

From: [NJLM Weekly Round-Up](#)
To: [@X](#)
Subject: New Jersey Budget, OPRA, CARES and More Updates
Date: Friday, September 11, 2020 5:16:16 PM

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September 11, 2020

- I. State
- II. Federal
- III. 2020 Annual League Conference
- IV. Also of Interest

Municipal Clerks: Please forward to your Mayor, Governing Body and Department Heads.

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Although the court found that the settlement agreement was exempt from disclosure under OPRA, it remanded the case back to the trial court to determine if the agreement could be obtained under the common law right of access. We will continue to keep you updated on this case.

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If your municipality receives a share of CRF assistance from either a direct recipient county, or, if approved by the Legislature, through the State program, the monies can only be spent in compliance with Federal rules. Repayment of unauthorized spending of CRF funds to the Federal Government could be ordered.

The problem has been that the U.S. Treasury keeps reinterpreting the rules. That problem has been compounded now, because Treasury's Office of Inspector General (OIG) – the independent auditing agency of all Treasury spending - recently issued guidance that differs from, and is more restrictive than, the most recent Treasury guidance.

With regards to payroll expenses, Treasury advises that a recipient "*...may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.*"

Despite that presumption, OIG advises that it will require a recipient to produce records that "*... include, but are not limited to (1) general and subsidiary ledgers used to account for the receipt of CRF payments and subsequent disbursements; and (2) payroll, time, and human resource records to support costs incurred for payroll expenses related to addressing the COVID-19 health emergency. ... and any other documents/records that support employee's function/duties and/or time was substantially dedicated to mitigating the COVID-19 emergency.*" Effectively, the OIG will not allow a recipient to make any presumption regarding payroll costs, but will instead require detailed documentation.

This is a very confusing situation with many contradictions, but our Federal partners at the National League of Cities (NLC) are working hard to try to sort through it. NLC is taking the lead in drafting a letter to the OIG's office about this issue in conjunction with other relevant state and local organizations. You can [view the letter](#) and here is NLC's [statement](#).

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Governor Murphy said, "The ongoing opioid epidemic continues to devastate communities across our state. By expanding access to Naloxone, New Jerseyans will have this life-saving medication readily available to help those who may be suffering from an overdose."

All participating pharmacies have orders from the New Jersey Department of Health on how to dispense the Naloxone. To find the participating pharmacies locations please [visit Department of Human Service's Naxalone Saves Lives page](#).

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- II. Federal
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Date: Friday, September 11, 2020 5:11:24 PM

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NJLM has recently changed its web and email addresses to njlm.org (previously njslom.org). Please update your email safe lists and saved web bookmarks.

Shirley Cade | Legislative/Administrative Support
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 extension 114



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222 West State Street, Trenton, NJ 08608

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From: @x
To: @x
Subject: RE: OPRA Request - 5/5/20
Date: Thursday, May 28, 2020 12:36:21 PM
Attachments: [image013.png](#)
[image014.png](#)
[image016.png](#)
[image002.png](#)
[image006.png](#)
[COLM-0003-15 Respondent State of New Jersey MTD 6-11-15.pdf](#)
[DEPTFORD COLM-0003-15- State Opp to Deptford SJM.pdf](#)
[DEPTFORD COMPLAINT - COLM 0003-15- STATE MTD REPLY LETTER.pdf](#)

Christina,

Apart from the certifications of service, it doesn't appear there were any other certifications filed. Attached are three other documents filed by the State Attorney General regarding the motion to dismiss. None have any certifications attached.

Frank

See the League [COVID-19 page](#) for all our resources and communications.

Frank Marshall, Esq. | Associate General Counsel

New Jersey State League of Municipalities

222 West State Street, Trenton, NJ 08608

609-695-3481 x. 137



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From: Christina Harvey [mailto:@x]
Sent: Thursday, May 28, 2020 12:12 PM
To: Frank Marshall
Subject: Re: OPRA Request - 5/5/20

Frank,

In reviewing what you sent to me, where there certifications in support/opposition of the motion for summary judgment? If so, would I be able to request them as well?

Thank you.

CHRISTINA VASSILIOU HARVEY, ESQ.*

****Lomurro Law wants to ensure the safety of our clients, our office team, and our colleagues during this uncertain time. Lomurro Law will remain open, but with safety precautions in place. Effective immediately, we are closed to all visitors, but will conduct any meetings telephonically or by video conference. Effective Monday, March 23rd, we will be operating remotely. Our office's main telephone number, (732) 414-0300, will still ring through to our receptionist, and each of our attorneys will still be available to you. Thank you in advance for your understanding**

and patience during this time.**



Monmouth Executive Center
4 Paragon Way, Suite 100
Freehold, NJ, 07728

xxxxxxx@xxxxxxxxxxx.xxx

Main: 732-414-0300

Direct: 732-414-0314

Fax: 732-431-4043

W www.lomurrolaw.com

*Admitted to practice law in New Jersey and Pennsylvania

From: Frank Marshall <@>

Sent: Thursday, May 28, 2020 11:52 AM

To: Christina Harvey <@>

Subject: OPRA Request - 5/5/20

External Email

Ms. Harvey,

This correspondence is in response to a request you made under the Open Public Records Act, dated May 5, 2020, wherein you have requested:

Request 1

"All pleadings and information submitted by or received by the League of Municipalities to the Council on Local Mandates in In the Matter of A Complaint filed by Deptford Township, Council on Local Mandates decided on April 20, 2016." And;

Request 2

"All pleadings and information submitted by or received by the League of Municipalities to the Council to the Council on Local Mandates in In the Matte of A Complaint filed by Ocean Township (Monmouth County) and Frankford Township (August 2, 2002)."

In response to Request 1, I have attached the following:

1. NJLM.cover.062415
2. NJLM.nom.062515
3. NJLM.pos.062515
4. NJLM.PleadingSummary.062515
5. NJLM.Brief.062515
6. NJLM.prop.order.072115
7. DEPTFORD COMPLAINT - COLM 0003-15- STATE MTD REPLY LETTER
8. NJLM.Ltr.100915
9. Cov.Ltr.NJLM.122415
10. POS.NJLM.122415
11. Brief.Deptford.Complaint.NJLM.122415
12. DEPTFORD COLM-0003-15- State Opp to Deptford SJM

In regards to Request 2, the records you have requested may not be in the League's possession. The records you request pertain to a matter the League was involved in prior to the 2011 NJ Supreme Court Decision that interpreted the League to be subject to the Open Public Records Act, (see, Fair Share Housing Center, Inc., vs. NJ State League of Municipalities, 207 N.J. 489, (2011)). While it is possible that these records are available, my ability to search for documents responsive to your request is constrained by the realities of the current COVID-19 pandemic. Due to the pandemic I am working remotely and, while I have access to electronic files, my access to physical files is limited. I will be making arrangements to search the physical files in storage but at this moment cannot give a timeframe for when this can be achieved. Once I have the opportunity to search these files I will respond with a definitive response to your request.

If you have any questions or would like to discuss this matter further, please do not hesitate to contact me.

Very truly yours,

Frank Marshall

See the League [COVID-19 page](#) for all our resources and communications.

Frank Marshall, Esq. | Associate General Counsel

New Jersey State League of Municipalities

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From: [@x](#)
To: [@x](#)
Subject: OPRA Request - 5/5/20
Date: Thursday, May 28, 2020 11:52:42 AM
Attachments: [image002.png](#)
[image006.png](#)
[NJLM.cover.062415.pdf](#)
[NJLM.nom.062515.pdf](#)
[NJLM.pos.062515.pdf](#)
[NJLM.PleadingSummary.062515.pdf](#)
[NJLM.Brief.062515.pdf](#)
[NJLM.prop.order.072115.pdf](#)
[DEPTFORD COMPLAINT - COLM 0003-15- STATE MTD REPLY LETTER.pdf](#)
[NJLM.Ltr.100915.pdf](#)
[Cov.Ltr.NJLM.122415.pdf](#)
[POS.NJLM.122415.pdf](#)
[Brief.Deptford.Complaint.NJLM.122415.pdf](#)
[DEPTFORD COLM-0003-15- State Opp to Deptford SJM.pdf](#)

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8. NJLM.Ltr.100915
9. Cov.Ltr.NJLM.122415
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11. Brief.Deptford.Complaint.NJLM.122415
12. DEPTFORD COLM-0003-15- State Opp to Deptford SJM

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If you have any questions or would like to discuss this matter further, please do not hesitate to contact me.

Very truly yours,

Frank Marshall

See the League [COVID-19 page](#) for all our resources and communications.

Frank Marshall, Esq. | Associate General Counsel

New Jersey State League of Municipalities

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From: [@x](#)
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[NJLM.Ltr.100915.pdf](#)
[Cov.Ltr.NJLM.122415.pdf](#)
[POS.NJLM.122415.pdf](#)
[Brief.Deptford.Complaint.NJLM.122415.pdf](#)
[DEPTFORD COLM-0003-15- State Opp to Deptford SJM.pdf](#)

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If you have any questions or would like to discuss this matter further, please do not hesitate to contact me.

Very truly yours,

Frank Marshall

See the League [COVID-19 page](#) for all our resources and communications.

Frank Marshall, Esq. | Associate General Counsel

New Jersey State League of Municipalities

222 West State Street, Trenton, NJ 08608

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From: xxxxxxx@xxxx.xxx
To: xxxxx.xxxxxx@xxx.xx.xxx; xxxxxxx@xxxxxxxxxxxxx.xxx
Subject: More Attendee Questions for OPRA WEbinar
Date: Monday, May 11, 2020 11:35:22 AM
Attachments: [image001.png](#)
[image003.png](#)
[OPRA Questions.docx](#)
Importance: High

Happy Monday Morning,

I received a bunch of questions from attendees over the weekend for the OPRA webinar on Friday. I have attached them here.

"See you" both Friday.

See the League [COVID-19 page](#) for all our resources and communications.

Danielle Holland-Htut, MPA | Continuing Education/Special Programs Manager
New Jersey State League of Municipalities
222 West State Street ,Trenton, NJ 08608
Phone: 609-695-3481 ext 118

Follow us



NJLM is subject to the Open Public Records Act; any email sent or received may be subject to a records request.

From: [Suzanne Branagan](#)
To: [@x](#)
Subject: abuse of OPRA process & harassment
Date: Thursday, May 7, 2020 3:44:55 PM

Are legislators seriously consider amending current legislation to include protections for municipalities from requests that are an abuse of the OPRA process and constitutes harassment?

Susan A. Branagan, RMC
Deputy Municipal Clerk
Township of Marlboro
1979 Township Drive
Marlboro, NJ 07746-2247

Office: 732-536-0200 ext.: 1235
Fax: 732-972-6928

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*Department of Public Works (DPW): Monday to Friday 7:00am - 3:00pm. Phone 732 536-0188. DPW office is the 2nd left off Township Drive (Public Works Way).

