

October 16, 2006

Hon. Stuart Rabner, Esq.  
New Jersey Attorney General  
P.O. Box 080  
Trenton, NJ 08625

RE: Open Public Meetings Act enforcement

Dear Attorney General Rabner:

Enclosed please find:

1. My initial letter to the Union County Prosecutor dated March 27, 2006 with attachments
2. My email to the Union County Prosecutor dated July 25, 2006 with attachment
3. My follow-up emails to the Prosecutor and Prosecutor Rubin's one response to me
4. The Union County Prosecutor's Office correspondence to four government bodies asking them to comply with the OPMA

As you are aware, private citizens cannot enforce the provisions of the Open Public Meetings Act (OPMA) except through a civil action. The vast majority of citizens, unfortunately, do not-and cannot realistically be expected to-have the time or resources to bring suit on their own. There is no provision in the OPMA that allows citizens who successfully sue to recover their attorney fees from the defendant government agency. The Legislature, apparently contemplating this problem, vested your office, as well as the county prosecutors, with the power to impose the civil penalties provided for by N.J.S.A. 10:4-17.

The attachments show that I reported a substantial violation of the OPMA by the Union County Board of Chosen Freeholders but that the Prosecutor declined to take any action. Since the prosecutor has so declined, I ask that your office take the appropriate enforcement action.

The attachments also show that the Prosecutor's office has, in the recent past, taken speedy action in the cases of four government bodies within Union County. I feel that it is important to note that three of these government bodies are not aligned with the Union County Democrat machine which all nine members of the Union County Board of Chosen Freeholders represent.

If your office also declines to take action, I would appreciate it if you would explain to me exactly how, absent citizens hiring their own lawyers and going to civil court, the OPMA is going to be enforced.

Thank you for your attention to this matter. I look forward to hearing from you.

Sincerely,

Tina Renna  
President

Attachments

cc: Ronald K. Chen, Public Advocate