

Melissa D. Strickland

From: Melissa D. Strickland
Sent: Monday, July 27, 2020 11:39 AM
To: trknology@yahoo.com
Cc: John Carr
Subject: FW: A new Service Request has been created [Request ID #34328] (Clerk to the Board) - www.co.cumberland.nj.us
Attachments: doc00449620200727094834.pdf

Mr. Bermudez,

I hope this email finds you well. Below, please find responses to your recent OPRA request, which is included in the email chain below this email. Each of my numbered responses correspond directly to your numbered requests:

1. The County objects to the form of your request, as it is overbroad. It uses the phraseology "[a]ny agreement, proposal, and/or reconciliation plan" without specifying which record you are seeking. It also does not give an approximate date or date range for the document(s) you are seeking. In the case of *MAG Entertainment v. Division of Alcohol and Beverage Control* (372 N.J.Super. 534), the Court stated that "[u]nder OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt...In short, OPRA does not countenance open-ended searches of an agency's files." This request runs contrary to the purpose of OPRA because it would result in an open-ended search of the County's records. Further, any proposed resolutions still in draft form are advisory, consultative and deliberative and thus exempt from disclosure under OPRA at N.J.S.A. 47:1A-1.1. Notwithstanding the foregoing, on February 5, 2020, you submitted a similar request for an agreement concerning Atlantic County. That agreement has since been rescinded under Resolution 2020-173, passed March, which is attached for your records. There are no other responsive documents to this request.
2. The County objects to the form of your request, as it is overbroad. It uses the phraseology "[a]ny provisions of shared services" without specifying which record you are seeking. It also does not give an approximate date or date range for the document(s) you are seeking. In the case of *MAG Entertainment v. Division of Alcohol and Beverage Control* (372 N.J.Super. 534), the Court stated that "[u]nder OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt...In short, OPRA does not countenance open-ended searches of an agency's files." This request runs contrary to the purpose of OPRA because it would result in an open-ended search of the County's records.
3. The County objects to the form of your request, as it is overbroad. It uses the phraseology "[a]ny any agreement, resolution, promulgation or reconciliation plan" without specifying which record you are seeking. It also does not give an approximate date or date range for the document(s) you are seeking. In the case of *MAG Entertainment v. Division of Alcohol and Beverage Control* (372 N.J.Super. 534), the Court stated that "[u]nder OPRA, agencies are required to disclose only 'identifiable' government records not otherwise exempt...In short, OPRA does not countenance open-ended searches of an agency's files." This request runs contrary to the purpose of OPRA because it would result in an open-ended search of the County's records. Notwithstanding these objections, there are no documents responsive to this request.
4. The County objects to the form of your request, as it is overbroad. It uses the phraseology "[a]ny shared service/consolidation project, agreement, study, proposed resolution, agreement, study, proposed resolution, promulgated or reconciliation plan" without specifying which record you are seeking. It also

does not give an approximate date or date range for the document(s) you are seeking. In the case of *MAG Entertainment v. Division of Alcohol and Beverage Control* (372 N.J.Super. 534), the Court stated that “[u]nder OPRA, agencies are required to disclose only ‘identifiable’ government records not otherwise exempt...In short, OPRA does not countenance open-ended searches of an agency’s files.” This request runs contrary to the purpose of OPRA because it would result in an open-ended search of the County’s records. Further, any proposed plans still in draft form are advisory, consultative and deliberative and thus exempt from disclosure under OPRA at N.J.S.A. 47:1A-1.1. Last, this request, as written, is very difficult to decipher.