*Engineering, Planning and Zoning Divisions: Monday to Friday 8:30am to 4:30pm. Monday to Thursday, enter through the Town Hall Administration Building main lobby. On Fridays, access through the Employee Entrance to Town Hall administrative offices.

*Construction Code Enforcement Division (Building Permits): Monday to Friday 8:00am 4:30pm. Phone 732 536-0200 ext. 1800. Enter through the back entrance of Town Hall.

*Department of Recreation: Monday to Friday 8:00am - 4:30pm. Phone 732 617-0100. Located in the Recreation Center at 1996 Recreation Way.

*The Marlboro Township Division of Police is open 24/7 and is located at 1979 Township Drive in the Justice Center. Call 732 536-0100. In the event of an emergency dial 9-1-1.

*All other Township offices are open Monday to Thursday 8:30am - 4:30pm. Phone 732 536-0200.

=====

From: [Trisha Miller](#)
To: [@x](#)
Subject: Fwd: NJ Can't Afford OPRA
Date: Tuesday, May 5, 2020 12:32:38 PM

FYI

Begin forwarded message:

From: Trisha Miller <[@x](#)>
Date: May 5, 2020 at 12:26:11 PM EDT
To: [@x](#)
Subject: NJ Can't Afford OPRA

Please allow every NJ entity to set it's own charges for documents and eliminate the OPRA legislation.

From: @xx on behalf of [Matthew C. Hall](#)
To: [Corey Gallo](#)
Cc: @xx
Subject: RE: OPRA REQUEST!!!
Date: Monday, April 6, 2020 1:03:48 PM

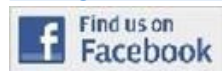
I believe that the newly passed legislation (I don't have it at hand, maybe someone else does) gives you wide latitude on response time. It would be reasonable to defer such a request for quite some time in my opinion.

Thanks,

Matthew C. Hall, MPA

Borough Manager
Deputy OEM Coordinator/Zoning Officer
Borough of Washington
100 Belvidere Avenue
Washington, NJ 07882
(908) 689-3600 x120 (Office)
(908) 798-1976 (Mobile)

[xxxxxxx@xxxxxxxxxxxxxxx.xxx](#)



From: xxxxxxxx@xxxxxxxxxxxxxxx.xxx <xxxxxxx@xxxxxxxxxxxxxxx.xxx>
Sent: Monday, April 6, 2020 12:55 PM
To: NJMMA Google Group <xxxxxxx@xxxxxxxxxxxxxxx.xxx>
Subject: OPRA REQUEST!!!

On Behalf Of Corey Gallo

Good afternoon,

I just received an OPRA request from the Record for all of my correspondence as it relates to Coronavirus, COVID-19, Virus and Outbreak between myself and any and all members of my Council, the Mayor, the Health Officer, and the Health Nurse. A ridiculous request and a complete waste of time.

Let me know if anyone else has received such an absurd request!

Thanks,

Corey Gallo
Borough Administrator
Borough of Bergenfield
198 N. Washington Avenue
Bergenfield NJ 07621
(201) 387-4055 ext.6

[xxxxxxxxx@xxxxxxxxxxxxxxx.xxx](#)

--

The NJMMA encourages the sharing of varied opinions and perspectives as they add to a more well-rounded discussion and a better educated membership. It is understood that the opinions are those of the individual writer and not necessarily those of the editor, NJMMA, or its executive board.

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To unsubscribe from this group and stop receiving emails from it, send an email to [njmma-xxxxxxxxxxxxxxx@xxxxxxxxxxxxxxx.xxx](#).

To view this discussion on the web visit <https://groups.google.com/d/msgid/njmma->

mt/526b086b455a4744aff9543531dcd97%40MBX01A-IAD3.mex06.mlsrvr.com.

--

The NJMMA encourages the sharing of varied opinions and perspectives as they add to a more well-rounded discussion and a better educated membership. It is understood that the opinions are those of the individual writer and not necessarily those of the editor, NJMMA, or its executive board.

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To unsubscribe from this group and stop receiving emails from it, send an email to njmma-xxxxxxxxxxxxxxxx@xxxxxxxxxxxxx.xxx

To view this discussion on the web visit <https://groups.google.com/d/msgid/njmma-mt/MN2PR13MB31493EAAA00DF500D2B80D98FCC20%40MN2PR13MB3149.namprd13.prod.outlook.com>.

From: [Caruso, Frank](#)
To: [Lori Buckelew](#)
Subject: RE: OPRA Bill
Date: Tuesday, March 24, 2020 2:59:59 PM

I did not. C.J. has been good for taking some indefensible positions over the last year or 2. So there is that.

FYI: should have a statement on the legislation out sooner rather than later.

Sincerely,

Frank F. Caruso
Government Records Council
Executive Director
Tel: (609) 341-3479 | Fax: (609) 633-6337
<http://www.state.nj.us/grc/>

This correspondence contains advisory, consultative and deliberative material and is intended solely for the person(s) shown as recipient(s).

-----Original Message-----

From: Lori Buckelew <xxxxxxxxx@xxxx.xxx>
Sent: Tuesday, March 24, 2020 2:58 PM
To: Caruso, Frank <xxxxx.xxxxxx@xxx.xx.xxx>
Subject: [EXTERNAL] OPRA Bill

Frank,

Did you see this? It was sent to me from a town. Interesting take, which I think is wrong because of the preamble of "in state of emergency"....

Lori

From: xxxxxxxx@xxxx.xxx
To: xxxxx@xxxxxxxxxxxxxxxxxxx.xxx
Subject: RE: OPRA last week
Date: Tuesday, February 25, 2020 3:50:15 PM
Attachments: [image001.png](#)

Hi Diane,

Budget day here in Trenton so things are bit crazy. The Governor as part of his Ethic reform proposals highlighted legislation that he supports that will remove the OPRA exemption for the legislature and require the legislature to post in full any bill or resolution 72 hours prior to taking action. Below is a summary, with links, of the Governor's announcement.

Also, in the past week there have been several OPRA court cases. I hope to have something to share with the Board shortly.

Governor Announces Ethic Reform Proposals

During his [remarks](#) at the Governor Florio Policy Lecture Wednesday Governor Murphy announced a comprehensive push for ethic reform as part of his pledge to change "the culture in Trenton, to make it more open and accessible, responsive, and, ultimately, more representative of our state and our great people – to make sure that government works for people, and not special interests." The proposals include [legislation to eliminate the OPRA exemption for the legislature](#). Another proposal includes [legislation to prohibit the legislature from taking action on any bill or resolution](#) that has not been posted in full on the legislature's website 72 hours prior to the vote, unless three fourths of the full membership votes that the bill or resolution is an emergency.

Other proposals include [reducing the threshold for individuals to register as government affairs agents](#) from 20 hours of lobbying activities per calendar year to one hour per calendar year; requiring legislators and all executive and legislative branch employees earning \$100,000 or more per year to [fill out a detailed financial disclosure promulgated](#) by the State Ethics Commission; and [extending the "cooling off" period](#), the time officials must wait after leaving their public service before being able to register as a lobbyist, from one to two years. This would apply to all executive and legislative branch staff earning more than \$100,000.

We will continue to keep you posted on the Governor's push for ethic reforms.

From: Diane Pflugfelder [<mailto:xxxxx@xxxxxxxxxxxxxxxxxxx.xxx>]

Sent: Tuesday, February 25, 2020 2:54 PM
To: Lori Buckelew
Subject: OPRA last week

Howdy ma'am

Hope all is well with you and yours.

QUESTION:

Last week I thought I saw something on ORPA that Murphy was going to have the Legislative cabinet subject to specific OPRA requests. Was I hallucinating or did something really Get posted on Facebook by Drew?

If so – I want to include it within my presidential blurb in the next quill.

Thank you and enjoy your day

Diane M. Pflugfelder RMC, MMC

Municipal Clerk/Administrator
Township of Liberty
349 Mountain Lake Road
Great Meadows, N.J. 07838
Telephone: 908.637.4579
Fax: 908.637.6916



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From: @x
To: @x
Cc: @x; @x
Subject: Published OPRA Decision - Bozzi v Roselle Park
Date: Monday, February 24, 2020 9:36:46 AM
Attachments: [image009.png](#)
[image011.png](#)
[Bozzi v Roselle Park - Pub App - 2020 02 21.pdf](#)

Carl,

I was wondering if you saw the attached published decision issued by the Appellate Division this last Friday and what your thoughts are. It deals with the release under OPRA of names and home addresses on dog licenses.

Frank

Frank Marshall, Esq. | Associate General Counsel
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 x. 137



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From: [Eileen Tedesco](#)
To: ["Lori Buckelew"](#)
Subject: RE: OPRA Items
Date: Friday, February 21, 2020 3:34:15 PM
Attachments: [image001.png](#)
[image003.png](#)

Hi Lori,

Thank you again for calling me back this afternoon and for sending the information we spoke about, very helpful.

Best,

Eileen

Eileen M. Tedesco, RMC, CMR
Township Clerk/Registrar of Vital Statistics
Township of Egg Harbor
P: 609-926-4101
F: 609-926-4104
www.ehtgov.org

From: Lori Buckelew <[@](#)>
Sent: Friday, February 21, 2020 3:29 PM
To: Eileen Tedesco <[@](#)>
Subject: OPRA Items

*** Warning: This message was created outside of our organizations' mail servers. ***

Hi Eileen,

As we discussed, attached please find NJLM letter on the Governor's Ethic Reform proposals that includes legislation to remove the Legislature's OPRA exemption along with a recent blog post of Senator Corrado's bill creating an OPRA Study Commission.

Let me know if you need additional information or have any questions.

Enjoy your weekend,
Lori

Lori Buckelew | Senior Legislative Analyst
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608

From: xxxxxxxx@xxxx.xxx
To: xxxxxxxx@xxxxxxx.xxx
Subject: OPRA Items
Date: Friday, February 21, 2020 3:29:09 PM
Attachments: [image001.png](#)
[image003.png](#)
[Governor Announces Ethic Reform Proposals.docx](#)
[s180 OPRA Study Commission.docx](#)

Hi Eileen,

As we discussed, attached please find NJLM letter on the Governor's Ethic Reform proposals that includes legislation to remove the Legislature's OPRA exemption along with a recent blog post of Senator Corrado's bill creating an OPRA Study Commission.

Let me know if you need additional information or have any questions.

