

July 26, 2022

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

RESOLUTION 2022-202

**RESOLUTION AUTHORIZING THE SETTLEMENT OF THE MATTER PENDING
BEFORE THE NEW JERSEY GOVERNMENT RECORDS COUNCIL ENTITLED
OWOH/AARDI v. BOROUGH OF BRADLEY BEACH, GRC NO. 2018-157**

Mayor Fox offered the following Resolution and moved its adoption:

WHEREAS, in 2018, the Borough of Bradley Beach, County of Monmouth, State of New Jersey (the “Borough”), together with every Monmouth County municipality maintaining a police department, received a request under the Open Public Records Act from Rotimi Owoh and the African-American Research Data Institute (“AARDI”) for certain voluminous police records; and

WHEREAS, in consultation with the Monmouth County Prosecutor’s Office, and after receiving county-wide guidance from attorneys for the Prosecutor’s Office and the Police Chiefs’ Association, the Borough Clerk requested that the subject requestor remit a “special service charge” to compensate the Borough for the costs of responding to said voluminous request; and

WHEREAS, thereafter in 2018, Mr. Owoh and AARDI filed a complaint with the Government Records Council, along with multiple other complaints against Monmouth County municipalities, challenging the municipalities’ special service charge as a denial of access; and

WHEREAS, Mr. Owoh and AARDI’s cases were recently adjudicated by the Government Records Council and they were determined to have been entitled to obtain the requested government records from all municipalities without the imposition of any costs or charges; and

WHEREAS, given, the fee-shifting provisions of the Government Records Council regulations, the Borough has compromised and fully and finally settled this matter as to all parties and all issues; and

WHEREAS, it is in the best interests of the taxpayers of the Borough that the Action be fully and finally settled to avoid the costs of continuing litigation;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Bradley Beach, County of Monmouth, State of New Jersey as follows:

1. That the Governing Body authorizes the full and final settlement of *Owoh/AARDI v. Borough of Bradley Beach, et al. – GRC No. 2018-157*, and directs the Borough Administrator to administratively execute said settlement and make payment to the plaintiff in the amount of \$7,200.00 as consideration for same; and
2. That a certified copy of this resolution be forwarded to the Chief Financial Officer, Borough Administrator, Borough Attorney, and Borough OPRA Attorney.

Seconded by Councilman Bonnell and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Mr. Bonnell	X			
Mr. Gubitosi	X			
Mr. Sexsmith				X
Mr. Weber	X			
Mayor Fox	X			

CERTIFICATION

I, Erica Kostyz, Municipal Clerk, Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Mayor and Council at the July 26, 2022 Council Business Meeting.


 Erica Kostyz, RMC, CMR
 Municipal Clerk