

August 19, 2016

Re: Weekly Policy Update

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Dear Mayor:

- I. Governor Signs Executive Order on Transportation Funding

On Wednesday, August 17, Governor Christie issued Executive Order 213, directing the State Treasurer, the Director of the Office of Management and Budget and the Commissioner of the Department of Transportation to identify funds that can be redirected to emergency road, bridge and transit projects.

This comes as the evaporation of the Transportation Trust Fund (TTF) continues and the moratorium on needed local work remains in place. We are advised that the Executive Order allows money from the General Fund to be transferred to the Department of Transportation to pay for ongoing emergency operations only. The shutdown initiated by EO 210 remains in effect and the Department of Transportation advises that no projects should re-start.

It is obvious that the situation is becoming more serious. We hope all decision makers in Trenton will work on a serious solution. For more on the most recent TTF proposal, please click [here](#) to read the League's August 4 blog posting.

Contacts: Mike Cerra, Assistant Executive Director, [mcerra@njslom.org](mailto:mcerra@njslom.org), 609-695-3481 x120; or Jon Moran, Sr. Legislative Analyst, [jmoran@njslom.org](mailto:jmoran@njslom.org), 609-695-3481 x121.

## II. Appellate Division Denies Stay of "Gap" ruling

Yesterday, the Appellate Division denied the Fair Share Housing Center's (FSHC) request for a stay of the July 11 "gap" ruling. Previously, FSHC sought permission to file an emergent appeal with the Appellate Division and was denied. It then sought a motion for a stay and leave to appeal to the State Supreme Court, which remanded the request to the Appellate Division. The League opposed Fair Share's request, which the Appellate Division has now denied.

Late yesterday, Fair Share filed with the State Supreme Court for a stay. It is our understanding that the State Supreme Court is on recess and will not consider any action before September 6. The League will continue to oppose FSHC's motion.

For more on the Appellate Division's July 11 ruling on the "gap" period, please click [here](#).

While the July 11 Appellate Division provided welcomed clarity to the issue, we again call your attention to Senate bill S-2254 and Assembly Bill A-3821. This legislation would affirm the Appellate Divisions recent holding that there is no "gap" obligation resulting from the Council on Affordable Housing's 16 years of inaction. The League supports this important legislation, which will facilitate municipal compliance and result in the production of affordable housing. Please click [here](#) for the League's Dear Mayor Advisory of May 26, which summarizes the legislation and provides links to a sample resolution.

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### III. Draft Public Access Bill Unveiled

At a Thursday joint hearing of the Senate Environment and Energy Committee and the Assembly Environment and Solid Waste Committee, testimony, but no action, was taken on S-2490, regarding the public trust doctrine and beach access.

Click [here](#) for a copy of the draft bill, which technically has not been introduced yet. The League submitted a statement for the record, citing a number of serious concerns with the draft proposal. The underlying problem with S-2490, as proposed for introduction, is one of vagueness and lack of guidance and specificity regarding the scope of delegation to the NJDEP. In our comments, we insist that municipalities must be provided the discretion to adopt public access plans that accommodate local conditions, be it through statute or regulation. Click [here](#) for a copy of the League's statement.

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### IV. Governor Christie Takes Action on Pending Legislation

#### A. Moratorium on Moving School Board Elections

On August 18, 2016 the Governor signed into law S-2099/A-3728, which the League supported, places a two-year moratorium on moving date of the annual school board election from the day of general election in November back to third Tuesday in April; creates study commission. P.L. 2016, c. 27 prohibits a board of education or municipal governing body from moving a November school board election back to the third Tuesday in April beginning June 1, 2016 to May 31, 2018. In addition the law created the School District Annual Election Study Commission to review the issue.

#### B. Permits Use of Electronic Funds Transfers for Payment of Certain Claims

The Governor signed into law A-3851/S-2033, which the League supported, permitting the governing body to adopt policies for the payment of claims through the use of one or more standard electronic funds transfer technologies in lieu of payment through the use of signed checks. We are working with the Division of Local Government Services to promulgate rules and regulations that will allow local

governing bodies to take advantage of P.L. 2016, c. 29. We would also like to thank the New Jersey Association of Counties and New Jersey School Boards Association for their support and collaboration on advocating for the bill as it made its way through the Legislature.

#### C. Changes to Environmental Infrastructure Financing

Governor Christie signed into law A-3882/S-2287, which changes submission and notice requirements for short-term and long-term financing for environmental infrastructure projects. P.L. 2016, c. 30, which took effect immediately, clarifies and streamlines the process for the approval of environmental infrastructure projects financed by the New Jersey Environmental Infrastructure Trust.

#### D. Accidental Death Benefits Increased for PFRS members

Effective immediately the accidental death benefit for surviving children of State Police Retirement System or Police and Fire Retirement System (PFRS) members has been increased from 20% to 70% of final compensation. P.L. 2016, c. 26 (S-2061/A-3610) requires that the new benefit will apply to a benefit entitlement initially granted on or after January 1, 2016, however, adjustments will be made for benefits granted before January 1, 2016 but only for benefits received after August 18, 2016.