Enjoy your weekend,
Lori

Lori Buckelew | Senior Legislative Analyst
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 extension #112



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From: [xxxxxxxx@xxx.xxx](#)
To: [xxxxxxxx@xxxxxxxxxxx.xxx](#)
Subject: s180 OPRA Study Commission
Date: Wednesday, February 19, 2020 10:04:34 AM
Attachments: [image001.png](#)
[image003.png](#)
[s180 OPRA Study Commission.docx](#)

As we discussed....the OPRA Study Commission bill.

Lori Buckelew | Senior Legislative Analyst
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 extension #112



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From: xxxxxxx@xxx.xxx
To: xxxx@xxxxxxxxxxxxxxxxxxx.xxx
Cc: xxxxx@xxxxxxxxxxx.xxx; xxxxx@xxx.xxx
Subject: RE: OPRA
Date: Friday, February 7, 2020 3:04:50 PM
Attachments: [mcani_resolution v3.docx](#)

Mayor,

As requested, attached is a copy of the sample resolution. If you have any questions or need additional information please do not hesitate to contact me.

Have a nice weekend,
Lori

From: Albert Kelly [mailto:akelly@xxx.xxx]
Sent: Wednesday, February 5, 2020 8:44 AM
To: Michael F. Cerra <mcerra@xxx.xxx>
Subject: OPRA

Please forward a copy of the OPRA legislation to me, thank you.

Confidentiality Notice: The information contained in this email message including any attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient and have received this communication in error, please contact the sender by reply email and destroy all copies of the original message. Thank you.

From: [@x](#)
To: [@x](#)
Subject: FW: OPRA
Date: Friday, February 7, 2020 1:52:47 PM

Can you send the resolution to Mayor Kelly?

From: Albert Kelly [mailto:[@x](#)]
Sent: Wednesday, February 5, 2020 8:44 AM
To: Michael F. Cerra <[@x](#)>
Subject: OPRA

Please forward a copy of the OPRA legislation to me, thank you.

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From: [Albert Kelly](#)
To: [Michael F. Cerra](#)
Subject: OPRA
Date: Wednesday, February 5, 2020 8:43:39 AM

Please forward a copy of the OPRA legislation to me, thank you.

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From: xxxxxx@xxxx.xxx
To: xxxxxxxxx@xxxx.xxx
Subject: s180 OPRA Study Commission ltr
Date: Friday, January 31, 2020 9:42:01 AM
Attachments: [s180 OPRA Study Commission ltr.docx](#)

If I'm not too late ...

One suggestion in tracking.

From: xxxxxxxx@xxx.xxx
To: xxxx@xxx.xxx
Subject: s_180 opira study commission
Date: Tuesday, January 28, 2020 3:12:34 PM
Attachments: [s_180 opira study commission.docx](#)

Shirley

Please prepare the attached letter for the sponsor (Sen Corrado) of S-180 on letterhead. Please scan and email me the letter back to me.

Any questions, let me know.

Thanks,
Lori

From: [xxxxxxxx@xxx.xxx](#)
To: [xxxx@xxx.xxx](#)
Subject: s_180 opra study commission
Date: Tuesday, January 28, 2020 3:08:19 PM
Attachments: [s_180 opra study commission.docx](#)

Shirley

Attached is our position paper on S180 for the files.

Lori

Ciara, Here you go. I corrected one typo.

Please post on the blog and send me the link when ready so we can push out through social media.

mike

Ciara,

Please prepare the attached blog post for Mike C's review and approval.

Any questions, let me know.

Lori

From: xxxxxxxx@xxx.xxx
To: xxxxxxxx@xxx.xxx
Cc: xxxxxx@xxx.xxx
Subject: Blog - s180 OPRA Study Commission
Date: Tuesday, January 28, 2020 2:22:14 PM
Attachments: [s180 OPRA Study Commission.docx](#)

Ciara,

Please prepare the attached blog post for Mike C's review and approval.

Any questions, let me know.

Lori

From: xxxxxx@xxxx.xxx
To: xxxxxxxxx@xxxx.xxx
Subject: s180 OPRA Study Commission
Date: Tuesday, January 28, 2020 11:52:55 AM
Attachments: [s180 OPRA Study Commission.docx](#)

One edit and one question in tracking

From: xxxxxx@xxx.xxx
To: xxxxxxxx@xxx.xxx
Subject: s_180 opra study commission
Date: Tuesday, January 28, 2020 11:52:02 AM
Attachments: [s_180 opra study commission.docx](#)

My revisions.

From: xxxxxxxx@xxxxx.xxx
To: xxxxxxxx@xxxx.xxx
Subject: RE: Blog - s180 OPRA Study Commission
Date: Tuesday, January 28, 2020 10:59:26 AM
Attachments: [s180 OPRA Study Commission.docx](#)

Lori – Some minor edits and I added a link to the 2018 conference resolutions.

From: Lori Buckelew
Sent: Tuesday, January 28, 2020 10:38 AM
To: Jon Moran; Michael F. Cerra; Frank Marshall
Subject: Blog - s180 OPRA Study Commission

Please review and advise

Thanks
Lori

From: [xxxxxxxx@xxx.xxx](#)
To: [xxxxxx@xxx.xxx](#); [xxxxxx@xxx.xxx](#); [xxxxxxxx@xxxxxx.xxx](#)
Subject: Blog - s180 OPRA Study Commission
Date: Tuesday, January 28, 2020 10:37:33 AM
Attachments: [s180 OPRA Study Commission.docx](#)

Please review and advise

Thanks
Lori

From: [Matt Kadosh](#)
To: [@x](#)
Subject: Question from Reporter: OPRA Resolution
Date: Tuesday, January 28, 2020 9:35:55 AM

Hi Lori,

Following up on my voicemail from this morning. Westfield is approving the league's resolution on OPRA tonight. I'm interested if you could tell me how many other municipalities in New Jersey have passed the league's resolution encouraging an overhaul to OPRA, and if you could give me some thoughts on why the existing legislation that has been proposed is not adequately meeting the needs?

I can be reached at 973-809-6013, or feel free to reply via email.

Thank you,

Matt

Matt Kadosh
Managing Editor
TAPintoWestfield.net
cell: 973-809-6013

Get your town's news in your inbox! [Click here](#) to sign up.
Download the TAPinto App! [Click here for Android](#). [Click here for iOS](#).

From: [@xx](#)
To: [xx@xx](#)
Subject: Application for OPRA Program
Date: Friday, January 10, 2020 11:10:30 AM
Attachments: [image001.png](#)
[image003.png](#)
[DCA APP.2012.opra.doc](#)
[OPRA.doc](#)
Importance: High

Good Morning Shannon,

Attached here a CEU application for a OPRA session in April. Let me know if I have the correct credits indicated. Thank you and have a wonderful weekend!

Danielle Holland-Htut, MPA | Continuing Education/Special Programs Manager
New Jersey State League of Municipalities
222 West State Street ,Trenton, NJ 08608
Phone: 609-695-3481 ext 118

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From: xxxxxx@xxxx.xxx
To: xxxxxx@xxxxxxxxxxxxxxxxxxx.xxx
Subject: RE: NJ.com OPRA in NJ Municipalities
Date: Tuesday, December 17, 2019 11:44:42 AM
Attachments: [image001.png](#)
[2018-10 - OPRA Study Commission.docx](#)

Hi Olivia, I'm copying Lori Buckelew, who is our point person on this issue and formerly a municipal clerk. She can speak to more specifics.

I can tell you that concerns being cited in the resolution are ones that we hear statewide and it's certainly a recurrent issue. The concept of a task force goes back to a resolution passed at the League conference in 2018 (see attached). There is legislation to do so...sponsored by Assemblyman Ron Dancer in the Assembly and Senator Corrado in the Senate. To date, neither bill has advanced and we hope to see some advancement in 2020. The resolution that was passed is likely based on a template resolution prepared by the Municipal Clerks Association and in which we have also shared. Lori may be able to pinpoint the number, but the League is copied on the resolutions and they are coming in fast, especially considering they were only distributed last month.

mike

From: Olivia Rizzo [mailto:xxxxxx@xxxxxxxxxxxxxxxxxxx.xxx]
Sent: Tuesday, December 17, 2019 10:50 AM
To: Michael F. Cerra <xxxxxx@xxxx.xxx>
Subject: NJ.com OPRA in NJ Municipalities

Hi Michael,

I'm working on a story about the effectiveness of OPRA in NJ municipalities. At a recent township committee meeting, Montgomery Township passed a resolution asking for a commission to review the open public records act. The main points in their resolution are that OPRA's are costly for them to fulfill, and they are often overwhelmed by requests from companies that send out junk mail to their residents.

Do you know of any other towns that have expressed similar issues or if the league has any information about a commission for OPRA being formed?

You can reach me via email or on my cell phone 609-649-2991.

Thanks,
Olivia

Olivia Rizzo | Reporter

NJ Advance Media

cell: 609-649-2991

413 Riverview Plaza | Trenton, NJ 08611



From: xxxxxxxx@xxx.xxx
To: xxxxxxxx@xxxxxxxx.xx; xxxxxxxxxxxxxxxx@xxxxxxxx.xx; xxxxxxxxxxxxxxxx@xxxxxxxx.xx; xxxxxxxx@xxxxxxxx.xx; xxxxxxxx@xxxxxxxx.xx; xxxxxxxxxxxxxxxx@xxxxxxxx.xx; xxxxxxxxxxxxxxxx@xxxxxxxx.xx; xxxxxxxx@xxxxxxxx.xx
Subject: OPRA needs to be re-examined, according to local governments
Date: Friday, December 6, 2019 10:27:32 AM

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

By [Lisa Broadt](#)

Posted Nov 27, 2019 at 3:01 PM

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 OPRA requests 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.

<https://www.burlingtoncountytimes.com/news/20191127/opra-needs-to-be-re-examined-according-to-local-governments>

From: [Michael Olohan](#)
To: [@x](#)
Subject: OPRA/OPMA status?
Date: Wednesday, December 4, 2019 5:06:42 PM

Dec. 4, 2019

Hi Lori,

I saw your name attached to the SLOM blog posts re concerns voiced on the legislation to update the current 20-year-old OPRA and OPMA laws submitted by Sen. Weinberg.

I have some questions based on the sample resolution now being adopted by towns who oppose any revisions to the current OPRA/OPMA laws.

- 1) Do you have a current approx. count of how many towns have passed a resolution opposed to a revision of OPRA/OPMA?
- 2) Is there a fear that some action on OPRA/OPMA reform bills may take place during the "lame duck" session?
- 3) What changes or revisions does the NJ League of Municipalities support?
- 4) Are there any estimates - on the high end and low end - of what the OPRA costs a municipality to handle every year?
- 5) Is there another contact with the NJ Municipal Clerks Association that can provide more details on the effort to form a statewide study commission to examine the OPRA/OPMA laws?

