair a right to receive funds from the government of the United States;
- B. material the disclosure of which would constitute an unwarranted invasion of individual or personal privacy;
- C. collective bargaining agreement, or the terms and conditions that 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 Commission;
- D. matter involving the purchase, lease, or acquisition of real property with Commission funds, the proposed acquisition of securities, the sale or exchange of securities held by the Commission, or the investment of Commission funds, if public discussion of the matter would adversely affect the public interest;
- E. matter that would imperil the public safety if disclosed;
- F. pending or anticipated litigation, proceedings or internal or external investigations or contract negotiation in which the Commission is, or may become, a party, or matters falling within the attorney-client privilege, to the extent that confidentiality is required for the attorney to exercise the attorney’s ethical duties as a lawyer;
- G. contract negotiations, including but not limited to contract procurements, disclosure of which would imperil the Commission’s position or an outcome in the best interest of the Commission, its mission, and the public;
- H. matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or disciplining of a Commissioner or of any specific prospective officer, employee or contractor or current officer, employee or contractor employed or appointed by the Commission, unless all the individual Commissioners, contractors, employees or appointees whose rights could be adversely affected request in writing that the matter or matters be discussed at a public meeting;
- I. deliberation of the Commission 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; or
- J. information relating to current or future investigation or prosecution of a criminal offense that would imperil effective law enforcement if disclosed.

IV. PROCEDURES

- A. The duties of the Co-Chairpersons of the Board in connection with meetings of the Board or any committee thereof include such powers as are necessary to conduct the meetings efficiently

and in businesslike fashion, giving due regard to providing members of the general public, including representatives of the media, the opportunity to attend the meetings and the need for the Board to be able to act in a timely fashion.

B. Time of and Public Participation in Meetings

1. The Board and any committee thereof will establish a schedule of meetings and hold special meetings in accordance with the Bylaws.
2. Reasonable accommodation should be established for members of the general public, including the media, at all meetings.
3. In connection with the public presentation of a matter or matters for discussion or action at a meeting of the Board or any committee thereof, members of the public in attendance at the meeting who have registered a desire to comment will be given an opportunity to comment in a format designated by the Secretary of the Commission. The Secretary of the Commission may establish procedures for comments at each meeting, including, as applicable, setting fixed time allotments for each comment; provided that, the aggregate fixed time allotment for all public comments at a meeting shall be 30 minutes, or another reasonable time as determined by the Co-Chairpersons of the Board or chairperson(s) of such committee. The Commissioners are neither expected nor required to respond during the comment period.
4. If any member of the public or media fails to observe proper decorum or otherwise interferes with the Board's or any committee's orderly conduct of business, the presiding chairperson of the meeting may expel person(s) from the meeting and may suspend or adjourn the meeting to another time or location.

C. Notice

1. A schedule of meetings of the Board and each of its committees will be included in a public calendar of meetings posted on the Commission's website, updated as appropriate.
2. At least five Business Days before any meeting of the Board or any Committee thereof, the Secretary shall provide notice of the time and place of such meeting to appropriate media outlets, conspicuously post such notice in one or more areas designated by the Co-Chairpersons and conspicuously post such notice on the Commission's official website. The Commission shall make meeting agendas available to the public at least seventy-two hours before each meeting. No later than 72 hours before such meeting or as soon as practicable, the Secretary shall make the agenda and any public documents pertaining to such meeting available for public inspection at an office of the Commission and post such agenda and such public documents on the Commission's website. "Business

Day” means a day other than, Saturday, Sunday or a public holiday in New York or New Jersey.

3. Notice for an individual meeting shall include the time and place the meeting is to be held, whether it is an annual, regular or special meeting, and whether it is planned to be held in open or executive session (or some combination thereof).

D. Executive Session

1. When the need occurs for consideration of Subject Matter Exceptions, an executive session may be called upon the majority vote of Commissioners present at an open meeting of the Board or any committee thereof pursuant to a motion that (i) identifies the general nature of the subjects to be considered in the closed, executive session, and (ii) if the executive session is not to take place immediately, states, as closely as possible, the time and circumstances for such executive session and when the matters discussed or acted upon may be disclosed.

2. Attendance at an executive session is permitted to any member of the Commission and any other persons authorized by the Commission.

V. MINUTES

A. The Commission will keep reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subjects considered, the actions taken, and with respect to each item on the agenda, the vote or recusal of each Commissioner in attendance at an open meeting or executive session thereof.

B. The Secretary of the Commission shall post such minutes on the website of the Commission within two weeks following the date of each meeting to the extent that public disclosure shall not be inconsistent with Section III(A) of this policy.

C. Each item on the agenda shall be voted on separately.