

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

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COUNTY EMERGENCY MANAGEMENT

On August 29th, Senate President Steve Sweeney (D-3) and Senator Joseph Vitale (D-19) held a press conference at the State House with NJAC and county officials to unveil their plans to introduce legislation that would assist county offices of emergency management (OEM) prepare for natural disasters.

In summary, the measure would create a program in the Department of Law and Public Safety to distribute aid annually to county OEMs based on a county's risk exposure to natural disasters with each county receiving a minimum allotment. The program would allow counties to apply for aid for a variety of storm readiness and preparedness objectives that may include purchasing supplies, maintaining equipment, and staging rescue operations. Senate Budget Chairman Paul Sarlo (D-36) and Senator Robert Singer (R-30) are co-sponsors of the bi-partisan legislation that NJAC plans to support as one of its top legislative priorities.

In general, county OEMs are responsible for coordinating emergency responses to natural disasters, technological emergencies, and severe weather events. County OEMs work closely with municipal OEMs to ensure rapid and well-coordinated responses that avoid the duplication of services and potential breakdowns in communication. Additionally, county OEMs operate and maintain comprehensive websites for residents that contain vital information such as homeland security status, registries for family members with special needs and pets, contact information for health emergencies, how to create a family preparedness plan, and housing and shelter updates. County OEMs may also provide volunteer Community Emergency Response Team (CERT) training for residents to assist during certain emergency management operations.

Finally, special thanks to Atlantic County Chairman of the Freeholder Board Frank Formica, Somerset County Deputy Director of the Freeholder Board Peter Palmer, Cape May County Director of Operations Mike Laffey, Monmouth County Office of Emergency Management Coordinator Mike Oppegaard, and Atlantic County Office of Emergency Management Coordinator Vince Jones for joining NJAC at the press event and doing an outstanding job at highlighting the critical role played by county OEMs.

ELECTRONIC FUND TRANSFERS

On August 18th, Governor Christie signed into law **ASSEMBLY, No. 3851** (*Quijano D-20/O'Scanlon R-13*)(*Weinberg D-38/Oroho R-24*), which now authorizes local governing bodies to pay their bills by using electronic fund technologies.

In summary, the new measure authorizes counties, municipalities, school districts, county colleges, and other local governments to adopt policies for the payment of certain claims through the use of standard electronic fund transfer technologies. The measure authorizes local units to adopt policies, by ordinance or resolution 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 or warrants. The law defines "standard electronic funds transfer technologies" to include, but not limited to, wire transfers, automated clearing house transactions, and debit cards.

The law also requires any policies adopted by local units to explicitly list the forms of standard electronic fund transfer technologies that may be used by that local unit. In addition, it requires policies adopted by local units for the payment of claims through standard electronic funds transfer technologies to designate the chief financial officer of the local unit as being responsible for the oversight and administration of the disbursement policy and associated systems. Finally, the new law also requires that electronic fund transfer policies incorporate, at a minimum, internal controls set forth in regulations promulgated by the Local Finance Board. The measure takes effect on the first day of the eight month following the date of enactment, expect that the Local Finance Board may take anticipatory administrative action in advance to implement accordingly.

NJAC and several county finance officers are currently working with the Division of Local Government Services to promulgate rules and regulations that will allow local governing bodies to take advantage of the new law in a timely fashion. NJAC has been working on this initiative as a top legislative priority for nearly two years, and would like to thank Senator Weinberg, Senator Oroho, Assemblywoman Quijano, and Assemblyman O'Scanlon for their leadership in sponsoring this important and timely measure. And, special thanks to the New Jersey State League of Municipalities and New Jersey School Boards Association for their support and collaboration on advocating for the bill as it made its way through the Legislature.

INMATE TELEPHONE CALLS

On August 31st, Governor Christie signed into law **SENATE NO. 1880** (*Turner D-15*)(*Johnson D-37*), which imposes certain requirements on telephone service contracts for inmates in State and county correctional facilities.

