

RESOLUTION 2009 - 147

**RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL
OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS,
NEW JERSEY, SUPPORTING AN AMENDMENT TO THE
OPEN PUBLIC RECORDS ACT**

WHEREAS, the Borough of Mount Arlington has consistently and reasonably fulfilled its responsibilities pursuant to the Open Public Records Act (N.J.S.A. 47:1A-1, *et seq.*); and

WHEREAS, notwithstanding the legitimate public interest which the Open Public Records Act is intended to protect, the broad scope of the Act allows for its abuse by individuals for an improper purpose, including, but not limited to, harassment of State, County, or Local Government, or governmental officials and employees; and

WHEREAS, there is a legitimate and pressing need to amend the Open Public Records Act to prevent improper use of the Act; and

WHEREAS, the Legislature of the State of California has recently introduced legislation to amend its Public Records Act to permit governmental entities to petition a Court of competent jurisdiction to issue a protective order limiting the number and scope of requests a requestor may make and/or eliminating a governmental entity's duty to respond to public record requests from the requestor in the future when said relief is appropriate given a demonstration by the governmental entity that the requestor has sought or is seeking governmental records for an improper purpose, including, but not limited to, the harassment of State, County, or Local Government, including officials and employees; and

WHEREAS, an amendment to the Open Public Records Act similar or equivalent to the pending California Legislation is necessary and appropriate.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Council of the Borough of Mount Arlington call upon the State's Assembly and Senate to immediately enact an amendment to the Open Public Records Act equivalent to California Bill AB 520;

BE IT FURTHER RESOLVED that a copy of this Resolution shall be distributed to Governor Jon S. Corzine, all representatives of the 25th Legislative District and all Morris County Municipalities.

I HEREBY CERTIFY this to be a true and correct Resolution of the Mayor and Borough Council of the Borough of Mount Arlington and adopted on September 14, 2009.


Linda DeSantis, RMC
Borough Clerk