5. The County objects to the form of your request, as it is overbroad. It uses the phraseology “[a]ny proposed shared services/consolidation, promulgated or reconciliation plan, joint services” without specifying which record you are seeking. As written, this request is indecipherable. It also does not give an approximate date or date range for the document(s) you are seeking. In the case of *MAG Entertainment v. Division of Alcohol and Beverage Control* (372 N.J.Super. 534), the Court stated that “[u]nder OPRA, agencies are required to disclose only ‘identifiable’ government records not otherwise exempt...In short, OPRA does not countenance open-ended searches of an agency’s files.” This request runs contrary to the purpose of OPRA because it would result in an open-ended search of the County’s records. Further, any proposed plans still in draft form are advisory, consultative and deliberative and thus exempt from disclosure under OPRA at N.J.S.A. 47:1A-1.1
6. The County objects to the form of your request, as it is overbroad. It uses the phraseology “[a]ny employment reconciliation plan included in any shared/consolidation service agreement” without specifying which plan or agreement you are seeking. It also does not give an approximate date or date range for the document(s) you are seeking. In the case of *MAG Entertainment v. Division of Alcohol and Beverage Control* (372 N.J.Super. 534), the Court stated that “[u]nder OPRA, agencies are required to disclose only ‘identifiable’ government records not otherwise exempt...In short, OPRA does not countenance open-ended searches of an agency’s files.” This request runs contrary to the purpose of OPRA because it would result in an open-ended search of the County’s records. Notwithstanding these objections, as stated above regarding reconciliation agreements, there are no responsive documents.
7. The County objects to the form of your request, as it is overbroad. It uses the phraseology “[a]ny provision of technical advice” without specifying which document you are seeking. It also does not give an approximate date or date range for the document(s) you are seeking. In the case of *MAG Entertainment v. Division of Alcohol and Beverage Control* (372 N.J.Super. 534), the Court stated that “[u]nder OPRA, agencies are required to disclose only ‘identifiable’ government records not otherwise exempt...In short, OPRA does not countenance open-ended searches of an agency’s files.” This request runs contrary to the purpose of OPRA because it would result in an open-ended search of the County’s records. Notwithstanding these objections, there are no documents responsive to this request.
8. The County objects to the form of your request, as it is overbroad. It uses the phraseology “[a]ny employment reconciliation plan, provisions” without specifying which document you are seeking. It also does not give an approximate date or date range for the document(s) you are seeking. In the case of *MAG Entertainment v. Division of Alcohol and Beverage Control* (372 N.J.Super. 534), the Court stated that “[u]nder OPRA, agencies are required to disclose only ‘identifiable’ government records not otherwise exempt...In short, OPRA does not countenance open-ended searches of an agency’s files.” This request runs contrary to the purpose of OPRA because it would result in an open-ended search of the County’s records. Notwithstanding these objections, there are no documents responsive to this request.
9. The County objects to the form of your request, as it is overbroad. It uses the phraseology “budget/proposal(s) submitted to [DGLS]...between [CCDOC] and any other facility/entity” without specifying which document you are seeking, or which facility or entity to which you are referring. It also does not give an approximate date or date range for the document(s) you are seeking. In the case of *MAG Entertainment v. Division of Alcohol and Beverage Control* (372 N.J.Super. 534), the Court stated that

“[u]nder OPRA, agencies are required to disclose only ‘identifiable’ government records not otherwise exempt...In short, OPRA does not countenance open-ended searches of an agency’s files.” This request runs contrary to the purpose of OPRA because it would result in an open-ended search of the County’s records. Further, any proposed plans still in draft form are advisory, consultative and deliberative and thus exempt from disclosure under OPRA at N.J.S.A. 47:1A-1.1. Notwithstanding these objections, there are no documents responsive to this request.

10. The County objects to the form of your request, as it is overbroad. It uses the phraseology “communications, emails, resolutions, electronic communications, findings, declarations, recommendations, analysis, promulgated plans, reconciliation plans, provisions of employment with....” without specifying exactly which document(s) you are seeking. It also lists a group of persons, organizations and government entities, without explaining what documents are being sought regarding those entities. It also does not give an approximate date or date range for the document(s) you are seeking. In the case of *MAG Entertainment v. Division of Alcohol and Beverage Control* (372 N.J. Super. 534), the Court stated that “[u]nder OPRA, agencies are required to disclose only ‘identifiable’ government records not otherwise exempt...In short, OPRA does not countenance open-ended searches of an agency’s files.” This request runs contrary to the purpose of OPRA because it would result in an open-ended search of the County’s records. Further, any proposed plans still in draft form are advisory, consultative and deliberative and thus exempt from disclosure under OPRA at N.J.S.A. 47:1A-1.1. Last, as written, this request is completely indecipherable, as it even requests that we search for some documents for unnamed entities without providing any additional details or specifics.