In summary, the new law requires the State Treasurer or county or private correctional facility to contract with a bidder whose rate for inmate telephone calls does not exceed 11 cents per minute for domestic debit, prepaid, and collect calls. Additionally, the measure prohibits a bidder to impose a service charge or additional fee exceeding the per-minute rate, including a per call surcharge, account set up fee, bill statement fee, monthly account maintenance charge or refund fee. The law further prohibits a State department, county, or private correctional facility from accepting or receiving a commission or imposing a surcharge for telephone usage by inmates. The measure defines a “commission” as any form of monetary payment, in-kind payment requirement, gift, exchange of services or goods, fee, technology allowance, product, or the like that is not related to the completion of voice-only calls, inmate telephone service maintenance, or the analysis of telephone records and related financial data for investigative or other purposes, or security enhancements, including, but not limited, to voice recognition software, text analytics, or aggregate data analytical software.

The law also requires the DOC, counties, and private correctional facilities to make available a prepaid or collect call system, or a combination of the two, for telephone services for inmates. Under a prepaid or “debit” system, funds may be deposited into an inmate account to pay for telephone calls, as long as the DOC, county, or private correctional facility is not required to provide for or administer that prepaid system. The law requires the provider of the inmate telephone service, as an additional means of payment, to permit the recipient of inmate collect calls to establish an account with that provider to deposit funds for advance payment of those calls. Finally, the law requires the DOC to establish rules and regulations or departmental procedures to ensure that any inmate telephone call system provides reasonable security measures to preserve the safety and security of State and county correctional facilities, staff members, and those outside a facility who may receive inmate telephone calls. It’s unclear if Governor Christie will sign this bill into law.

911 FEES

On August 12th, NJAC met with representatives from the Governor’s office to discuss the State of New Jersey’s nearly decade long diversion of funds from the 911 System and Emergency Response Trust Fund Account. We thought the meeting went well, and plan to follow up with the Governor’s office after Labor Day concerning NJAC’s request for dedicating at least 10% of the above fees to the Local Public Safety Answering Points (PSAP) as contemplated under federal law and addressing the pre-paid cell phone market to help fund NexGen 911. In the meantime, NJAC is encouraging all twenty-one counties to adopt the following resolution. And, special thanks to NJAC President and Hunterdon County Freeholder John King and Somerset County Director of Public Health and Safety Bill Stahl for joining NJAC at this important and timely meeting.

A RESOLUTION urging Governor Chris Christie and the New Jersey State Legislature to properly allocate “911 System and Emergency Trust Fund Account (Fund)” monies to county and municipal 911 centers as recommended under federal law.

WHEREAS, the State of New Jersey collects annually from consumers approximately \$120.0 million in telecommunication surcharges as “911 System & Emergency Response Fees (Fees)” and deposits those monies into the Fund; and,

WHEREAS, the State of New Jersey has collected over \$1.25 billion in fees since 2006 with only 11% of Fund monies being spent on eligible expenses under “NET 911 Act of 2008 (H.R. 3403)” as reported by the State to the Federal Communications Commission (FCC); and,

WHEREAS, since 2009 the State of New Jersey has failed to provide funding for eligible expenses to local 911 centers operated by counties and municipalities across of the State and has instead diverted Fund dollars for ineligible expenses such as funding for the State’s Department of Law and Public Safety ; and

WHEREAS, counties and municipalities handle the vast majority of 911 service requests through local “Public Safety Answering Points (PSAP)” and have come to inequitably rely on the collection of local property taxpayer dollars to improve, operate, and maintain 911 systems; and,

WHEREAS, the State of New Jersey should comply with federal recommendations and restore critical Fund monies to county and municipal 911 centers to operate, maintain, and construct effective, efficient and contemporary 911 systems.

NOW, THEREFORE, BE IT RESOLVED that the New Jersey Association of Counties does in fact hereby urge Governor Chris Christie and the New Jersey State Legislature to properly allocate 911 System and Emergency Trust Fund Account (Fund) monies to county and municipal 911 centers as required under federal law.

BE IT FURTHER RESOLVED that certified copies of this Resolution are forwarded to the Governor of the State of New Jersey Chris Christie, the President of the New Jersey State Senate Steve Sweeney, the Speaker of the General Assembly Vincent Prieto, and the clerks of the board of chosen freeholders in all twenty-one counties in the State of New Jersey.

