

OPRA Legislation

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Dear Mayor DeVanney,

Before your first term, transparency was a hallmark of your election campaign, and while issues connected to transparency still exist within our municipal government, there have been notable improvements. You and I have disagreed on a myriad of issues. Still, during both your campaigns, I publicly endorsed you because of your commitment to transparency and a significant improvement in the level of professionalism you brought to the office of the Mayor. I have great respect for you personally and for what you have done for Berkeley Heights Government.

Over the past year, you and I have discussed concerns about OPRA reform, and your party appears to be on the verge of approving legislation I've written about to you that seeks to gut OPRA. You and Ms. Illis, who recently won a seat on the Town Council, indicated that it was too early to create a local ordinance to protect this critical law.

The assurances we heard this year (and I am sure in good faith) were that OPRA reform would primarily address abuses; however, as you will listen to in the video below published on Spotlight, this broad-brush legislation would have made all the work many residents have done in informing the public about our school district impossible if it were in place over the past three years.

The GRC is NOT a viable option, and the additional funding proposed in Danielsens Legislation would not even address the extra burden placed on it - much less its current workload. The public would get information (if any) well after they could do anything with it. I already went into detail on other problems with the legislation, so I will not rehash them here- everything is linked below.

This legislation would create a stone wall between the public and the decisions people in power make, and it runs counter to every commitment you've made to the promise of a transparent government. This legislation is an anti-democratic transparency killer.

As a municipal leader and the Mayor of a town with a strong and proud tradition of public involvement in its government, I encourage you to please write your party leaders and representatives in voting "no" on passing these reforms during a lame-duck session. Please make these

communications public to grow public opposition to this legislation. These reforms would be a tragedy for Berkeley Heights and the people of NJ.

I also ask that you encourage the council to pass a local ordinance that, at the bare minimum, gives Berkeley Heights residents the same rights under OPRA as they enjoy today.

I have cc'd everyone else so that they may do the same.

Video Clip on the legislation published in the NJ Spotlight News:

<https://www.youtube.com/watch?v=Kcij6YSdw7M&t=459s>

Star-Ledger Editorial on NJ.Com:

<https://www.nj.com/opinion/2023/11/beware-of-democrats-who-try-to-gut-transparency-editorial.html>

Record Of What Berkeley Heights COmmunity Watch Has Published:

<https://bhcommunitywatch.com/2023/06/21/varley-penna-and-danielsen/>

<https://bhcommunitywatch.com/2023/07/01/they-could-take-our-last-tool-for-transparency/>

Ms. Illi's Response to Our Questions to the Candidates on this Matter:

<https://bhcommunitywatch.com/2023/10/02/questions-to-the-town-council-candidates-question-4/>

Clip of your response to my letter to the Council during the Town Council Meeting:

https://www.youtube.com/watch?v=hDQ_jSPpRDk&t=30s

My Article published on NJ Education Report:

https://njedreport.com/migueis-the-new-bill-restricting-public-access-to-records-would-be-the-death-knell-for-advocacy/?fbclid=IwAR1qXkR9s5foRYx1QgdCj5_VMQC6OQJDWfBsLtwpJXxvt2GH8j5WOkuyH1A

John Migueis

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