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Judge rules for openness

A Superior Court ruling last week should serve notice on governing bodies that the minutes of executive session meetings should be made accessible for public review quickly and in much the same manner as minutes for open public meetings.

Judge Vincent J. Grasso ruled Friday that the Toms River Township Council should have draft minutes of executive sessions available for the public by the following meeting and must have the full minutes available within 30 days of the closed meetings.

The plaintiff never alleged the actions were taken in bad faith — and Toms River officials say they feel vindicated because the judge found there was no willfulness. But the most significant aspect of the ruling was that all meeting minutes and the topics discussed in the meetings must be disclosed in a timely fashion. That includes the often-mysterious executive sessions, during which elected officials disappear for a time, returning with little to say about what was on the agenda.

The decision was good news for the public and for Open Public Records Act advocates who work to see that the letter and spirit of the state's OPRA rules are met. In this case, OPRA advocate John Paff of Somerset County attempted to get minutes from three Toms River executive session meetings in 2006. After six months, township officials provided Paff with summaries of the minutes "that were specifically prepared for public disclosure," Paff's lawsuit asserted.

Documents prepared for public disclosure rather than actual records? That's unacceptable. Grasso was correct in his ruling — and we hope it sets a precedent other towns will follow — making the deliberations of executive session meetings accessible to public scrutiny in a timely fashion. The judge ruled the council must end its practice of using an "index of items not released" in its minutes. Instead, all topics discussed must be included in the minutes. Topics exempt from disclosure can be redacted.

Grasso's ruling should help steer municipal governments away from the often erroneous assumption that executive session discussions are beyond the public's purview. Those sessions — held behind closed doors and frequently lengthy — often leave citizens who attend the public portions of the meetings puzzled and frustrated. All municipalities should take note of the ruling, and make sure their own meeting minutes comply with the judge's decision.