TRANSPORTATION TRUST FUND

At this point, it does not appear as if the Governor and Legislature will reach an agreement any time soon on the growing transportation crisis. NJAC will continue to highlight the challenges the impasse presents to county government and issued the following press release on August 19th.

(Trenton) The New Jersey Association of Counties (NJAC) is concerned that the six week long shutdown of all projects funded by the Transportation Trust Fund (TTF) will carry long-term consequences for local property taxpayers across the State.

“The unprecedented stoppage of all work funded by the TTF has forced county and municipal officials to terminate ongoing projects and postpone new shovel ready ones that will cost valuable taxpayer dollars in delay claims, remobilization costs, and litigation expenses,” commented Union County Freeholder Chairman Bruce Bergen.

Hudson, Union, and Passaic were the first of several counties expected to file a “Notice of Claim” against the New Jersey Department of Transportation (DOT) for breach of contract resulting from Executive Order No. 210, which Governor Chris Christie signed on July 6th forcing the shutdown of all projects funded by the TTF. In general, New Jersey law requires filing a “Notice of Claim” as a prerequisite to seeking damages through litigation from a public entity. Several counties plan on petitioning DOT to continue with TTF funded projects to ensure the safety and well-being of residents pursuant to Executive Order No. 213 executed by the Governor on August 17th, while other counties have decided to complete critical projects using county funds.

“As county and municipal governments continue to struggle with delivering essential services in a cost effective manner, failure to reauthorize the TTF as a top priority of Governor Christie, and to restore local aid allocations as called for by Senate President Steve Sweeney and Speaker Vincent Prieto, will force residents to endure further property tax increases and vital program cuts,” commented NJAC Executive Director John Donnadio.

County and municipal roads and bridges carry over 55% of the State’s overall traffic and depend on the \$190.0 million each year in local aid allocations. As has been well documented, county governments have an annual need \$565.0 million to operate and maintain an estimated 7,140 bridges and more than 6,775 centerline miles of roads. Additionally, counties must invest nearly \$2.85 billion to repair, rehabilitate or replace “structurally deficient” and “functionally obsolete” bridges and culverts.

CRIMINAL JUSTICE REFORM

NJAC is in the process of reviewing the court rules adopted on August 30th by the Supreme Court to implement Criminal Justice Reform in January of 2017. We'll make sure to provide a summary of the new rules shortly as they may change the data we were collecting from all 21 counties intended quantify the costs associated with implementing and administering Criminal Justice Reform. In general, the data will summarize the staff, operational, and capital costs incurred by each county's prosecutor, sheriff, jail warden, and assignment judge. The data will also explore information on the overall county jail population and projected cost savings from a reduced population.

Pursuant to Executive Order No. 211, the Attorney General's Office should soon release its initial findings on the costs, potential savings, and administrative challenges associated with implementing Criminal Justice Reform. In summary, the order requires the Office of Law Enforcement Professional Standards (OLEPS) and Division of Criminal Justice (DCJ) develop a questionnaire to obtain information regarding current case volume and procedures in local police departments, county prosecutor offices, county jails, and sheriff offices. Finally, NJAC's legal counsel, with input from NJAC and county counsels, are in the process of preparing a legal memorandum that will summarize the course of action NJAC should take in filing a complaint with the New Jersey Council on Local Mandates. NJAC's board of directors will review the legal memorandum and make a recommendation accordingly at its next meeting on September 23rd.

UPCOMING NJAC EVENTS

Mark your calendars for NJAC's next board of directors meeting scheduled for September 23rd at 9:30 a.m. in Committee Room 4 of the State House Annex in Trenton. All county officials and NJAC business associates are welcome to join us as we plan to take action on Criminal Justice Reform, the TTF, 911 fees, and more.

STATE HOUSE TRIVIA

Did you know that Labor Day has been celebrated as a national holiday in the United States and Canada since 1894?

"Invention, my dear friends, is 93 percent perspiration, 6 percent electricity, 4 percent evaporation, and 2 percent butterscotch ripple." - Gene Wilder as Willy Wonka in Willy Wonka & the Chocolate Factory