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Subject: OPRA needs to be re-examined, according to local governments
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OPRA needs to be re-examined, according to local governments

By Lisa Broadt

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Local governments say OPRA is "fraught with abuse and misuse." Bordentown City, Florence, Willingboro are among municipalities asking for OPRA reform.

Bordentown City, Florence and Willingboro are among the local governments calling for a re-examination of the Open Public Records Act.

Better known as OPRA, the act was established in 2002 to allow the public easier access to government records. OPRA makes exceptions to safeguard privacy, personal information and information protected by attorney-client privilege.

But Bordentown City, Florence and Willingboro say the act has gone beyond its intended goal of creating an "uncomplicated process for obtaining the records and eliminating bureaucratic red tape."

OPRA has been "fraught with abuse and misuse," is burdensome to municipal staff and costly for taxpayers, the local governments said in their resolutions, which are based on a form resolution provided by the New Jersey League of Municipalities.

As such, the act needs comprehensive reform, according to Bordentown, Florence, Willingboro and other municipalities throughout the state that are asking for the creation of a commission to study the effect of OPRA on local governments.

In Willingboro, OPRA requests have multiplied over the years, reaching 555 requests in 2017, 598 requests in 2018 and 475 requests in 2019, as of Sept. 1, according to Township Clerk Sarah Wooding.

Mayor Martin Nock said the volume of work is unsustainable for the clerk and township staff.

"The township clerk has said she is getting inundated with OPRA requests, and we've had to hire additional people," Nock said Monday. "It takes time for the staff to research OPRA requests and return the requests within a timeline of seven days."

Local governments have seven business days to respond to OPRA requests but may request additional time, under OPRA.

Still, Nock noted, OPRA "is clearly important for the public" to be able to "question what we as elected officials are doing."

"Clearly we make decisions and vote on things that the public has the right to know about," Nock said.

But Walter M. Luers, president of the New Jersey Foundation for Open Government, has a different take and described the resolutions as "completely unnecessary."

"I'm disappointed these towns are rubber stamping and passing these. Clerks in these towns have a lot of duties but no one is complaining about tax foreclosures or pet licensing or all the duties granted or compelled by the Legislature," Luers said Monday. "People are entitled to access information and documents and almost all the clerks do a good job. When you consider the hundreds of thousands or millions of OPRAs received a year and only a couple hundred end up in litigation — it's a solution in search of a problem."

"Problems are extraordinarily rare," he added. "Almost everyone acts reasonably."

Luers said he believes the resolutions are being used for "political posturing" in opposition to state legislation that would strengthen OPRA and the Open Public Meetings Act. Introduced in 2018, the bills would die if they are not signed this year.

"The timing is important," Luers said.

The resolutions passed by local governments have been sent on to state lawmakers including Assemblyman Herb Conaway, D-7 of Delran; Assemblywoman Carol Murphy, D-7, of Mount Laurel, Sen. Troy Singleton, D-7, of Delran; and Senate President Stephen Sweeney, D-3, of West Deptford.

The proposed commission would include mayors, municipal clerks and managers, attorneys, police chiefs, open government advocates, privacy experts, members of the media, citizens and other stakeholders, according to the resolutions.

The New Jersey Foundation for Open Government is a nonprofit dedicated to protecting and expanding public access to government records and meetings.

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