Thanks for your assistance. Best,

Michael Olohan
Pascack Press/Northern Valley Press
201-664-2105

From: xxxxxxxx@xxx.xxx
To: xxxxx@xxx.xxx; xxx@xxxxxxxxxxx.pxxxxx@xxx.xxx
Subject: RE: OPRA Senate bills
Date: Thursday, November 14, 2019 9:16:39 AM
Attachments: [opra opma mc2019.docx](#)

Also, attached is a briefer item on the bills

From: Michael F. Cerra
Sent: Thursday, November 14, 2019 8:42 AM
To: Guy Piserchia; Michael J. Darcy, CAE; Lori Buckelew
Subject: RE: OPRA Senate bills

Guy, we've done a series of blog posts, dissecting the bills and highlighting our opposition to their provisions.

Here are the links:

<https://www.njlm.org/Blog.aspx?IID=13#item>

<https://www.njlm.org/Blog.aspx?IID=14#item>

<https://www.njlm.org/Blog.aspx?IID=15#item>

<https://www.njlm.org/Blog.aspx?IID=16#item>

mike

From: Guy Piserchia [mailto:xxxx@xxxxxxxxxxx.xx]
Sent: Thursday, November 14, 2019 8:36 AM
To: Michael F. Cerra <xxxxxx@xxx.xxx>; Michael J. Darcy, CAE <mdarcy@njlm.org>; Lori Buckelew <xxxxxxxx@xxx.xxx>
Subject: Re: OPRA Senate bills

Apologies, I think they are S-106 and S-107.

*Guy Piserchia
Deputy Mayor
Long Hill Township
908 578-7010 cell*

On Nov 14, 2019, at 8:32 AM, Guy Piserchia <xxx@xxx> wrote:

Good morning,

Favor, can you give me any color on what I believe are S-108 and S-109, the bills

regarding streamlining OPRA and OPMA. Perhaps forward the bills as well.

We had some conspiracy theorists claiming it's a government attempt at a lack of transparency. And FB is starting up. We passed the state municipal clerk resolution last night, which presumably is backed by all 565 towns. I've missed the last 2 legislative meetings so this was probably discussed.

Happy to speak by phone if easier.

Thanks

Guy

From: [xxxxxxxx@xxxxx.xxx](#)
To: [xxxxxxxx@xxxx.xxx](#); [xxxxxx@xxxx.xxx](#)
Subject: RE: Mayors Center - opra opma mc2019
Date: Wednesday, November 13, 2019 4:37:58 PM
Attachments: [opra opma mc2019.docx](#)

A small correction and a question.

From: Lori Buckelew
Sent: Wednesday, November 13, 2019 11:21 AM
To: Michael F. Cerra; Frank Marshall
Subject: Mayors Center - opra opma mc2019

Please review and advise

Thank you

From: xxxxxxxx@xxx.xxx
To: xxxxx@xxx.xxx; xxxxxxxx@xxxxx.xxx
Subject: Mayors Center - opra opma mc2019
Date: Wednesday, November 13, 2019 11:20:31 AM
Attachments: [opra opma mc2019.docx](#)

Please review and advise

Thank you

From: [David Brown](#)
To: [Lori Buckelew](#)
Subject: Re: OPRA/OPMA
Date: Wednesday, October 30, 2019 8:34:59 PM

Thanks

All the best,

David G. Brown II, MPA, QPA
Executive Director
LRSA

On Oct 30, 2019, at 4:34 PM, Lori Buckelew <xxxxxxxxx@xxxx.xxx> wrote:

Dave,

Following up on our conversation earlier today. Below are some talking points on the OPMA (S-106) and OPRA (S-107) bills. Also, we have written blog post going into greater detail on what the bills do on prevailing attorney fees (<https://www.njlm.org/Blog.aspx?IID=15#item>), subcommittees (<https://www.njlm.org/Blog.aspx?IID=13#item>), and expanding the definition of government records (<https://www.njlm.org/Blog.aspx?IID=14#item>).

Under a separate email I will send you the information on the legislation calling for study commission. In the meantime if you have any questions please feel free to give me a call anytime. Cell is 732-895-9611.

Thanks,

Lori

Talking Points on S-106 (amends Open Public Meetings Act) and S-107 (amends Open Public Records Act)

Generally (OPRA & OPMA)

-

- Bills **do not address the expenses municipalities incur** under OPRA such as:
 - Additional staff resources
 - Legal cost to ensure compliance
 - Litigation cost associated with defending action based on existing GRC decisions and conflicting case law

- Bills are from the open government and press advocates very limited common sense changes to assist municipalities
- Establishes a bureaucratic processes for public meetings **without consideration for operations**

Subcommittees (OPMA)

- Requirements can **politicize the subcommittee** process by requiring the governing body to determine if a subcommittee is open
- Subcommittees are **advisory by their very nature – they do not expend public funds or making binding decisions - that authority remains with the governing body**
- Concern that while not the intent of the bill we will be sued because we made a policy decision not to make a subcommittee open to the public but that policy decision was not based on the exceptions to open meetings under the law

Expansion of Government Record definition (OPRA)

- Expands definition to include records “required by law to be made, maintained or kept on file”
- While not subject to a fine, will violate OPRA for not providing a record that required to made (old budget, minutes) but we are unable to locate the archived record
- This **expansion goes against the entire intent of OPRA – to provide access to records in the governments possession**

Prevailing Attorney Fees (OPRA & OPMA)

- Continues the mandate of prevailing attorney fees for violation of OPRA
- **Adds mandatory prevailing attorney fees for violations for OPMA**
- Strongly believe courts and GRC need the flexibility to award reasonable attorney fees based on the given circumstances of a particular case
- **Prevailing Attorney fees enabled a cottage industry under OPRA concern it will create one under OPMA**
- Adds cost to local governments – nothing to lose
- Local government entities do not have ability to recoup prevailing attorney fees
- **Costing taxpayers money**

Legislature Exemption (OPRA & OPMA)

- Both bills continue to exempt the Legislature from the provisions
- In the interest of transparency and openness the exemptions to the Legislature should be removed
- Should equally apply

Lori Buckelew | Senior Legislative Analyst
New Jersey State League of Municipalities
 222 West State Street, Trenton, NJ 08608
 609-695-3481 extension #112
 732-895-9611 (cell)

[<image001.png>](#)

[<image002.jpg>](#)

[<image003.png>](#)

[<image004.jpg>](#)

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From: [David Brown](#)
To: [Lori Buckelew](#)
Subject: Re: OPRA Study Commission
Date: Wednesday, October 30, 2019 8:34:45 PM

Thanks

All the best,

David G. Brown II, MPA, QPA
Executive Director
LRSA

On Oct 30, 2019, at 5:00 PM, Lori Buckelew <xxxxxxxxx@xxxx.xxx> wrote:

Dave,

In regards to the OPRA Study Commission, Assemblyman Dancer has introduced A-4894. We met with Assemblyman Dancer on the bill with suggested changes mostly focus on the composition of the study commission. We want to ensure that it is appropriately balanced with all voices being heard. Attached is working document we provided Assemblyman Dancer, who was on board with our suggestions.

Senator Corrado has also introduced legislation creating an OPRA Study Commission (S3648). I just spoke with her and she is willing to consider the suggestions we made to Assemblyman Dancer.

As always if you have any questions or need additional information do not hesitate to contact me.

Lori

Lori Buckelew | Senior Legislative Analyst
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 extension #112

[<image001.png>](#)

[<image002.jpg>](#)

[<image003.png>](#)

[<image004.jpg>](#)

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<League Resolution vs. A4894 with recommend changes 041119.docx>

From: xxxxxxxx@xxxx.xxx
To: xxxxxxxx@xxxx.xxx
Subject: More OPRA/OPMA
Date: Wednesday, October 30, 2019 5:13:29 PM
Attachments: [blog_agenda_and_public_notice.docx](#)

Gio,

Attached is the draft blog post on agendas, public notices and meeting requirements.

Lori

From: xxxxxxxx@xxx.xxx
To: xxxxx@xxxxxx.xxx
Subject: OPRA Study Commission
Date: Wednesday, October 30, 2019 5:00:52 PM
Attachments: [image001.png](#)
[image003.png](#)
[League Resolution vs. A4894 with recommend changes 041119.docx](#)

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609-695-3481 extension #112



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From: @x
To: @x
Subject: OPRA/OPMA
Date: Wednesday, October 30, 2019 4:34:16 PM
Attachments: image001.png
image003.png

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732-895-9611 (cell)



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From: [NJ League of Municipalities](#)
To: [@xx](#)
Subject: Update on OPRA & OPMA Legislation
Date: Tuesday, October 29, 2019 1:22:21 PM

October 29, 2019

Looking Ahead to Lame Duck: OPRA and OPMA

As we indicated last week, we expect that the flawed bills to amend OPRA and OPMA, S-106 and S-107, will again be pushed for a floor vote.

Please ask your Senators to oppose S-106 and S-107.

Please continue to monitor the League's legislative blog, the Town Crier [<https://www.njlm.org/njlmblog>] for a breakdown of this legislation. Today the League posted the 3rd in a series of posts on these bills.

We also ask that you consider [<https://www.njlm.org/DocumentCenter/View/8049/MCANJ-Resolution-v3>] passing a resolution [<https://www.njlm.org/DocumentCenter/View/8049/MCANJ-Resolution-v3>] calling for a study commission, based on a League Conference resolution from last year, instead of this legislation.

Staff Contact:

Lori Buckelew, xxxxxxxxx@xxxx.xxx, 609-695-3481 x112.

Thank you,

NJ League of Municipalities
222 West State Street
Trenton, NJ 08608
(609) 695-3481
(609) 695-0151—Fax

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To: [@x](#)
Subject: Update on OPRA & OPMA Legislation
Date: Tuesday, October 29, 2019 1:22:20 PM

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October 29, 2019

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Staff Contact:

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Staff Contact:

Lori Buckelew, [xxxxxxxxx@xxxx.xxx](#), 609-695-3481 x112.

Thank you,

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Trenton, NJ 08608
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[xxxxxxxxx@xxxx.xxx](#)

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Date: Tuesday, October 29, 2019 1:22:17 PM

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Staff Contact:

Lori Buckelew, [xxxxxxxxx@xxxx.xxx](#), 609-695-3481 x112.

Thank you,

NJ League of Municipalities
222 West State Street
Trenton, NJ 08608
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From: [Elaine](#)
To: [Lori Buckelew](#)
Subject: RE: OPRA
Date: Monday, October 28, 2019 1:23:20 PM

Thanks, Lori. Here we go again.

