



UNION COUNTY PROSECUTOR'S OFFICE

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THEODORE J. ROMANKOW
Prosecutor of Union County

ALBERT CERNADAS, JR.
First Assistant Prosecutor

February 6, 2009

Tina Renna
Union County Watchdog Association
202 Walnut Avenue
Cranford, New Jersey 07016

Re: Meals Provided to Freeholders Prior to Meetings and the Open Public Meetings Act

Dear Ms. Renna:

This letter is in response to yours of December 3, 2008 regarding the provision of meals to the Union County Board of Chosen Freeholders before the start of the Board's agenda and regular meetings.

It is your position that at the times these meals are served and consumed the Freeholders are conducting a "meeting" of the "public body" as those terms are defined by the Open Public Meetings Act, *N.J.S.A. 10:4-8 b*. As the public is not invited to attend the "dinner meeting," it is your contention that the Freeholders are violating *N.J.S.A. 4-13* which requires the passage of a resolution at a public meeting before the public body is permitted to discuss, in private, any of the matters enumerated in *N.J.S.A. 10: 4-12 b*.

Your argument assumes that members of the public body who enter the room at the time food is served have gathered there with the intent to discuss or act as a unit upon the specific public business of the Board of Chosen Freeholders. However, it is my understanding that many of the Freeholders come directly from work and that the food is provided as courtesy to those who do not have time to eat before spending several hours presiding at the Board's regular meetings.

Tina Renna
Page 2
February 6, 2009

There is nothing to suggest that discussions among those in attendance constitute a "meeting" within the meaning of *N.J.S.A. 10:4-8 b.* in that they reflect any intent by the attendees to "act as a unit upon the specific public business of that body." During these meals, there is no action taken on any matters before the Board and no votes cast regarding Freeholder business.

While you may take issue with the cost of the meals provided at public expense, that is not a violation of the Open Public Meetings Act. Accordingly, having determined that the provision of meals does not implicate the provisions of the Act, no action will be taken by this Office.

Very truly yours,

THEODORE J. ROMANKOW
Prosecutor of Union County

A handwritten signature in cursive script, appearing to read "Ann R. Rubin".

By: ANN R. RUBIN
Assistant Prosecutor

c: Robert Barry, Esq.
Union County Counsel