

**CITY OF PATERSON:
NOTICE OF EMERGENCY MEETING CONDUCTED ON MONDAY,
DECEMBER 30, 2019, AS AN EXCEPTION TO THE ORDINARY
REQUIREMENTS OF THE OPEN PUBLIC MEETINGS ACT.**

**BE ADVISED THAT THE CITY OF PATERSON MUNICIPAL COUNCIL CONDUCTED AN
EMERGENCY SPECIAL MEETING ON MONDAY, DECEMBER 30, 2019. THE SAID MEETING
STARTED IMMEDIATELY AFTER THE CONCLUSION OF THE 12 NOON NON-EMERGENCY
SPECIAL MEETING HELD IN THE COUNCIL CHAMBERS, 3RD FLOOR, 155 MARKET STREET.**

Under the Open Public Meetings Act (“OPMA”), an “emergency” justifying a meeting on short notice is defined as a matter that – if delayed for the purpose of providing the 48 hours’ advance notice ordinarily required under OPMA – would result in substantial harm, contrary to the public interest, regardless of whether the said matter was reasonably foreseeable. See N.J.S.A. 10:4-9(b).

Here, with regard to a Resolution adopted at a December 23, 2019 Non-Emergency Special Meeting Resolution, the said Resolution authorized creation of a “401(a)” retirement plan, but it was not until after the said meeting that the Council became aware of the following:

- under the proposed plan, a retiree would lack discretion as to how much – if anything – would be deposited directly into his or her 401(a) account, and thus unavailable for immediate use, and
- numerous Police and Fire retirees have actively objected to their unions’ plans to direct a substantial portion of retirement payouts into tax-deferred 401(a) accounts.

Given the above, the need to repeal the said Resolution constituted an “emergency” (as defined by the said OPMA provision), so that no contractually-required payouts would be directed to such accounts before the end of the 2019 calendar year, against the wishes of a number of employees.

Accordingly, a Special Meeting without 48 hours’ advance notice was called to address the following:

**RESOLUTION REPEALING RES. NO. 19:715, ADOPTED DECEMBER 23, 2019, WHICH
WAS ENTITLED “RESOLUTION ESTABLISHING A 401(A) RETIREMENT SAVINGS
PLAN, IN WHICH EMPLOYEES OF THE CITY OF PATERSON MAY SPECIFY THAT A
PORTION OF THEIR COMPENSATION IS TO BE DIRECTED”**

FORMAL ACTION WILL BE TAKEN

On Monday, December 30, 2019, the meeting was called, and notice was given by posting at City Hall, 155 Market Street, by filing it with the City Clerk, and by sending the notice by fax or e-mail to the Herald News, the Record, and other newspapers used for Public Notices as required by N.J.S.A. 10:4-9(b)(3).

Other than a **SHORT PUBLIC PORTION**, as required by N.J.S.A. 10:4-12(a), this emergency meeting was limited to the discussion of and/or action on the above-described emergent matters. This emergency meeting took place on a day without a duly-noticed Workshop or Regular Meeting.

DATED: December 30, 2019

**MARITZA DAVILA, COUNCIL PRESIDENT
SONIA GORDON, CITY CLERK**