



bh communitywatch <bhcommunitywatch1@gmail.com>

A5613, A5614, A5615, and A5616

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Thu, Jun 22, 2023 at 10:25 AM

To: Angie Devanney <adevanney@bhtwp.com>, pdonnelly@bhtwp.com, Susan Poage <spoage@bhtwp.com>, jfoster@bhtwp.com, mcouto@bhtwp.com, jkingsley@bhtwp.com, jvarnerin@bhtwp.com

Dear Mayor and Members of the Town Council,

I request that the Berkeley Heights Town Council pass a local ordinance protecting OPRA. Currently, legislation is being proposed at the state level to destroy this vital law that ensures the public has access to government business.

Contrary to what has been the local narrative, even with the existing law in place, NJ residents lack many of the protections and rights that residents of other states enjoy.

According to the Center for Public Integrity, NJ went from best in the nation to 19th overall and received a D rating in a 2015 investigation. NJ received an "F" in Public Access to Information. Again this rating is with the current law we have. (<https://publicintegrity.org/politics/state-politics/state-integrity-investigation/new-jersey-gets-d-grade-in-2015-state-integrity-investigation/>)

I want each of you to keep this in the back of your mind as you consider our local context as you read an email I sent to state representatives:

"I am writing about potential legislation that seeks to make changes to the current laws surrounding OPRA.

OPRA has been vital to our work as a collective in exposing OPMA, OPRA, and Ethics violations in our District.

We submit, on average, close to 3-4 OPRA requests a month to our School District, which has been doing everything in its power to withhold information with extensions on important information taking seven weeks.

Last year we needed to appeal to the State of NJ to obtain the school budget before our Board of Education voted on it.

OPRA allowed us to identify a violation of educational adequacy and bidding laws in a highly controversial reconfiguration of our schools that had no community buy-in, displaced hundreds of students, and led to mass teacher reassignments and resignations.

The District has paid excessive lawyer fees to overly redact records connected to the use of attorneys that violates its own policies forcing residents to sue the District for these records (residents still do not know much our District has spent defending a Nepotism Allegation our Superintendent has now admitted to).

Mr. Danielsen, in a recent article, you reported that we are spending tens of millions of dollars on OPRA- I ask that you please investigate how much of this is due to government bodies trying to fight tooth and nail in preventing the disclosure of documents that should be freely given to the public.

You also mention that people don't see OPRA as a priority - however if asked a different way, "Do you think residents and news outlets should have access to public documents so as better to inform the public?" - I think you might get a different response.

Removing fee shifting gives an advantage to well-funded government entities that already have access to attorneys paid for with tax dollars. These lawyers would be more than happy to drive up the legal costs of any OPRA lawsuit to disincentivize attorneys who are capped from choosing to defend residents.

Using broad terms and categories such as "repeat requestors" punishes organizations, such as ours, who make these requests to inform the public and removes vital access to information while creating a lot of room for interpretation that will be abused.

I have no issue restricting law firms that abuse OPRA or companies that use OPRA for profit-except, of course, for journalists, but this would be a death knell for advocacy and information-sharing groups.

NJ has a long history of government corruption, and OPRA has been an incredible resource in trying to repair the damage. These changes would render OPRA meaningless.

Here are some articles we have written about how our District has withheld information even with the current law in place:

On OPRA: <https://bhcommunitywatch.com/tag/opra/>

On Ethics Violation and violations of law: <https://bhcommunitywatch.com/tag/ethics/>

I would be happy to make time to meet with each of you one to one to discuss this. I'll even buy the pastries and coffee.

Respectfully,
John Migueis"

NJ protections under OPRA need to be strengthened, not weakened. The only valuable part of the proposed legislation is that government bodies would be compelled to make minutes available; however, knowing the history of this town - I am also aware that every possible loophole will be sought to prevent this.

I ask that you follow Hoboken's lead in creating an ordinance rejecting this harmful change to OPRA. (https://hudsoncountyview.com/hoboken-city-council-to-vote-on-measure-opposing-gutting-n-j-opra-laws/?fbclid=IwAR1pvo5U5Q6Y_DAwbLjGyVvePZ1tVxQIDOeRIDfxDEPD8TDa9emrh8rxax4)

I also ask that this email be read during the next Town Council Meeting (the web addresses on this email do not need to be read but the sources should).

Respectfully,
John Migueis

[Redacted]
Berkeley Heights, NJ

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[Berkeley Heights Community Watch](#)



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