

April 8, 2016

RE: Weekly Policy Update

- I. Speaker Moves Different Atlantic City Legislation
- II. Please Contact Your Legislators on A-302, Revenue Restitution Bill Needs Amendment.
- III. Assembly Advances Unenforceable Snow Plow Operator Legislation
- IV. “Housing First” Program
- V. Emergency Operations Plan Recertification
- VI. 2016 Financial Disclosure Statements Guidance Issued

Dear Mayor:

Here is summary of some issues of interest to local governments.

I. Speaker Moves Different Atlantic City Legislation

Yesterday the Assembly Judiciary unanimously approved an alternative proposal to deal with the financial crisis in Atlantic City. A3614 is sponsored by Speaker Vince Prieto and incorporates the concept of the PILOT legislation, which is intended to establish a certain and reliable tax revenue stream for the city. The new legislation also creates a new five-member committee to develop a financial plan for the city.

A-3614 establishes benchmarks that, if not met in yearly increments, would increase the oversight role of the committee. If benchmarks are not met for two consecutive years, then the committee would implement a state takeover of the city government. This new bill is supported by Mayor Guardian and the public sector unions.

This legislation passed the Committee unanimously and could be scheduled for an Assembly floor vote next week. However, its ultimate fate is uncertain, as it differs from the takeover legislation that has passed the Senate and has the support of the Governor.

Contact: Michael F. Cerra, mcerra@njslom.org or 609-695-3481 x120.

II. Please Contact Your Legislators on A-302, Revenue Restitution Bill Needs Amendment.

On Monday in Trenton, the Assembly Appropriations Committee released [A-302](#). The bill can now be scheduled for consideration by the full Assembly, at any time. The League continues to seek an amendment to this bill.

The legislation provides for a phased-in restitution of the \$331 million, which has been annually diverted from dedicated municipal funding programs – the Energy Tax Receipts Property Tax Relief Fund (ETR) and the Consolidated Municipal Property Tax Relief Aid (CMPTRA). For the past six years, these funds have been used for to address unspecified state priorities. A-302 would, by Fiscal Year 2021, bring funding for all municipalities back to 2008 levels.

However, Section 1 would require any restored funding to be subtracted from the municipality's adjusted tax levy.

Unless this limitation is removed from the bill, the restored local revenues cannot be used to address 'outside-the-cap' problems, like excess pension and benefit costs, debt service, and the costs of dealing with natural disasters. Unless this limitation is removed from the bill, these local resources cannot be used for the maintenance or repair of local public safety, public works or public recreation facilities or equipment. Unless this limitation is removed from the bill, these local funds cannot be used for beneficial technologies like police body cameras, local records access and administration or environmental efficiencies.

Local officials are clearly committed to limiting their reliance on increased property taxes. But local officials are also committed to providing for the health and safety of their fellow citizens. They are also committed to promoting local economic development and redevelopment opportunities. And they are also committed to protecting the rights of future generations to enjoy the same, if not a better, quality of life, than that of their parents and grandparents. The levy reduction mandate could hamstring their ability to address those local needs.

While we appreciate the sponsors' effort to restore important assets to local government, we continue to urge the legislature to consider the need for high quality local programs and services and the constraints under which local officials must operate.

Please ask your State Legislators to trust local officials. Urge them to delete the use limitation imposed by Section 1, prior to any further action on A-302.

Contact: Jon Moran at jmoran@njslom.org or 609-695-3481, ext. 121

III. Assembly Advances Unenforceable Snow Plow Operator Legislation

The Assembly Appropriations Committee recently advanced [A-2361](#), which would prohibit snow plow operators from depositing snow in front of certain access points used by persons with disabilities. The bill applies to both public and private snowplow operators and would prohibit the deposit of snow on "any access ramp, curb cut, special parking space, or other improvement designed to provide access to persons with disabilities."

While the League appreciates the purpose of this bill, we must respectfully oppose it as unenforceable and impractical. The burden of snow removal from access points onto the sidewalk should be on adjoining property owners, not on the snowplow operators. Requiring that snow plow operators clear curb cuts would hamper their ability to clear streets during snow emergencies.

Our colleagues at the New Jersey Association of Counties estimate this legislation will cost counties \$28 million annually. The financial impact on municipalities is uncertain at this time.

The League believes that this is an area which should be regulated by municipal ordinance, not State legislation. Currently, New Jersey municipalities have enacted ordinances pursuant to N.J.S.A. 40:65-12 that requires private property owners to clear snow. Clearly, this is a more effective and better tailored solution to the issue of snow blocked access points for persons with disabilities.

A-2361 stands at 2nd reading in the Assembly and can be scheduled for a floor vote. There is no Senate companion to date. Please contact your Assembly representatives and ask them to oppose A-2361.

Contact: Ed Purcell, Esq., epurcell@njslom.org or 609-695-3481 x137.

IV. “Housing First” Program

Late last week, the Governor announced that the Department of Community Affairs (DCA) will expand its voucher program for homeless persons and families. Specifically, this will include the issuance of 500 State Rental Assistance Program (SRAP) vouchers through the “Housing First” program. For more on this program, [please click here](#).

V. Emergency Operations Plan Recertification

Based on a meeting with State Police Superintendent Fuentes and League Emergency Management Task Force Chair, Mayor Tim McDonough, Hope Township, we learned that there are still some municipalities who have not completed their Emergency Operations Plan (EOP) recertification with their County OEM and State Police. While compliance rates are high, 100% compliance is an important goal for these plans, which are subject to periodic recertification.

New Jersey State Police Regional Unit Heads are available to offer assistance in finalizing these re-certifications. Please check with your local OEM coordinator to determine if your municipality has achieved EOP recertification. If assistance is needed the New Jersey State Police offer the following contact information for the Emergency Response Bureau Chief and his three Regional Unit Heads.

- Captain Patrick Gorman- Bureau Chief: 609 963 6900 x6980
- Lt. Jim Dunham- North Region: 973 227 3072
- Lt. Michael Small- Central Region: 732 906 0177
- Lt. Todd Berger: South Region: 609 561 1800 x3341

VI. 2016 Financial Disclosure Statements Guidance Issued

The Division of Local Government Services has issued guidance on the filing of the 2016 Financial Disclosure Statements. [Local Finance Notice 2016-08](#) outlines filing procedures that are designed to facilitate efficiency and enhance transparency by using available technology to capture and report the financial disclosure statements we collect. The notice was written for local government officers with the goal of being concise yet informative, and contains specific step-by-step instructions for successfully filing the financial disclosure statement using the

online process. **The deadline to file the Financial disclosure statements is on or before April 30th.**

Please note that the Local Finance Board may periodically conduct audits for compliance and initiate investigations. In such cases, the Local Government Officer will be given an opportunity to file the Financial Disclosure Statement and to provide an explanation. The Local Finance Board will then review the explanation and determine whether the Local Government Officer has established good cause for the lack of a timely or complete filing. In cases where the Local Government Officer does not establish good cause, the Local Finance Board will assess against the Local Government Officer an appropriate fine that is not less than \$100 nor more than \$500 pursuant to N.J.S.A. 40A:9-22.10. In addition, for elected officials, the failure to file a FDS can subject the municipality to a loss of State Aid as it is a question on the “Best Practices” Questionnaire.

Contact: Lori Buckelew, lbuckelew@njslom.org or 609-695-3481 ext. 112.

Sincerely,

Michael J. Darcy, CAE
Executive Director