Elaine

On Oct 28, 2019 10:46 AM, Lori Buckelew <~~lxb~~> wrote:

Hi Elaine,

There is legislation that has been introduced to create a study commission. However, Senator Weinberg is looking to move forward with S-106 & S-107 during lame duck (time between Election Day and the start of the new legislative term - Jan 14, 2020). We are encouraging towns to adopt the sample resolution to not only provide insight on how much OPRA is impacting towns but to call for the study commission instead of S-106 & S-107. The sooner towns can pass the resolution the better.

Lori

From: Elaine [mailto:~~lxb~~]
Sent: Monday, October 28, 2019 10:19 AM
To: Lori Buckelew
Subject: OPRA

Hi, Lori!

I received the email Friday night about the subcommittee to study the effects, I.e. costs, time, legal, etc. Is there much time to get this passed? I am so very interested in this happening if some changes come about.

When would our leaders act on this?

Thanks,

Elaine

Elaine B. Kennedy

From: [@x](#)
To: [@x](#)
Subject: RE: OPRA
Date: Monday, October 28, 2019 10:46:16 AM

Hi Elaine,

There is legislation that has been introduced to create a study commission. However, Senator Weinberg is looking to move forward with S-106 & S-107 during lame duck (time between Election Day and the start of the new legislative term - Jan 14, 2020). We are encouraging towns to adopt the sample resolution to not only provide insight on how much OPRA is impacting towns but to call for the study commission instead of S-106 & S-107. The sooner towns can pass the resolution the better.

Lori

From: Elaine [mailto:[@x](#)]
Sent: Monday, October 28, 2019 10:19 AM
To: Lori Buckelew
Subject: OPRA

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When would our leaders act on this?

Thanks,

Elaine

Elaine B. Kennedy

From: [NJ League of Municipalities](#)
To: [@x](#)
Subject: Corrected Link: Look Ahead to Lame Duck: OPRA and OPMA
Date: Wednesday, October 23, 2019 4:57:52 PM

The period of time between Election Day and the end of the end of the legislative term, the so-called "lame duck" is typically a period of significant legislative activity. We anticipate that the flawed bills to amend OPRA and OPMA, S-106 and S-107, will again be pushed for a floor vote.

Please ask your Senators to oppose S-106 and S-107.

For more, please see the League's Town Crier upcoming series of posts on the legislation. You can read the first here: www.njlm.org/Blog.aspx?IID=13#item

Please consider passing a resolution calling for a study commission instead of these flawed bills, here: www.njlm.org/OPRAResolution

Staff Contact:
Lori Buckelew, xxxxxxxx@xxxx.xxx, 609-695-3481 x112.

Thank you,

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From: [NJ League of Municipalities](#)
To: [@xx](#)
Subject: Corrected Link: Look Ahead to Lame Duck: OPRA and OPMA
Date: Wednesday, October 23, 2019 4:57:51 PM

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October 24, 2019

Looking Ahead to Lame Duck: OPRA and OPMA

The period of time between Election Day and the end of the end of the legislative term, the so-called "lame duck" is typically a period of significant legislative activity. We anticipate that the flawed bills to amend OPRA and OPMA, S-106 and S-107, will again be pushed for a floor vote.

Please ask your Senators to oppose S-106 and S-107.

For more, please see the [League's Town Crier](#) upcoming series of posts on the legislation.

We also ask that you consider [passing a resolution](#) calling for a study commission, based on a League Conference resolution from last year, instead of this legislation.

Staff Contact:

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From: [NJ League of Municipalities](#)
To: [@xx](#)
Subject: Corrected Link: Look Ahead to Lame Duck: OPRA and OPMA
Date: Wednesday, October 23, 2019 4:57:48 PM

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To: [@x](#)
Subject: Corrected Link: Look Ahead to Lame Duck: OPRA and OPMA
Date: Wednesday, October 23, 2019 4:57:47 PM

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From: [NJ League of Municipalities](#)
To: [@xx](#)
Subject: Look Ahead to Lame Duck: OPRA and OPMA
Date: Wednesday, October 23, 2019 10:15:10 AM

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From: [NJ League of Municipalities](#)
To: [@x](#)
Subject: Look Ahead to Lame Duck: OPRA and OPMA
Date: Wednesday, October 23, 2019 10:15:09 AM

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October 23, 2019

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From: [NJ League of Municipalities](#)
To: [@x](#)
Subject: Look Ahead to Lame Duck: OPRA and OPMA
Date: Wednesday, October 23, 2019 10:15:08 AM

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October 23, 2019

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From: [NJ League of Municipalities](#)
To: [@x](#)
Subject: Look Ahead to Lame Duck: OPRA and OPMA
Date: Wednesday, October 23, 2019 10:15:07 AM

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October 23, 2019

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From: [@x](#)
To: [x@x](#)
Subject: RE: OPRA/OPMA
Date: Tuesday, October 22, 2019 2:22:30 PM
Attachments: [image001.png](#)
[image003.png](#)

Thank you. Hope all is well,

mike

From: McDonnell, Kate [mailto:[x@x](#)]
Sent: Tuesday, October 22, 2019 2:21 PM
To: Michael F. Cerra <[x@x](#)>
Subject: Re: OPRA/OPMA

Hey Mike,

Justin Dews

Sent via the Samsung Galaxy S7, an AT&T 4G LTE smartphone
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From: Michael F. Cerra <[@x](#)>
Sent: Tuesday, October 22, 2019 2:18:02 PM
To: McDonnell, Kate <[x@x](#)>
Subject: [EXTERNAL] OPRA/OPMA

Hi Kate,

Can you advise who in your office would deal with legislation on OPRA/OPMA? We would like to have a conversation on it.

Mike

Michael F. Cerra | Assistant Executive Director &
Director, Government Affairs

New Jersey State League of Municipalities

222 West State Street, Trenton, NJ 08608

609-695-3481 extension 120



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From: [McDonnell, Kate](#)
To: [Michael F. Cerra](#)
Subject: Re: OPRA/OPMA
Date: Tuesday, October 22, 2019 2:21:32 PM
Attachments: [image001.png](#)
[image003.png](#)

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Sent via the Samsung Galaxy S7, an AT&T 4G LTE smartphone
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From: [@x](#)
To: [@x](#)
Subject: OPRA/OPMA
Date: Tuesday, October 22, 2019 2:18:02 PM
Attachments: [image001.png](#)
[image003.png](#)

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From: @x
To: @x
Cc: @x
Subject: RE: blog opra ompa subcommittees finale
Date: Monday, October 21, 2019 1:26:23 PM
Attachments: [image001.png](#)
[image003.png](#)

Okay. Understood.

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New Jersey State League of Municipalities
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From: Lori Buckelew
Sent: Monday, October 21, 2019 1:12 PM
To: Ciara Bradley
Cc: Michael F. Cerra
Subject: RE: blog opra ompa subcommittees finale

It should be OPRA/OPMA Proposed Legislation: Subcommittees. The series is OPRA/OPMA Proposed Legislation and then topic area.

From: Ciara Bradley

Sent: Monday, October 21, 2019 1:04 PM
To: Lori Buckelew
Cc: Michael F. Cerra
Subject: RE: blog opra ompa subcommittees finale

Lori,

Would you prefer that the title read: OPMA/OPRA Proposed Legislation, instead of putting 'Subcommittees'?

Let me know if you'd like to keep the same title

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From: Lori Buckelew
Sent: Monday, October 21, 2019 11:26 AM
To: Ciara Bradley
Cc: Michael F. Cerra
Subject: blog opra ompa subcommittees finale

Ciara,

Attached is the finale copy of the blog post on OPRA/OPMA subcommittees. Thank you for your suggested edits, I did accept some.

Lori

From: [@xx](#)
To: [@xx](#)
Cc: [@xx](#)
Subject: RE: blog opra ompa subcommittees finale
Date: Monday, October 21, 2019 1:11:58 PM
Attachments: [image001.png](#)
[image003.png](#)

It should be OPRA/OPMA Proposed Legislation: Subcommittees. The series is OPRA/OPMA Proposed Legislation and then topic area.

From: Ciara Bradley
Sent: Monday, October 21, 2019 1:04 PM
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Cc: Michael F. Cerra
Subject: RE: blog opra ompa subcommittees finale

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From: @x
To: @x
Cc: @x
Subject: RE: blog opira ompa subcommittees finale
Date: Monday, October 21, 2019 1:03:43 PM
Attachments: [image001.png](#)
[image003.png](#)

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From: xxxxxxxx@xxx.xxx
To: xxxxxxxx@xxx.xxx
Cc: xxxxxx@xxx.xxx
Subject: blog opra ompa subcommittees finale
Date: Monday, October 21, 2019 11:26:26 AM
Attachments: [blog opra ompa subcommittees finale.docx](#)

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From: @x
To: @x
Subject: RE: OPMA/OPRA
Date: Monday, October 21, 2019 11:11:59 AM
Attachments: [image001.png](#)
[image003.png](#)
[Oppose S-106 S-107 njlm.pdf](#)

Hi Brian,

Attached is a copy of a letter we prepared for the full Senate in June. Our issues remain the same as follows:

1. Subcommittees (OPMA): The definition of subcommittees has been changed to "any subordinate committee of a public body, except the Legislature, regardless of label, that is formally created by that body, comprised of two or more members, but less than a quorum, of the public body, and recognized by the public body as a subcommittee thereof." Subcommittees would be required to prepare at least quarterly reports of their meetings that must include; the number of meetings held since the last report, the names of members of the subcommittee, and a concise statement of the matters discussed. Every subcommittee must file at least one report with the public body. A subcommittee report is available for public access in the same manner as minutes of a meeting of the public body. If the subcommittee has given an oral report at a meeting of the public body then they are not required to submit the written report for that quarter. The public body must determine if a subcommittee meeting is open to the public. If the meeting is open to the public, adequate notice must be provided. **The purpose of subcommittees is to make recommendations to the governing body for the governing body to take action. Subcommittees are designed to digest and vet information informally. Subcommittees do not expend public funds nor make binding decisions. That power remains with the governing body. By their very nature, subcommittees are advisory, deliberative, and consultative. Just as advisory, deliberative and consultative material is exempted from the Open Public Records Act so should subcommittees remain not subject to the provisions of the Open Public Meetings Act.**
2. Prevailing Attorney Fees (OPMA & OPRA): The OPRA bill continues to mandate prevailing attorney fees for violation of OPRA, and the OPMA bill is changing prevailing attorney fees from permissive to mandatory. **The League strongly believes that the Courts and the Government Records Council need the flexibility to award reasonable attorney's fees based on the given circumstances of a particular case not because they are mandated by the law.**
3. Expands the definition of Government Records (OPRA): The bill expands the definition of government record to include a record that is "required by law to be made, maintained or kept on file." Currently, if an OPRA request is received for a document that does not exist, the OPRA request is denied and there is no violation of OPRA. **By expanding the definition, a Records Custodian will be in violation of OPRA if the**

record was required to be made (e.g. an old municipal budget) but they are unable to locate the archived record. The bill does provide protections to limit the Record Custodian's liability but the Records Custodian will still be in violation of OPRA. We strongly believe this should be addressed in the legislation and not by the courts.

