



N.J.'s top court rules League of Municipalities is subject to open records law

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John O'Boyle/The Star-Ledger William Dressel, the executive director of the New Jersey League of Municipalities, is seen in this June file photo. Today, the state Supreme Court ruled the organization is a public entity and subject to open public records laws.

TRENTON — The New Jersey State League of Municipalities is a public agency and subject to the same disclosure requirements as governmental entities, the state Supreme Court ruled today.

The unanimous ruling, overturning a decision by a state appellate court panel last year, requires the league to turn over its studies, e-mail messages and letters requested by the Fair Share Housing Center, a nonprofit advocacy group for affordable housing, in its dispute over towns' housing obligations.

"The league meets the definition of a public agency for OPRA (Open Public Records Act) purposes — it is an 'instrumentality ... created by ... political subdivisions,'" Justice Barry Albin wrote. "As a public agency, the league must make available government documents as required by OPRA."

Fair Share Housing, based in Cherry Hill, filed suit after the league turned down its request for documents in 2008 that it said would explain the league's reasoning behind its opposition to a proposal by the state Council on Affordable Housing (COAH) for calculating municipalities' obligations.

Dismissing the case, a trial court judge in Mercer County ruled the league is not a public agency and so not subject to the same disclosure rules. An appellate court panel upheld the dismissal last May.

The league, which has more than 13,000 elected and appointed municipal officials — including 560 mayors — as members, argued it is a lobbying organization. Its 17 employees are members of the Public Employees' Retirement System, and 16 percent of its budget comes from taxpayer funds in the form of dues from each municipality.

Fair Share Housing wanted documents concerning the league's claims that proposed COAH regulations would impose "substantial" burdens on taxpayers. William Dressel, the league's executive director, denied the request.

William Kearns, general counsel to the league, said the agency was reviewing the decision and its implications.

"Although we are naturally disappointed with the result, the league always has been and will continue to be a transparent organization and will comply fully with the opinion," he said.

An attorney for Fair Share Housing, Kevin Walsh, said his group looked forward to seeing how the league spends taxpayer money.

"The court rejected the league's contention that every one of New Jersey's mayors can join together to do business, lobby the Legislature and spend taxpayer funds out of the public eye," Walsh said.