

Township of West Milford

Passaic County, New Jersey

~ Resolution 2012 - 275 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC, STATE OF NEW JERSEY REQUESTING THAT THE MEMBERS OF THE STATE SENATE REJECT S-1452 IN ITS CURRENT FORM AND ALLOW FOR CONSTRUCTIVE COMMENT AND DIALOGUE FROM MUNICIPAL ELECTED AND APPOINTED OFFICIALS BEFORE CONSIDERING AMENDMENTS TO THE OPEN PUBLIC RECORDS ACT

WHEREAS, local government in the State of New Jersey is directly affected by the provisions of the Open Public Records Act; and

WHEREAS, all elected and appointed officials in the Township of West Milford support transparency in all levels of government; and

WHEREAS, on April 18, 2012 the Township Council of the Township of West Milford did adopt a comprehensive, much-deliberated resolution expressing concerns for the proposed amendments to the Open Public Records Act; and

WHEREAS, on June 21, 2012 S-1451 was redistributed for circulation with committee amendments; and

WHEREAS, the revised legislation containing committee amendments fails to address those concerns expressed by the West Milford governing body; and

WHEREAS, we, the elected officials of the Township of West Milford do hereby provide the following comments requesting their consideration along with those comments submitted on April 18, 2012 with regard to S-1452 as distributed on June 21, 2012 with committee amendments:

1. The elected officials of West Milford yet again vehemently object to the provisions in this legislation that specifically or in the abstract preclude the members of the State Senate from complying with the provisions of the Act.
2. The Township Council, recognizing that Martin O'Shea is a former resident of this municipality, objects to the renaming legislation without a review of Mr. O'Shea's history of OPRA and the Township of West Milford.
3. The proposed amendments to OPRA as presented constitute State mandates without any funding to comply with these mandates. This is a violation of the public trust and we challenge our State representatives to take the honorable approach by voting "no" to any legislation, most particularly this Act, that would impose mandates on local entities without providing the necessary funding to comply.
4. This governing body implores the members of the Senate and Assembly to refuse further consideration of this legislation without comprehensive input from the government entities who are to be affected. Municipalities across the State have submitted objections and the general consensus is that those concerns have not been adequately addressed or considered based on the June 21, 2012 Senate & Appropriations Committee statement.
5. The proposed amendments to the Open Public Records Act contain innumerable provisions that serve no purpose except to entice frivolous lawsuits and challenges even though local agencies are screaming to the members of the Senate that they cannot afford these legal challenges.
6. It is well noted that the Senate & Appropriations Committee did not provide a fiscal analysis or certification with regard to the substitute bill and this governing body contends that it is irresponsible for any member of the Senate to vote in the affirmative without a comprehensive analysis of the fiscal impact on local government. The Senate must recognize that those to be affected by this Act have considerable and grave concerns about the multitude of fiscal inevitabilities attached to this proposed legislation.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Milford that we do hereby request that the members of the State Senate reject the amendments to the Open Public Records Act as proposed in S-1452; and

BE IT FURTHER RESOLVED that the Township Council of the Township of West Milford continues to express support for certain proposed revisions to the Act but cannot, in good conscience, support the legislation as currently proposed; and

BE IT FURTHER RESOLVED that the Township Council of the Township of West Milford requests that the members of the Senate weigh the comments herein along with those submitted by virtue of resolution 2012-140 adopted on April 18, 2012 and being provided as an attachment hereto for the edification of the Senate; and

BE IT FURTHER RESOLVED that the Township Council of the Township of West Milford respectfully requests that the members of the State Senate insist, demand and commit that there be a means of constructive dialogue and comment provided to local elected and appointed officials from every public body within the State before amendments to this crucial legislation be considered at any future date.

Adopted: August 15, 2012

Adopted this 15th day of August, 2012
and certified as a true copy of an original

Attachment: 2012-140

Antoinette Battaglia, Township Clerk

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