

RESOLUTION #49 of 2014

RESOLUTION CALLING UPON THE NEW JERSEY LEGISLATURE TO PROMOTE EQUALITY AND TRUE TRANSPARENCY IN GOVERNMENT BY AMENDING PROVISIONS TO THE OPEN PUBLIC RECORDS ACT, N.J.S.A. 47:1A-1, et. seq. SO AS TO REMOVE THE EXEMPTIONS THAT APPLY TO MEMBERS OF THE NEW JERSEY STATE LEGISLATURE

WHEREAS, in 2001 the New Jersey Legislature enacted Public Law 2001, c.404 known as the Open Public Records Act (OPRA) which give the citizenry of the State of New Jersey access to governmental records except for specifically delineated exemptions; and

WHEREAS, the intent of this legislation was to create greater transparency by governmental officials and employees in all areas of government within the State of New Jersey whether state, county or municipal; and

WHEREAS, compliance with the requirements under the Open Public Records Act (OPRA) can be at times burdensome for governmental entities, particularly at the local level; and

WHEREAS, the added burdens and expenses thrust upon governmental entities, in order to comply with OPRA are outweighed by the overarching goals of openness and transparency in government; and

WHEREAS, this same level of openness and transparency does not apply to both branches of the New Jersey Legislature (Assembly and Senate) as they have seen fit to exempt themselves from the provisions of OPRA which apply to all other governmental entities; and

WHEREAS, a critical analysis of the purpose and intent of OPRA does not permit any reasonable explanation as to why the Legislative branch of the government should be excluded from the reach of the Act since their governmental functions are no more important than the functions performed by the State's Executive branch and by local government entities; and

WHEREAS, the exceptions which the Legislature created for itself weaken transparency and create inequality, for which there is no rational basis; and

WHEREAS, the original purpose and intent of OPRA would be strengthened and equality among governmental entities would be enhanced if the New Jersey Legislature was subjected to the same burdens and responsibilities under OPRA which bind all other governmental entities;

NOW, THEREFORE, be it resolved that the City of Margate City, County of Atlantic and State of New Jersey joins the call of the New Jersey League of Municipalities and other representative agencies of the local government and calls upon the New Jersey Legislature to amend the provisions of OPRA to remove the exemptions currently granted to members of the Legislature and to require all members of the New Jersey Legislature to be bound by the same standards of transparency that apply to all other governmental entities of the State of New Jersey.

Date: February 20, 2014

I, **THOMAS HILTNER, Municipal Clerk** of the **City of Margate City**, County of Atlantic, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Commissioners of the City of Margate City at a meeting of said Commission held on 2/20/14 and said resolution was adopted by not less than a two-thirds vote of the embers of the Commission.

_____ Thomas D. Hiltner, RMC, City Clerk