For more information on each of these bills, please click [here](#) for a recent post on the League's new blog.

Contact: Lori Buckelew, Sr. Legislative Analyst, [lbuckelew@njslom.org](mailto:lbuckelew@njslom.org) or 609-695-3481 ext. 112.

#### V. Division Issues Guidance on Prequalification Regulations for Bid

The Division of Local Government Services has issued Local Finance Notice 2016-12 providing guidance on incorporating prequalification requirements into public works and construction bid specifications. The Local Public Contracts Law permits municipalities to establish reasonable prequalification requirements that are pertinent to, and reasonably related to the goods or services to be provided or performed. It is important to remember that the Division's Director must approve any prequalification requirement before it is included in the bidding process. Without the Director's approval, bid prequalification requirements are of no force and effect and may not be required as a condition of bid acceptance of any public contract.

Local Finance Notice 2016-12 reviews the process to establish prequalification requirements, the process for Historic Preservation Projects, and the suggestion to seek informal review and input from the Division before scheduling the public hearings.

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#### VI. New Advocacy Tools for Local Officials

As mentioned in our August 5 Friday recap letter, the League is rolling out some new tools and initiatives for our advocacy efforts. Please click [here](#) for more on our VoterVoice service.

We would suggest considering registering with that service and assist the League in future legislative efforts. We anticipate launching our first legislative campaign after Labor Day.

And please click [here](#) to read the League's new legislative blog, "The Town Crier."

Contact: Mike Cerra, Assistant Executive Director, mcerra@njslom.org, 609-695-3481 x120.

#### VII. REAL, Race Equity and Leadership

REAL, Race Equity and Leadership, is the National League of Cities effort to equip its membership with the capacity to respond to racial tensions in their communities and address the historical, systemic and structural barriers that further inequity and racism in our nation's municipalities. See more details at our July 20 letter.

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#### VIII. Apply for the 2016 Governor's Environmental Excellence Awards

Applications are being accepted for New Jersey's premier awards program for recognizing outstanding environmental performance, programs and projects throughout the state. These awards recognize significant contributions to environmental protection in New Jersey.

Nominations can be submitted for nine different categories. Full details are at [www.nj.gov/dep/eeawards](http://www.nj.gov/dep/eeawards). The submission deadline is September 28.

The Governor's Environmental Excellence Awards Program is sponsored by the New Jersey Department of Environmental Protection, the New Jersey Environmental Infrastructure Trust and the New Jersey Corporation for Advanced Technology, in partnership with the New Jersey State League of Municipalities.

Questions about the awards program can be forwarded to NJDEP employee Tanya Oznovich by calling (609) 984-9802 or emailing [Tanya.Oznovich@dep.nj.gov](mailto:Tanya.Oznovich@dep.nj.gov).

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#### IX. Pre-Registration for 101st NJLM Conference Opened August 1

Pre-registration for the NJLM Conference opened on Monday, August 1, by paper and online formats. The form and online registration links are located on our website, [www.njslom.org](http://www.njslom.org).

Click on the tab "Conference," select "Conference 2016" and click on the "Register Now" button to access your municipal pre-registration form or non-municipal registration form.

REMINDER: Pre-registration ends October 1, 2016. After October 1, 2016, all new registrations must be completed onsite in Atlantic City.

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#### X. New for 2016 – The League is going mobile!

Starting October 5th you can download the new official conference app. Access a fully searchable session schedule, interactive map of the exhibit floor, a thorough listing of exhibitors, and up-to-date

event information. Don't miss important sessions, speakers or exhibits – create a personalized schedule before you arrive at the Convention Center to maximize your experience!

Download day is October 5 at <https://nj-njslom.civicplus.com/336/2016-Conference>

## XI. First Responder Interoperable Communications

We are sharing a request from the Department of Homeland Security and Preparedness for your municipality to participate in a survey related to the Nationwide Public Safety Broadband Network (NPSBN). Please remind your Fire Chief and Police Chief or Public Safety Director to complete the survey they received, so that your municipal needs are included in planning the next generation public safety communications network.

If there are any problems with the survey, or if your public safety officials have any questions, please contact Scott Kloss from the JerseyNet Team by email at: [Scott.Kloss@northhighland.com](mailto:Scott.Kloss@northhighland.com) or by telephone at (609) 588-2463.

You are invited to visit <https://www.surveymonkey.com/r/NJSLIGP> for more information on the project. NPSBN requests that your officials respond to the survey within 30 days.

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## XII. Innovation in Government Award Nominations Sought

The New Jersey Department of Community Affairs and the New Jersey League of Municipalities will again acknowledge and promote Innovation in Governance through our annual recognition program. It gives you the chance to congratulate your public professionals and employees for a job well done. And it can help to demonstrate to your constituents the appreciation that other local officials, throughout New Jersey, have for your creativity and leadership. See how to nominate your program by clicking here.

Contact: Ciara Bradley, Legislative Administrator, [cbradley@njslom.org](mailto:cbradley@njslom.org), 609-695-3481, x128.

Sincerely,

Michael J. Darcy, CAE

Executive Director