

**UNION COUNTY
WATCHDOG ASSOCIATION**

*Shining a Light
on Government*

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December 19, 2011

Ann R. Rubin, Esq., Assistant Prosecutor
Union County Prosecutor's Office
32 Rahway Avenue
Elizabeth, NJ 07202-2115
VIA EMAIL AND FIRST CLASS MAIL

RE: Open Public Meetings Act violation by Union County Board of Chosen Freeholders

Dear Assistant Prosecutor Rubin:

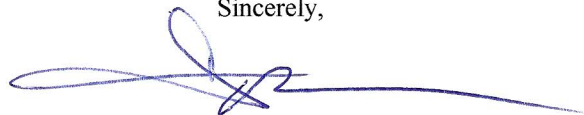
Enclosed are a) an agenda describing the purpose of a July 21, 2011 executive session held by the Union County Board of Chosen Freeholders and b) the minutes of that executive session. As you can see, the Freeholders, relying on the "contract negotiation" exception contained in N.J.S.A. 10:4-12(b)(7), discussed a \$50,000,000 project to renovate the Union County Court Complex.

In Nevin v. Asbury Park City Council, 2005 WL 2847974 (App. Div. November 1, 2005) (copy attached), the Appellate Division held that the "contract negotiation" exception "does not relate to contract negotiations with the opposing party but only . . . to discussions **about** contract negotiations by the public body." Nevin at page 2, emphasis in original. The purpose of the (b)(7) exception is to allow a public body to secretly formulate its negotiating strategy—which must be done in private lest the opposite party could be in the audience, learn the body's strategy and obtain an unfair advantage. However, the Union County Freeholders had the architects, engineers and other contractors in the executive session with them. Accordingly, the only people who were kept in the dark were the citizens of Union County—those that the Open Public Meetings Act was designed to inform.

As you are aware, the Open Public Meetings Act N.J.S.A. 10:4-17 empowers your office to enforce the Act. We assert that the Union County Board of Chosen Freeholders has violated the Act and ask that you investigate and take whatever enforcement action you deem appropriate.

Thank you for your attention to this matter. We look forward to learning the results of your investigation and what action, if any, that you have elected to take.

Sincerely,



Tina Renna
President

attachments

Our Mission

The Union County Watchdog Association, Inc. is a nonpartisan, nonprofit 501(c)3 organization working on behalf of residents and taxpayers to monitor Union County government and advocate for the elimination of waste, corruption and incompetence. We believe that good government can only be achieved through a system of checks and balance - a system that includes the watchful eye of the people.