

# NEW JERSEY ASSOCIATION OF COUNTIES

*County Government with a Unified Voice*

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## STATE HOUSE NEWS

*July 29, 2011*

### DEP COMMISSIONER TO SPEAK AT BOARD MEETING

We're pleased to announce that NJ DEP Commissioner Bob Martin plans to speak at NJAC's Board of Directors' meeting on September 16<sup>th</sup>. Commissioner Martin plans to share his innovative vision of DEP, which includes implementing the new waiver rule, eliminating unnecessary levels of bureaucracy to facilitate economic development, and protecting our State's natural resources. Governor Christie appointed Bob Martin as Commissioner on January 7, 2010 because of the Commissioner's extensive experience in all aspects of planning, business transformation, and change management. Commissioner Martin is scheduled to speak at 10:15 a.m. in Committee Room 4 of the State House Annex

### PENSION AND HEALTH BENEFITS WEBINAR

Ken Hartman of the Division of Pension and Benefits and Marc Pfeiffer of the Division of Local Government Services are hosting an informative Webinar from 10:00 a.m. to 12:00 p.m. on August 10<sup>th</sup> for all county officials and employees. This Webinar is designed to provide you with an introduction to implementing and understanding the new pension and health benefits reform law. The new law will be discussed with an emphasis on employer responsibilities with respect to changes to pension and health benefits; implementation time frames; steps for compliance; the law's impact on current and expired labor contracts, and much more. Both SHBP/SEHBP and self-insured employer issues will be discussed. Space is limited, so please reserve your seat now by registering at <https://www1.gotomeeting.com/register/337140088>.

### NO SUMMER VACATION FOR LEGISLATURE

Although the State Legislature typically heads home during the summer for its annual recess – especially during an election year when all 120 seats are up for grabs, neither house has any intention of breaking before November's general election. We'll make sure to keep you posted of all committee hearings and voting sessions over the next several months as both houses should release their schedules and agendas shortly.

## STATE MEDICAL EXAMINER'S OFFICE

We recently met again with the New Jersey State Funeral Directors Association (NJSFDA) to discuss a potential compromise to our proposed amendments of **SENATE, NO. 2395** (*Vitale D-19/Bateman*), which revises the "State Medical Examiner Act," and establishes the Office of the Chief State Medical Examiner in the Department of Health and Senior Services.

Although NJSFDA made some substantial good faith concessions, several outstanding issues remain such as: requiring counties to seek the advice of the Chief State Medical Examiner on the appointment of all county medical examiners; mandating counties to obtain the advice and consent of the Chief State Medical Examiner before entering into a consolidation or shared service agreement; and, obligating county medical examiner offices to submit their budgets for review to the Chief State Medical Examiner. NJSFDA offered to remove the consent requirement noted above to make provision more palatable, but we could not reach a consensus on the remaining points. With this in mind, we suggested and NJSFDA agreed to consider, crafting legislation that would establish a task force to study the State's medical examiner system and make recommendations to the Legislature accordingly. The task force would be equitably comprised of county officials, medical examiners, funeral directors, law enforcement officials, and others with subject matter expertise. NJSFDA plans to discuss this matter with its Board of Directors.

## PUBLIC EMPLOYEE WHISTLEBLOWER

We recently met with the New Jersey State League of Municipalities (NJSLOM) and Senator Weinberg to discuss our concerns with **SENATE, NO. 2839** (*Weinberg D-37*), which provides protection against employer retaliation for an employee who makes disclosures, provides testimony, or refuses to participate in any activity, policy or practice of the employer under certain circumstances.

Although NJAC is a strong advocate of transparency in local government, we're concerned with the overly broad definitions of "Abuse of authority," "Gross mismanagement," and "Substantial waste of public funds," contained in this legislation and how these definitions comport with existing laws. NJAC is also concerned with the fact that the above definitions require employees to demonstrate a gross deviation from the standard of care or competence that a reasonable person would observe in the same situation. Opinions on what constitutes this new standard will undoubtedly vary among jurisdictions and ultimately lead to costly litigation. NJAC has the same apprehension with respect to determining what rises to the level of a substantial waste of public funds. Finally, NJAC is concerned that this legislation creates a significant

expansion of employee rights that will lead to frivolous lawsuits as this legislation diminishes the current burden of proof.