4. Exemption of the Legislature (OPMA & OPRA): Both bills continue to exempt the Legislature from many requirements of the Open Public Meetings Act and all of the requirements of the Open Public Records Act. **The League has strongly argued that in the interest of transparency and openness, the various exceptions in the Open Public Meetings Act and Open Public Records Act that apply to the legislature and the legislators should be removed. The rules that the legislation makes applicable to other governmental bodies should apply equally to all governmental levels and officials.**

If you have any questions, need additional information or would like to set up a meeting please do not hesitate to contact me.

Lori

Lori Buckelew | Senior Legislative Analyst
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 extension #112



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From: Alpert, Brian [mailto:~~XXXX~~]
Sent: Monday, October 21, 2019 10:31 AM
To: Lori Buckelew
Subject: OPMA/OPRA

Hi Lori,

I understand that Sen. Weinberg wants to get the OPMA/OPRA (S-106 & S-107) done during lame duck. Do you have anything you can share with me that outlines the remaining concerns?

Brian Alpert
Deputy Executive Director
Senate Republican Office
Phone: (609) 847-3600

From: xxxxxxx@xxx.xxx
To: xxxxxxx@xxx.xxx; xxxxx@xxx.xxx
Subject: blog opra ompa subcommittees
Date: Friday, October 18, 2019 1:59:52 PM
Attachments: [blog opra ompa subcommittees.docx](#)

My suggestions are in tracking, and after Mike's revisions.

From: xxxxxx@xxx.xxx
To: xxxxxxxx@xxx.xxx; xxxxxxxx@xxx.xxx
Subject: RE: blog opra ompa subcommittees
Date: Friday, October 18, 2019 1:34:04 PM
Attachments: [blog opra ompa subcommittees.docx](#)

Some minor revisions.

From: Lori Buckelew
Sent: Friday, October 18, 2019 12:51 PM
To: Ciara Bradley <~~@~~*
Cc: Michael F. Cerra <~~@~~*
Subject: blog opra ompa subcommittees

Ciara,

Please prepare the attached blog post for review by Mike C. The goal is to post the blog on Tuesday.

Lori

From: [xxxxxxxx@xxx.xxx](#)
To: [xxxxxxxx@xxx.xxx](#)
Cc: [xxxxxx@xxx.xxx](#)
Subject: blog opra ompa subcommittees
Date: Friday, October 18, 2019 12:51:15 PM
Attachments: [blog opra ompa subcommittees.docx](#)

Ciara,

Please prepare the attached blog post for review by Mike C. The goal is to post the blog on Tuesday.

Lori

From: xxxxxxxx@xxxxx.xxx
To: xxxxxxxx@xxxx.xxx
Subject: RE: blog opra ompa subcommittees
Date: Thursday, October 17, 2019 10:44:35 AM
Attachments: [image001.png](#)
[image003.png](#)
[blog opra ompa subcommittees.docx](#)

Some suggestions and a comment/question.

Frank Marshall, Esq. | Staff Attorney
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 x. 137



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From: Lori Buckelew
Sent: Wednesday, October 16, 2019 10:51 AM
To: Jon Moran; Michael F. Cerra; Frank Marshall
Subject: blog opra ompa subcommittees

Please review and advise

Thank you
Lori

From: xxxxxx@xxx.xxx
To: xxxxxxxx@xxx.xxx
Subject: blog opra ompa subcommittees
Date: Wednesday, October 16, 2019 2:34:05 PM
Attachments: [blog opra ompa subcommittees.docx](#)

Minor edits in tracking

From: xxxxxxxx@xxx.xxx
To: xxxxxx@xxx.xxx; xxxxxx@xxx.xxx; xxxxxxxx@xxxxxx.xxx
Subject: blog opra ompa subcommittees
Date: Wednesday, October 16, 2019 10:51:05 AM
Attachments: [blog opra ompa subcommittees.docx](#)

Please review and advise

Thank you
Lori

From: xxxxxx@xxx.xxx
To: xxxxxxxx@xxx.xxx
Subject: blog opra ompa subcommittees
Date: Tuesday, July 16, 2019 1:53:14 PM
Attachments: [blog opra ompa subcommittees.docx](#)

Looks good Lori.

One little edit and a question in tracking.

From: xxxxxxxx@xxx.xxx
To: xxxxxx@xxx.xxx; xxxxxx@xxx.xxx; xxxxxxxx@xxxxxx.xxx
Subject: blog opra ompa subcommittees
Date: Tuesday, July 16, 2019 11:43:07 AM
Attachments: [blog opra ompa subcommittees.docx](#)

So over the summer I would like to do blog posting on the various provisions in the OPMA/OPRA bills. Then after Labor Day do a recap blog linking to the individual blog post on the issue. Attached is my first draft. Please review and advise for content but also let me know if you like the format, any suggestions. I am trying to make it easy for the reader and hit all the points at the same time.

Thanks
Lori

From: @x
To: @x
Cc: @x
Subject: OPRA OPMA
Date: Tuesday, July 9, 2019 2:18:10 PM
Attachments: [image009.png](#)
[image011.png](#)
[privacy_study_commission_report_homeaddress_phonenos.pdf](#)
[privacy_study_commission_public_hearing_transcripts.pdf](#)
[privacy_study_commission_report_122004.pdf](#)
[Oppose S-106 S-107 njlm.pdf](#)
[mcani 0619 s106 s107.pdf](#)

Michaëlle,

It was a pleasure speaking with you earlier today on the OPRA and OPMA bills. Following up on our conversation attached please find:

- NJLM Letter to Senators on S-106 & S-107
- Municipal Clerks Association of New Jersey letter to Senators on S-106 & S-107
- Finale Report of the Privacy Study Commission
- Privacy Study Commission Report on Home Addresses & Phone Numbers
- Privacy Study Commission Public Hearing Transcript

The contact information for Immediate Past President of the Municipal Clerks Association Kevin Galland, Woodland Park Municipal Clerk, is 973-345-8100 x100 or [xxxxxxxxx@xxxx.xx](#)

The legislation creating the OPRA Study Commission is A4894.

If you have any questions or need additional information please do not hesitate to contact me.

Lori

NJLM has recently changed its web and email addresses to [njlm.org](#) (previously [njslom.org](#)). Please update your email safe lists and saved web bookmarks.

Lori Buckelew | Senior Legislative Analyst
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 extension #112



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From: xxxxxxx@xxx.xxx
To: xxxxxxx@xxxxxxxxxxx.xxx; xxxxx@xxx.xxx
Subject: RE: Follow-up OPRA Requests
Date: Tuesday, June 25, 2019 4:17:32 PM
Attachments: [subcommittees_062019.docx](#)
[S107_opra_summary_061819_SBA_amendments.docx](#)
[s106_opma_summary_061719_SBA_amendments.docx](#)

Mayor,

10am works for me. In the meantime, I am attaching a copy of my notes that summarizes each section of the bill that is up to date to include the Sen Budget and Appropriations Committee amendments. I am also attaching a detail position piece on subcommittees. I am working for one on the other issues.

In the meantime, please call or email me if you have any questions or would like additional information.

Lori

From: Gary Passanante [mailto:xxxxxxxxxxx@xxxxxxxxxxx.xxx]
Sent: Tuesday, June 25, 2019 1:54 PM
To: Michael F. Cerra; Lori Buckelew
Subject: FW: Follow-up OPRA Requests

Mike/Lori,

I got the attached through my clerk who is the VP for the Clerk's Association. Not sure if you saw this.

I suggest we meet at your office before the 11:00 am meeting on Thursday to discuss a strategy. How about I be there at 10:00 am? We can walk over together if that works for you.

Thanks

From: Michele Miller <miller@xxx.xxx>
Sent: Tuesday, June 25, 2019 1:40 PM
To: Gary Passanante <passanante@xxx.xxx>
Subject: Fwd: Follow-up OPRA Requests

Michele D. Miller, RMC
Municipal Clerk
Borough of Somerdale

Begin forwarded message:

From: "Galland, Kevin" <kgalland@xxx.xxx>
Date: June 25, 2019 at 12:57:20 PM EDT
To: Michele Miller <miller@xxx.xxx>
Subject: RE: Follow-up OPRA Requests

Michele,

Please see the attached letter that was sent to all of the State Senators on June 19th.

Kevin Galland

Administrator/Municipal Clerk
Borough of Woodland Park
5 Brophy Lane
Woodland Park, NJ 07424
973-345-8100 ext. 201
Fax 973-345-8194

From: Michele Miller [mailto:xxxxxxx@xxxxxxxxxxx.xxx]
Sent: Tuesday, June 25, 2019 12:02 PM
To: Galland, Kevin
Subject: RE: Follow-up OPRA Requests
Importance: High

Good afternoon Kevin,

My Mayor, Gary Passanante, is meeting with Senator Weinberg this week regarding OPRA and OPMA. There is a committee of mayors that is being put together to discuss the many impacts that the proposed bill has for not only the clerks, but the municipalities, as a whole. Do you have the information that was gathered from the request below, and is it possible to forward it to me? He would like to have this as part of the discussion of the impact.

Thank you and feel free to reach out to me with any questions.
Michele

Michele D. Miller, RMC, CMR
Municipal Clerk & Registrar of Vital Statistics
Borough of Somerdale
105 Kennedy Boulevard
Somerdale, New Jersey 08053
856.733.6320 phone

http://secure-web.cisco.com/twRl6Zs2SjSWJW36SdMl0BkvE78gME450pJny__3BFSjCKRmzhYRT6tsSkAtp3BnV__tdPc2ZT0-nZ35ism1WkmLcXLRobxVZi7__YlePY6V53hS/r1P2wto/Zwhgqoh_p607p2m03_RklJZ4-Kn-B3MytPthBtBtJikPrdtAY3q0zatnY10Py15__1cu3TFnChpRkKpnyvS2PLyZ7rcdXarR16mWY1MqZXX0bn90AK3Lvie0ZLqsYZ6Dzvn0thPY77631mnc9M7nTHvd03tyF0S6o3Xv231B0HymLq79X11PHevIF_Rdm_r2KJa/http%3A%2F%2Fwww.somerda-le-nj.com

From: [@x](#)
To: [@x](#)
Subject: RE: MEMO from June 2015.....OPMA S. 781/OPRA S. 782 Legislation Memo June 2015
Date: Wednesday, June 19, 2019 4:47:24 PM

Thanks Chris. My cell is 609-532-2494. Looks like most of the requests weren't addressed.

mike

From: Christopher Pianese [mailto:[@x](#)]
Sent: Wednesday, June 19, 2019 1:05 PM
To: Michael F. Cerra <[@x](#)>
Subject: FW: MEMO from June 2015.....OPMA S. 781/OPRA S. 782 Legislation Memo June 2015

Mike, busy day here, I will try giving you a call later this afternoon.

