

Ann R. Rubin, Esq., Assistant Prosecutor
Union County Prosecutor's Office
32 Rahway Avenue
Elizabeth, NJ 07202-2115

March 27, 2006

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

Dear Assistant Prosecutor Rubin:

Attached are the relevant pages¹ from the Union County Freeholders' May 26, 2005, September 22, 2005 and September 29, 2005 public meetings.

After reviewing these minutes, I submitted an Open Public Records Act request for any resolutions passed during any of the above-cited . . . meetings that state, pursuant to N.J.S.A. 10:4-13: a) "the general nature or the subject to be discussed;" and b) "as precisely as possible, the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed to the public."

I recently received word from the County's records custodian that there are no documents responsive to the above request.

From all of this, I conclude that the Freeholder Board routinely violates N.J.S.A. 10:4-13. That statute requires a public body, before going into closed or executive session, to first adopt a resolution, at a meeting to which the public shall be admitted: a. Stating the general nature of the subject to be discussed; and b. Stating as precisely as possible, the time when and the circumstances under which the discussion conducted in closed session of the public body can be disclosed to the public.

Rather than pass the required resolution, the Chairman of the Board simply "calls for a motion" to go into executive session which is then approved unanimously. As a result, the public is deprived of any knowledge of the topics that the Freeholders are privately discussing or when those discussions will be made public.

¹ The complete minutes are available on our web site www.unioncountywatchdog.org/page.asp?ID=117

As you are aware, the Open Public Meetings Act N.J.S.A. 10:4-17² empowers your office to enforce the Act. We assert that the Union County Board of Chosen Freeholders has and is violating 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.

Very truly yours,

Tina Renna
President

Enclosure

² We specifically reserve our right to also enforce the Board's future compliance through the civil remedies provided by N.J.S.A. 10:4-16.