

RESOLUTION 2015-222

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY SUPPORTING LEGISLATION A4435, MEDIATION FOR OPRA

WHEREAS, the Open Public Records Act (OPRA) of the State of New Jersey (P.L. 2001, c 404) establishes a mechanism by which citizens may obtain access to government records with the goal of creating greater transparency in government and;

WHEREAS, under current law, a person who is denied access to a government record may either institute a proceeding in Superior Court to challenge the custodian's decision, or a person may file a complaint with the Government Records Council and;

WHEREAS, presently, if a person elects to file a complaint with the council, a person has the option of participating in mediation, but is not required to participate in mediation and;

WHEREAS, according to statistics of the Government Records Council, more than half of all mediated disputes concerning public records are resolved by mediation, but only approximately 20 percent of all record complaints are referred to mediation and;

WHEREAS, the General Assembly of the State of New Jersey recently introduced legislation (A-4435) which seeks to amend current law to establish mandatory non-binding mediation for any dispute regarding access to a government record. Under this bill, the Government Records Council may, but is not required, to use the Dispute Settlement Office, within the Office of the Public Defender, to mediate any dispute regarding access to a government record. If mediation fails, the Government Records Council shall investigate the complaint, hold a hearing and adjudicate the claim for access to the records, which shall include the issuance of an advisory opinion as to whether the records, which shall include the issuance of an advisory opinion as to whether the record sought is a government record which is accessible to the public and;

WHEREAS, after adjudication by the council, a person seeking access to a government record shall have the right to institute a proceeding in Superior Court. If the person seeking a government record prevails in a council or court proceeding, the person shall be entitled to a reasonable attorney's fee, if the council opinion determined that the government record had been improperly denied and;

WHEREAS, the mediation program established in this bill could potentially resolve many more disputes over access to government records in addition to reducing, for all parties involved, the costs associated with using Superior Court to adjudicate a dispute, so;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Governing Body of Barnegat Township do hereby express their support for A-4435 in the sponsors efforts

to develop a more responsive and cost effective system of delivering government records (as defined by current law) to the public while striving to maintain transparency in government and;

BE IF FURTHER RESOLVED that a certified copy of this resolution be forwarded forthwith to the 9th Legislative District, the 3rd Legislative District, the Ocean County Board of Chosen Freeholders, Mayors of Ocean County Municipalities.

CERTIFICATION

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Township Committee of the Township of Barnegat at their regular meeting held on the 20th day of July 2015, in the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey.

Michele A. Rivers, RMC
Municipal Clerk