Please note that the NJSLOM offered an amendment to this legislation, which would place a cap on legal fees in employment cases to model the current federal system. These caps work as follows:

- For awards (*compensatory and punitive damages combined*) of \$50,000.00 or less, the maximum award shall be \$50,000.00 subject to considerations of reasonableness.
- For awards over \$50,000.00, the fee shall not exceed the award subject to considerations of reasonableness.

We're still in the process of reviewing the proposed amendment with our county counsels and will make sure to keep you posted of any new developments.

#### **PERMIT TASK FORCE**

NJAC's Permit Task force (*Mercer County Counsel Arthur Sypek, Atlantic County Department Head of Regional Planning and Development Joe Maher, Atlantic County Deputy Director of Regional Planning and Development John Peterson, Sussex County Director of Planning Eric Snyder, and Somerset County Director of Public Works Paul McCall*) met again with representatives from the Lieutenant Governor's Office on July 27<sup>th</sup> and added several recommendations on how to streamline the permitting process to facilitate economic development. Some of these recommendations included: eliminating overlapping jurisdiction of DEP and the Pinelands Commission over projects located in the Pinelands area; waiving costly DEP application fees for county projects intended for the public benefit; significantly improving the input and comment period prior to the adoption of all department rules and regulations; and, consolidating the permit application and issuance process. The Permit Task Force plans to meet again at the State House in September and issue its final report in March of 2012.

#### **BEST PRACTICES REMINDER**

The "2011 County Best Practices Checklist" should be available for you to review late next week. As you know, Governor Christie recently announced that county governments may voluntarily participate in the Best Practices Checklist, which may be viewed at [www.nj.gov/dca/lgs/bestpractice\\_best\\_practices\\_model.pdf](http://www.nj.gov/dca/lgs/bestpractice_best_practices_model.pdf) on DCA's website. The 2011 checklist includes 50 questions in categories such as General and Financial Management including budget preparation and disclosure, Health Insurance, Personnel and Public Safety. In an effort to track

the progress of municipalities' adoption of and conformance with best practices standards, some of last year's lowest-scoring questions were included in this year's survey. Responses are due on September 1<sup>st</sup> for local governments that operate on a calendar year budget and April 2<sup>nd</sup> for local governments that operate on a fiscal year budget. This year, for the first time, county governments will be asked to voluntarily fill out a modified version of the Best Practices Checklist.

#### **AUGUST 31<sup>ST</sup> AT MERCER COUNTY WATER FRONT PARK**

Don't miss the opportunity to take a well deserved break from budgets and pension and health benefits reform to join us at beautiful Mercer County Waterfront Park at 7:05 P.M. ON AUGUST 31<sup>ST</sup> for an outstanding minor league baseball game between the *New Hampshire Fisher Cats and Trenton Thunder*. This event is free of charge for county officials, but reservations are based on a first come first serve basis as seating is limited to a maximum of 30. Please contact us for additional details.

#### **SEPTEMBER 26<sup>TH</sup> GOLF OUTING AT MERCER OAKS**

We have 50 golfers signed up already for this charitable event, so please make sure to register soon as we're limiting play to 120 golfers. As you know, the NJAC Foundation will dedicate 50% of the proceeds from its 2011 golf outing to the National Guard State Family Readiness Council (NGSFRC). NGSFRC is a 501 (C)(3) non-profit organization dedicated to providing significant assistance to deployed military personnel and their families. The NJAC Foundation is 501 (C)(3) non-profit organization affiliated with the New Jersey Association of Counties (NJAC) and is committed to providing aid to educational, social, and governmental institutions in the furtherance of their stated goals. Please contact us for additional details.

*"Leadership is the art of getting someone else to do something you want done because he wants to do it." Dwight Eisenhower*

