



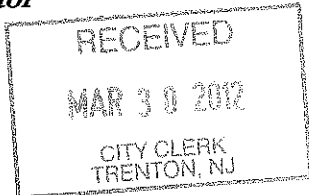
OFFICE OF THE COUNTY PROSECUTOR

**MERCER COUNTY
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JANETTA D. MARBREY
First Assistant Prosecutor



March 27, 2012

Leona Baylor, City Clerk
CITY OF TRENTON
Trenton City Hall
319 East State Street
Trenton, New Jersey 08608

Re: Open Public Meetings Act

Dear Ms. Baylor:

It has recently come to our attention that the Office of the City Clerk has not made available to the public written minutes of the Trenton City Council meetings for a substantial period of time.

As you are aware, the New Jersey Open Public Meetings Act, *N.J.S.A. 10:4-6, et seq.*, provides that "[e]ach public body shall keep reasonably comprehensible minutes of all its meetings showing the time and place, the members present, the subjects considered, the actions taken, the vote of each member, and any other information required to be shown in the minutes by law...." See *N.J.S.A. 10:4-14*. The minutes of the meeting shall be made promptly available to the public. *Id.* The New Jersey Supreme Court has construed this statutory provision as requiring "sufficient facts and information to permit the public to understand and appraise the reasonableness of the public body's determination." *South Jersey Publishing Company v. New Jersey Expressway Authority*, 124 N.J. 478, 493 (1991).

Although we are aware that the audio portion of Trenton City Council meetings are posted on the city's website, written minutes have not been made available. The audiotapes of the meetings as well as handwritten notes do not constitute the official minutes of the meeting. *O'Shea v. West Milford Bd. of Education*, 391 N.J. Super. 534, 539-541 (App. Div. 2007) quoting; *Atlantic City Convention Center Authority v. South*

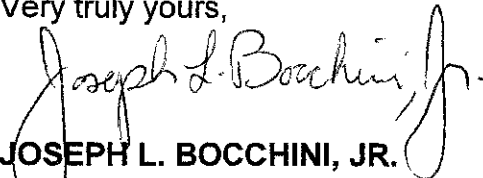
Jersey Publishing Co., 135 N.J. 53, 63-64 (1994). Further, the official minutes of the meeting must be formally approved by the governing body.

Accordingly, we are requesting that you provide us with a timetable when the written minutes for past meetings will be complete and available to the public. Further, from the date of this letter forward, the minutes of future meetings should be made "promptly available" to the public. For the purposes of the Open Public Meetings Act, "promptly available" has been defined as within two weeks after the meeting. *Matawan Regional Teachers Association v. Matawan-Aberdeen Regional Bd. of Ed.*, 212 N.J. Super. 328, 334 (Law Div. 1986).

It would be greatly appreciated if you could provide the timetable to me within two weeks.

Thank you in advance for your attention in this regard.

Very truly yours,



JOSEPH L. BOCCHINI, JR.
MERCER COUNTY PROSECUTOR

JLB/ajo

Cc: The Honorable Tony Mack
Trenton City Council