

May 22, 2024

BOROUGH OF BRADLEY BEACH

RESOLUTION 2024-120

**CALLING FOR THE MODERNAZATION OF THE OPEN PUBLIC RECORDS
ACT (OPRA) AND VETO OF S-2930/A-4045**

WHEREAS, in the 2002 “lame duck” session the Open Public Records Act (OPRA) was approved to make government records, “readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest” while protecting “a citizen’s right to a reasonable expectation of privacy”; and

WHEREAS, in the 2002 “lame duck” session the Open Public Records Act (OPRA) was approved to make government records, “readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest” while protecting “a citizen’s right to a reasonable expectation of privacy”; and

WHEREAS, in the twenty years since the enactment of OPRA and with the advent of new technologies, we have witnessed unintended consequences and, in some cases, abuses of OPRA that place an unfair burden on local governments and taxpayers; and

WHEREAS we believe certain reforms are needed to address some of these unintended consequences and to create a more efficient and effect process that can ease the increasing burden on municipal staffs and budgets created by volume requestors, eliminate anonymous requestors, minimize exorbitant attorney’s fees, and curtail the use of OPRA by outside businesses and interests who abuse OPRA for commercial profit; and

WHEREAS, despite its flaws, current OPRA regulations provide invaluable transparency rights and protections to our citizens, which are the foundation of strong and effective democracy, and assures that their government is fair, efficient and working for the greater good, and

WHEREAS the approved Bill S-2930/A-4045 would create unreasonable barriers for residents and journalists to access information that can uncover improper activity and wrongdoing in government, and

WHEREAS Bill S-2930/A-4045 allows government entities to sue OPRA requestors who they believe are abusing OPRA, and its intimidating effect will likely serve to deny people access to public records through fear of litigation, and

WHEREAS Bill S-2930/A-4045 is expected to cost New Jersey Taxpayers \$10 million to implement and will add significant annual increases in new salaries for the Government Records Council

NOW, THEREFORE, BE IT RESOLVED, the governing body of the Borough of Bradley Beach, in the County of Monmouth, respectfully request New Jersey Governor Phil Murphy, to exercise his authority to veto Bill S-2930/A-4045; and

BE IT FURTHER RESOLVED, as local leaders, we reaffirm our support and commitment to open and transparent government and public access to records, and we believe that Bill S-2930/A-4045 will serve to erode the public’s trust in government; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Senate President Scutari, Assembly Speaker Coughlin, Senator Vin Gopal, Assemblywoman Margie Donlon, Assemblywoman Luanne Peterpaul, Governor Murphy, and the New Jersey League of Municipalities.

Seconded by Councilperson Gubitosi to approve upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Ms. DeNoble	X			
Mr. Gubitosi	X			
Ms. Mahoney	X			
Mr. Weber				X
Mayor Fox				X

CERTIFICATION

I, Erica Kostyz, Municipal Clerk, Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Governing Body at the May 22, 2024 Council Business Meeting.


Erica Kostyz, RMC, CMR
Municipal Clerk