Attached, you will find our comments, prepared by Jon Boguchwal back in 2015 on the original bills.

Chris

From: jboguchwal (via Google Docs) <[@x](#)>
Sent: Wednesday, June 19, 2019 9:22 AM
To: Christopher Pianese <[@x](#)>
Subject: MEMO from June 2015.....OPMA S. 781/OPRA S. 782 Legislation Memo June 2015

[@x](#) has attached the following document:



OPMA S. 781/OPRA S. 782 Legislation Memo June 2015



this was the last memo i did on it from june 2015. obviously different bill numbers.

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From: [Galland, Kevin](#)
To: [Lori Buckelew](#)
Subject: RE: OPRA OPMA Legislation
Date: Wednesday, June 19, 2019 2:39:29 PM

I added this paragraph to my letter.

It is recognized that the amendments before you do include the establishment of a commission similar to that as described above, but only to be formed twenty-four (24) months after the effective date of the proposed amendments. A delay of some two years to review and examine the effects of OPRA on local government is far too long. We need the review now.

Kevin Galland

Administrator/Municipal Clerk
Borough of Woodland Park
5 Brophy Lane
Woodland Park, NJ 07424
973-345-8100 ext. 201
Fax 973-345-8194

From: Lori Buckelew [mailto:~~l.buckelew@passaicnj.gov~~]
Sent: Wednesday, June 19, 2019 10:30 AM
To: Galland, Kevin
Subject: OPRA OPMA Legislation

Kevin

As we discussed...

