



NEW JERSEY ASSOCIATION OF COUNTIES

MEMORANDUM

TO: Assemblyman Frederick Scalera

FROM: John G. Donnadio, Deputy Executive Director

RE: COUNCIL ON LOCAL MANDATES

DATE: August 9, 2010

The New Jersey Association of Counties (NJAC) would strongly support a legislative initiative that would provide organizations, such as NJAC, with standing to file complaints with the Council on Local Mandates.

As you know, the Council has exclusive constitutional authority to invalidate State law, rule or regulation that imposes an unconstitutional “unfunded mandate” on local governments. In August of 2006, several counties filed a complaint with the Council concerning the New Jersey Department of Transportation’s (NJDOT) decision to eliminate funding for deer carcass removal on local roadways. Although the Council ultimately ruled in favor of the several counties, our governing bodies incurred significant legal expenses and NJDOT eliminated the funding nonetheless. Undoubtedly, these expenses would have been drastically reduced if NJAC had the authority to file the complaint and take the lead in the matter.

Please note that NJAC would also recommend that such legislation require at least one county official serve as a member of the Council. Under current law, the Governor appoints four members, the Legislature appoints four members, and the Chief Justice of the State Supreme Court appoints one. Our county administrators, finance officers, and purchasing officials, would prove to be a valuable resource for the Council, and their experiences with the day-to-day operations of local governments should be considered in all Council decisions.

Thank you for your time and consideration, and please do not hesitate to contact me with any questions or concerns.