In light of the foregoing, I respectfully request that you review your original OPRA request and clarify your responses so that I can provide you with any specific, responsive documents, in accordance with OPRA. If you have questions or concerns, please feel free to contact me and it will be my pleasure to address them.

Kind regards,
Melissa

From: cumberlandQ@qscend.com <cumberlandQ@qscend.com>
Sent: Saturday, July 18, 2020 1:00 AM

To: Melissa D. Strickland <melissast@co.cumberland.nj.us>

Subject: A new Service Request has been created [Request ID #34328] (Clerk to the Board) - www.co.cumberland.nj.us

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www.co.cumberland.nj.us

A new service request has been filed.

Service Request Details	
ID	34328
Date/Time	7/18/2020 1:00 AM
Type	Clerk to the Board
Address	54 W Broad St, Bridgeton City
Origin	Website
Comments	Consolidation, direct service, shared service, joint agreement On behalf of PBA 231 we request: 1. Any agreement, proposal, adopted or proposed resolution, promulgated and/or reconciliation plan listing authorized local unit(s) of any county in New Jersey correctional facility , program or housing unit entered or entering into a shared service and/or consolidation service under section 4 of P.L. 2007, c.63 (C.40A:65-4) or any other joint agreement which shall be open to public inspection in relation to transferring of inmates and placement of officers from Cumberland County Department of Corrections to any other facility in the state of New Jersey. 2. Any provisions of Shared Services entered pursuant to PL 2007, Chapter 63 Title 40A applicable in its entirety in relation to the inmates and officers of Cumberland County Department of Corrections. 3. Any agreement, resolution, promulgation or reconciliation plan filed with the Division of Local Government Services in the Department of Community Affairs inclusive of the names of the Director(s) filing any of the foregoing as it relates to the Shared Services between Cumberland County Department of Corrections and any other New Jersey Correctional facility as well as any other entity considered with the transference of inmates and placement of Cumberland County Department of Corrections Officers.

4. List the State Department or agency with the oversight over specific activities that are the subject of any shared service/consolidation project, agreement, study, proposed resolution, promulgated or reconciliation plan between Cumberland County Department of Corrections and any other entity.
5. Details of specific services delineated in any proposed shared service/consolidation, promulgated or reconciliation plan, joint services governed by Title 40A 65-7 1-5 A through G in relation to the inmates and officers of the Cumberland County Department of Corrections facility/jail and any other housing facility for inmates and employment for officers.
6. Any employment reconciliation plan included in any shared/consolidation service agreement as a condition of conjunction governed by Title 40A 65 -11 A-D in relation to the placement of Cumberland County Department of Corrections officers.
7. Any provision of technical advice by the Public Employment Relations Commission requested by County of Cumberland in relation to any shared service/consolidation, joint contract, direct contract with the re employment of Cumberland County Department of Corrections Officers in the event of closing.
8. Any employment reconciliation plan, provisions for all Cumberland County Department of Corrections Officers from the Cumberland County Department of Corrections and any other facility for the re employment of Cumberland County Corrections Officers.
9. Any budget/proposal(s) submitted to the Division of Local Government Services in the Department of Community Affairs between Cumberland County Department of Corrections and any other facility/entity to house inmates and re employ or layoff/terminal leave officers of Cumberland County Department of Corrections.
10. Communications, emails, resolutions, electronic communications, findings, declarations, recommendations, analysis, promulgated plans, reconciliation plans, provisions of employment with the Department of Personnel, the LUARCC, Division of Local Government Services in the Department of Community Affairs, Civil Service Commission, Freeholders, Mayors, Sheriffs, Wardens, Clerk to the Board, County Administrator(s), Department of Human Resources, Cumberland County Improvement Authority, All Cumberland County Freeholders and Jail Liaison(s), PERC, Commissioner of County Affairs between participating unit(s) with Cumberland County and any unnamed entity or entities

proposed or presently participating in shared/consolidation,
direct, joint agreement services with Cumberland County
Department of Corrections with housing inmates,

Submitter Bermudez, Victor M
102 Lauren CT
Floor 3M
Landisville, NJ 08326
856-305-5528
Trknology@yahoo.com

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www.co.cumberland.nj.us

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