Lori

~~~~~

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From: xxxxxx@xxx.xxx
To: xxxxxxxx@xxx.xxx
Subject: FW: MEMO from June 2015.....OPMA S. 781/OPRA S. 782 Legislation Memo June 2015
Date: Wednesday, June 19, 2019 1:12:27 PM
Attachments: [OPMA S. 781/OPRA S. 782 Legislation Memo June 2015.docx](#)

From: Christopher Pianese [mailto:xx@x]
Sent: Wednesday, June 19, 2019 1:05 PM
To: Michael F. Cerra <xx@x>
Subject: FW: MEMO from June 2015.....OPMA S. 781/OPRA S. 782 Legislation Memo June 2015

Mike, busy day here, I will try giving you a call later this afternoon.

Attached, you will find our comments, prepared by Jon Boguchwal back in 2015 on the original bills.

Chris

From: jboguchwal (via Google Docs) <xx@x>
Sent: Wednesday, June 19, 2019 9:22 AM
To: Christopher Pianese <xx@x>
Subject: MEMO from June 2015.....OPMA S. 781/OPRA S. 782 Legislation Memo June 2015

xx@x has attached the following document:



OPMA S. 781/OPRA S. 782 Legislation Memo June 2015



this was the last memo i did on it from june 2015. obviously different bill numbers.

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From: [Christopher Pianese](#)
To: [xxxxxx@xxx.xxx](#)
Subject: FW: MEMO from June 2015.....OPMA S. 781/OPRA S. 782 Legislation Memo June 2015
Date: Wednesday, June 19, 2019 1:04:56 PM
Attachments: [OPMA S. 781OPRA S. 782 Legislation Memo June 2015.docx](#)

Mike, busy day here, I will try giving you a call later this afternoon.

Attached, you will find our comments, prepared by Jon Boguchwal back in 2015 on the original bills.

Chris

From: jboguchwal (via Google Docs) <@x>
Sent: Wednesday, June 19, 2019 9:22 AM
To: Christopher Pianese <@x>
Subject: MEMO from June 2015.....OPMA S. 781/OPRA S. 782 Legislation Memo June 2015

[@x](#) has attached the following document:



OPMA S. 781/OPRA S. 782 Legislation Memo June 2015



this was the last memo i did on it from june 2015. obviously different bill numbers.

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From: [xxxxxxxx@xxx.xxx](#)
To: [xxxxxx@xxx.xxx](#); [xxxxxx@xxx.xxx](#); [xxxxxxxx@xxxxxx.xxx](#)
Cc: [xxxxxx@xxx.xxx](#)
Subject: OPRA/OPMA Desk Letter
Date: Wednesday, June 19, 2019 12:23:11 PM
Attachments: [s_106_107_opra_opma_senate.docx](#)

Please review and advise.

Thank you,
Lori

From: [@x](#)
To: [@x](#)
Subject: opra and opma bills
Date: Wednesday, June 19, 2019 11:26:43 AM
Attachments: [image001.png](#)
[image003.png](#)

Hi Chris,

I just called but I know you're in a meeting. Can you call my cell at 609-532-2494 when you get a chance?

Senator Weinberg's OPRA and OPMA bills are on the Senate board for tomorrow. The League is in opposition to the bill. I know the Mayor has opposed the bill in the past and before tomorrow, I wanted to touch base and see if there is anything he needs from us.

Also, I have good news to report on the hospital legislation.

mike

Michael F. Cerra,
Assistant Executive Director &
Director, Government Affairs
NJ League of Municipalities
222 West State Street
Trenton, NJ 08608
(609) 695-3481 x120
(609) 695-0151--Fax

[xxxxxx@xxxx.xxx](#)



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NJLM has recently changed its web and email addresses to [njlm.org](#) (previously [njslom.org](#)). Please update your email safe lists and saved web bookmarks.

From: [xxxxxxxx@xxx.xxx](#)
To: [xxxxxxxx@xxx.xx](#)
Subject: OPRA OPMA Legislation
Date: Wednesday, June 19, 2019 10:30:23 AM
Attachments: [OPRA OPMA Senate Voting Session 062019.doc](#)
[s 106 107 opma opma sba.docx](#)

Kevin

As we discussed...

Lori

From: [John Donnadio](#)
To: [Michael F. Cerra](#); [Lori Buckelew](#); [John Burns](#); [Michael Vrancik](#); [Jonathan Pushman](#); [Allen Weston](#)
Subject: FW: OPRA OPMA Legislation
Date: Wednesday, June 19, 2019 9:21:54 AM
Attachments: [OPRA OPMA Senate Voting Session 062019.doc](#)

Good morning and FYI.

John G. Donnadio, Esq.
Executive Director
New Jersey Association of Counties
Government Finance Officers Association of New Jersey
150 West State Street
Trenton, New Jersey 08608
Telephone (609) 394-3467
www.njac.org

From: John Donnadio
Sent: Wednesday, June 19, 2019 9:19 AM
Subject: OPRA OPMA Legislation

Good morning. I hope all is well.

On Thursday, the Senate will consider legislation that would make changes to the Open Public Records Act and the Open Public Meetings Act. Although NJAC is a strong proponent of openness and transparency in government and appreciates the fact that these bills intend to modernize the government records process and authorize local governing bodies to impose surcharges on commercial entities under certain circumstance, the bills would impose an undue burden on local governing bodies that would significantly impact daily operations, staff time, and resources. With this in mind, please contact your legislative delegation and share with them our long-standing concerns with this sweeping legislation. I've attached NJAC's position statement for your review of which provides a *general overview* of county practices and procedures. Please note that this legislation would not apply to the State Legislature, which held a committee hearing on the package of bills on Monday without providing adequate notice and considered forgoing public testimony. Thank you as always for your time and consideration, and please do not hesitate to contact me with any questions or concerns.

John G. Donnadio, Esq.
Executive Director
New Jersey Association of Counties
Government Finance Officers Association of New Jersey
150 West State Street
Trenton, New Jersey 08608
Telephone (609) 394-3467
www.njac.org

From: [xxxxxxxx@xxx.xxx](#)
To: [xxxxxxxx@xxx.xxx](#); [xxxxx@xxx.xxx](#); [xxxxxxxx@xxx.xxx](#)
Subject: Revised S107 SBA OPRA
Date: Tuesday, June 18, 2019 4:36:22 PM
Attachments: [S107_opra_summary_061819_SBA_amendments.docx](#)

Corrected copy – changed footer to reflect correct date/meeting.

From: [xxxxxxxx@xxx.xxx](#)
To: [xxxxxxxx@xxx.xxx](#); [xxxx@xxx.xxx](#); [xxxxxx@xxx.xxx](#)
Subject: OPRA SBA Summary
Date: Tuesday, June 18, 2019 4:29:53 PM
Attachments: [S107_opra_summary_061819_SBA_amendments.docx](#)

FYI, attached is the summary of OPRA to reflect the SBA amendments.
The SBA amendments are in **red**.

If you have any questions or need additional information please let me know.

Lori

From: @x
To: @x; @x; @x
Subject: Item C - OPRA/OPMA
Date: Tuesday, June 18, 2019 2:40:04 PM

FYI, below (item c) is the alert we sent out to our membership regarding the OPRA/OPMA bills.

From: NJLM Daily Update [mailto:@x]
Sent: Tuesday, June 18, 2019 2:18 PM
To: Lori Buckelew
Subject: Daily Update - Legislative Alert

newsletter header



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June 18, 2019

Legislative Alert

a. Legislature Introduces FY 2020 Budget Bills

Yesterday in Trenton, the State Senate and the General Assembly introduced and advanced identical bills that would authorize State appropriations for the 2020 Fiscal Year that begins on July 1. S-2020/A-5600 would appropriate \$38.7 billion. The bill assumes strong corporate and sales tax receipts. It also assumes that many of the Governor's proposed revenue enhancements will not be implemented.

The bills would add important funding for a number of programs in individual municipalities. They also include increased Transitional Aid monies (A total of \$114.5 million would be available.) and \$48 million for a new 'Shared Services and School District Consolidation Study and Implementation Grant' program. The bill would increase funding for the State's 'Complete Count Commission' to strengthen support for the 2020 Census.

The budget bills accept the Administration's proposed diversion of Energy Tax Receipts (ETR) 'lockbox' revenues. Until last year, the ETR had always been funded through taxes (Sales and Corporate) levied on energy supplying utilities. Instead, the upcoming budget would again deliver level ETR, as well as CMPTRA funding, with Income Tax dollars.

We expect both Houses to pass an FY 2020 Appropriations bill on Thursday. We will continue our analysis and keep you advised on the bill and the Governor's response.

Contact: Jon Moran, Senior Legislative Analyst, xxxxxx@xxxx.xxx, 609-695-3481 x121.

b. League Supports Taxpayer Equity Liability Standards Bill

On Monday, the Senate Judiciary Committee and the Assembly Budget Committee approved S-3739 and [A-5392](#) respectively. This legislation will establish liability standards in sexual abuse lawsuits filed against public entities and public employees. As amended, this bill will apply the same standards to public employees and entities as will be applied to private, non-profit organizations, per the recent revisions in P.L. 2019, c.120. The League **supports** this important correction to the current statute.

Both committees accepted amendments suggested by a coalition that includes the League, the Association of Counties, the School Boards Association and the MEL-JIF to assure that public and private entities are treated alike. S-3739/A-5392 address a shortcoming in the recent amendments made by [PL 2019, c.120](#). Both bills now stand at 2nd reading and could be voted on as soon as Thursday.

We commend the efforts of the respective sponsors, Senators Vitale and Scutari and Assemblywomen Quijano and Murphy to assure justice for the victims of these heinous acts. Aware of the problem, local governments are today, more vigilant and fully committed to doing all that can be done to prevent abuse and to expose offenders. These efforts include background checks on employees and volunteers; immediate investigation when abuse is suspected; and, immediate action when abuse is reported.

This legislation is critical for local governments and we urge you to contact your legislators and ask for their support of S-3739 and A-5392.

Contact: Michael F. Cerra, Assistant Executive Director, xxxxxx@xxxx.xxx, 609-695-3481 x120.

c. OPMA and OPRA Bills Advance

Yesterday, by a vote of 6 yes and 5 abstentions, the Senate Budget and Appropriations Committee amended and released S-106, which amends the Open Public Meetings Act (OPMA), and S-107, which amends the Open Public Records Act (OPRA). We are currently reviewing the amendments and will provide an update shortly. While we thank Senator Weinberg for the strides she has taken to address our concerns with the bills and appreciate the amendments made to address privacy issues, commercial requests, and relief for some of the abuse towns have seen firsthand under OPRA, the League must continue to oppose the bills.

We continue to have concerns with both bills, in particular, subjecting subcommittees to certain provisions under OPMA, expanding the definition of government record, continuing mandatory prevailing attorney fees under OPRA, and expanding OPMA to include prevailing attorney fees.

Both bills could be before the full Senate as early as Thursday. We urge you to contact and ask your State Senator to oppose S-106 and S-107.

Contact: Lori Buckelew, Senior Legislative Analyst, xxxxxxxx@xxxxx.xxx, 609-695-3481 x112.

d. Assembly Committee Releases Bill That Would Negatively Impact Local Affordable Housing Efforts

Yesterday, A-4414, a bill which the League opposes, was reported out of the Assembly Housing and Community Development Committee with a committee substitute. The League understands the need for affordable housing, and appreciates legislative efforts to come up with a solution for this important issue. However, the one-size-fits-all approach contemplated by A-4414 fails to effectively address the issue and will instead lead to unintended consequences.

The Committee Substitute of A-4414 would require developers of residential housing with 30 or more newly-constructed residential units to provide a specific set aside for low, moderate, and middle income housing or pay a fee. This required set-aside limits a municipality's ability to negotiate with a developer and may limit the financial viability of a project, thus reducing the number of available housing units.

S-3056, the Senate companion for A-4414 has been referred to the Senate Community and Urban Affairs Committee but has not been scheduled for a hearing. We urge our members to reach out to [your legislators](#) and ask them to oppose A-4414/S-3056.

Contact: Frank Marshall, Esq., League Staff Attorney, xxxxxxxx@xxxx.xxx, 609-695-3481 x137.

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From: [xxxxxxxx@xxx.xxx](#)
To: [xxxxxxxx@xxx.xxx](#)
Cc: [xxxxxx@xxx.xxx](#)
Subject: Alert Item - OPMA and OPRA Bills Advance
Date: Tuesday, June 18, 2019 11:26:35 AM
Attachments: [OPMA and OPRA Bills Advance.docx](#)

Ciara,

For today's alert.

Lori

From: xxxxxx@xxx.xxx
To: xxxxxxxx@xxx.xxx
Subject: OPMA and OPRA Bills Advance
Date: Tuesday, June 18, 2019 11:15:05 AM
Attachments: [OPMA and OPRA Bills Advance.docx](#)

Some suggestions in tracking.

From: [xxxxxxxx@xxx.xxx](#)
To: [xxxxxx@xxx.xxx](#); [xxxxxx@xxx.xxx](#); [xxxxxxxx@xxxxxx.xxx](#)
Subject: OPMA and OPRA Bills Advance
Date: Tuesday, June 18, 2019 10:58:44 AM
Attachments: [OPMA and OPRA Bills Advance.docx](#)

Please review and advise

Thank you

From: [John Donnadio](#)
To: [Michael F. Cerra](#); [Lori Buckelew](#); [John Burns](#); [Michael Vrancik](#); [Jonathan Pushman](#)
Subject: FW: OPRA OPMA Legislation
Date: Monday, June 17, 2019 4:32:56 PM
Attachments: [OPRA OPMA Concerns SSG .doc](#)

FYI

John G. Donnadio, Esq.
Executive Director
New Jersey Association of Counties
Government Finance Officers Association of New Jersey
150 West State Street
Trenton, New Jersey 08608
Telephone (609) 394-3467
www.njac.org

From: John Donnadio
Sent: Monday, June 17, 2019 11:27 AM
Subject: OPRA OPMA Legislation

Good morning. I hope all is well. In the spirit of openness and transparency, the Senate Budget and Appropriations just added the OPRA and OPMA bills to the Committee's 2:00 agenda this afternoon. With this in mind, I was hoping you could provide me with some additional information. We plan on testifying that the typical staff of the county clerk of the board is between 3-4 employees, county governments process between 250 to 3000 record requests each year, and county clerks of the board and county administrators generally serve as custodians of records. Would you mind estimating how long it typically takes to process an OPRA request? I believe that sharing this information would be helpful in summarizing the burden the legislation would impose on local governing bodies. Thank you as always for your time and consideration, and

John G. Donnadio, Esq.
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From: [@x](#)
To: [@x](#)
Subject: FW: 11am monday morning conference call with O'Scanlon and Senator Weinberg to discuss opra legislation
Date: Monday, June 17, 2019 10:54:59 AM

From: Huch, Beau [mailto:[@x](#)]
Sent: Friday, June 14, 2019 3:17 PM
To: Michael F. Cerra <[@x](#)>
Cc: Lori Buckelew <[@x](#)>
Subject: 11am monday morning conference call with O'Scanlon and Senator Weinberg to discuss opra legislation

Mike and Lori,

Thank you for taking the time.

The call information is below:

Call in #: 8882512909

Access code: 8685986

Have a great weekend!

Beau William Huch Esq.
Legislative Director
Senator Declan O'Scanlon
101 Crawfords Corner Road
Suite 4332
Holmdel, NJ 07733
Office: 732-444-1838

From: [Huch, Beau](#)
To: [@x](#)
Cc: [@x](#)
Subject: 11am monday morning conference call with O'Scanlon and Senator Weinberg to discuss opira legislation
Date: Friday, June 14, 2019 3:17:13 PM

Mike and Lori,

Thank you for taking the time.

The call information is below:

Call in #: 8882512909

Access code: 8685986

Have a great weekend!

Beau William Huch Esq.
Legislative Director
Senator Declan O'Scanlon
101 Crawfords Corner Road
Suite 4332
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Office: 732-444-1838

From: [Huch, Beau](#)
To: [@x](#)
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Senator Declan O'Scanlon
101 Crawfords Corner Road
Suite 4332
Holmdel, NJ 07733
Office: 732-444-1838

From: [@x](#)
To: [@x](#)
Subject: OPRA Proposed Amendments
Date: Tuesday, June 11, 2019 3:27:27 PM
Attachments: [image001.png](#)
[image003.png](#)
[N209_0001.pdf](#)

Stephan,

As we discussed.

Lori

NJLM has recently changed its web and email addresses to njlm.org (previously njslom.org). Please update your email safe lists and saved web bookmarks.

Lori Buckelew | Senior Legislative Analyst
New Jersey State League of Municipalities
222 West State Street, Trenton, NJ 08608
609-695-3481 extension #112



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From: [Galland, Kevin](#)
To: [Diane Pflugfelder \(xxxxxxxxxxxxxxxx@xxxx.xx\)](#); [Gore, Eileen \(xxxx@xxxxxxxxxxx.xx\)](#); [xxxxxxxx@xxxx.xx](#); [xxxxxxxx@xxxx.xx](#); [xxxx@xxxxxxxx.xx](#); [xxxxxxxx@xxxx.xx](#)
Subject: FW: Updated OPRA Amendments
Date: Tuesday, June 4, 2019 7:09:05 PM
Attachments: [N209_0001.pdf](#)

Please see page 24 of the attachment.

From: Galland, Kevin
Sent: Tuesday, June 04, 2019 7:02 PM
To: 'xxxxxxxx@xxxx.xx'
Subject: FW: Updated OPRA Amendments

Thank you Shane and please thank the Senator for me. The revision is certainly a compromise and that's what makes our meetings worthwhile.

As you are aware I believe the proposed Committee should take on this task now, but a 24 month delay needs to be seen as a half-a-loft is better than none.

Best regards and enjoy your summer,

Kevin Galland

Administrator/Municipal Clerk
Borough of Woodland Park
5 Brophy Lane
Woodland Park, NJ 07424
973-345-8100 ext. 201
Fax 973-345-8194

From: Mitchell, Shane [<mailto:xxxxxxxx@xxxx.x>]
Sent: Tuesday, June 04, 2019 4:18 PM
To: Galland, Kevin
Subject: Updated OPRA Amendments

Hey Kevin,

Hope you're doing well! As mentioned, we're putting in a study commission to review the law and make recommendations. Otherwise, this should be the same as the last document I sent. Senator Weinberg is going to try to move this through Senate Budget Committee this month (perhaps as early as the 13th), but is not going to try to move the bill on the floor until at least the fall.

Happy to discuss any time!

Best,

--

Shane Mitchell
Legislative Director
Senator Loretta Weinberg
Senate Majority Leader
(201) 928-0100

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From: [Mitchell, Shane](#)
To: [@x](#)
Subject: Updated OPRA Amendments
Date: Tuesday, June 4, 2019 4:23:12 PM
Attachments: [N209_0001.pdf](#)

Hey Lori,

Hope you're doing well! We've been working with individual members of the budget committee to try to get the votes to move S106 and S107. Here's where we are right now with S107. The Senator is going to try to get these up in SBA in June (perhaps as early as the 13th), though she does not intend to put either bill up for a floor vote before the fall, at the earliest.

Happy to discuss these changes any time! I am available to explain where the changes come from/what we intend by them. The tweaks are relatively minor, I think, except for the new section 16 where we basically swallow Dancer's OPRA study commission bill whole.

Best,

--

Shane Mitchell
Legislative Director
Senator Loretta Weinberg
Senate Majority Leader
(201) 928-0100