

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

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CAPS ON BINDING INTEREST ARBITRATION AWARDS

NJAC plans on working with the New Jersey State League of Municipalities (NJSLOM) and the New Jersey Conference of Mayors (NJCM) to urge members of State Legislature and Governor Chris Christie to enact legislation that would permanently extend the 2% cap on binding interest arbitration awards set to expire on December 31st of 2017.

The 2% cap on binding interest arbitration awards first enacted in 2010 and extended for an additional three years in 2014, enables county governments across the State to effectively control public safety employment salaries and personnel costs. In general, county governments dedicate the majority of their overall annual operating budgets to employee salaries, wages, health benefits, and other related costs. In addition to these pervasive expenses, county governments face a restrictive 2% property tax cap levy where they must prepare budgets pursuant to two comprehensive cap calculations and use the more restrictive one. Counties also face significant regulatory and statutory State mandates, which include implementing Criminal Justice Reform, operating judicial and prosecutorial facilities, providing courthouse security, housing inmates in county jails, delivering health and human service programs, maintaining county roads and bridges, funding county colleges and vocational-technical schools, conducting primary and general elections, and much more.

As has been well documented, the 2% cap on binding interest arbitration awards has leveled the playing field in negotiations between collective bargaining units and local governing bodies. Prior to the 2% cap, arbitrators routinely awarded contracts with double digit increases in certain counties. These awards took into consideration base salary, step increments, and longevity pay all of which are now included under the cap. In addition to effectively controlling personnel costs, the cap on interest arbitration awards has been a critical tool for negotiating reasonable successor contracts as parties are closer to reaching an agreement from the onset of negotiations avoiding further legal and administrative costs. As such, failure to permanently extend the 2% cap on binding interest arbitration awards will cause arbitrators to once again award generous contracts that will force county governments throughout the State to further reduce or even eliminate essential services, critical personnel, and long-overdue infrastructure improvement projects.

Although NJAC's Board of Directors has the utmost respect and admiration for the police, firefighters, correction officers, and sheriff officers that put their lives on the line every day to protect the communities in which they serve, it also recognizes that our State, local governments, and property taxpayers are struggling to make ends meet. With this in mind, NJAC is urging all twenty-one counties to adopt the following resolution.

A RESOLUTION urging Governor Chris Christie and the New Jersey State Legislature to enact legislation that will permanently extend the 2% cap on binding interest arbitration awards before December 31, 2017.

WHEREAS, pursuant to the sunset provision contained in P.L. 2014, c. 11 the 2% cap on interest arbitration awards is set to expire on December 31, 2017; and,

WHEREAS, this law empowers county governments throughout the State to effectively control public safety employment salaries and personnel costs by capping interest arbitration awards at 2% for base salaries, which includes step increments and longevity pay; and,

WHEREAS, county governments dedicate a substantial portion of their overall annual operating expenses for employee salaries, wages, health benefits, and other personnel costs; and,

WHEREAS, county governments face a restrictive 2% property tax cap levy where counties must prepare two comprehensive cap calculations and use the more restrictive one; and,

WHEREAS, failure to extend the 2% cap on interest arbitration awards will force county governments to further reduce or even eliminate essential services, critical personnel, and long-overdue infrastructure improvement projects; and,

WHEREAS, it is in the best interest of county governments and property taxpayers throughout the State struggling to make ends meet to permanently extend the 2% cap on interest arbitration awards.

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 enact legislation that will permanently extend the 2% cap on interest arbitration awards before December 31, 2017; and,

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 New Jersey Association of Counties.

9-1-1 FEES

NJAC's 9-1-1 Fee Committee recently met to discuss the fact that the State collects annually from consumers approximately \$120.0 million in telecommunication surcharges as 9-1-1 System and Emergency Response Fees (Fees) and deposits these monies into the 9-1-1 System and Emergency Trust Fund Account (Fund). In fact, the State has collected over \$1.2 billion in fees since 2006 with only 11% of Fund monies being spent on eligible expenses as recently reported by the Federal Communications Commission (FCC). As previously reported, the State has failed to provide any funding for eligible expenses to local 9-1-1 centers operated by counties and municipalities, and has instead diverted Fund dollars to cover general operating expenses in the Department of Law and Public Safety. With this in mind, the Committee charged NJAC with taking the following action.

- The Committee directed NJAC to advocate for constitutionally dedicating to any new 911 fees or surcharges imposed by the Legislature and collected by the State to county and municipal 9-1-1 centers.
- The Committee further directed NJAC to advocate for the best practices outlined in the "New Jersey 9-1-1 Consolidation Study" published in 2006, which in part, calls for reducing the number of local 9-1-1 centers to streamline operations and save taxpayer dollars.
- The Committee advised NJAC to continue partnering with the New Jersey Wireless Association (NJWA), the New Jersey State League of Municipalities (NJSLOM), and other interested stakeholders.
- The Committee recommended NJAC to advocate for amending the Constitution to require the Governor and Legislature to properly allocate State monies pursuant to statutory law.

The Committee also directed NJAC to collect and summarize the data from all twenty-one counties concerning the costs associated with operating and maintaining county 9-1-1 centers. As of this writing, 15 counties have reported that they've spent over \$216.0 million in capital improvements over the last five years. These improvements may include facility upgrades; and, the purchase or lease of hardware and software such as telephone systems, computer aided dispatch, location mapping technology, voice recording technology, data analytics, and NextGen 9-1-1. These 15 counties also spent an estimated \$76.0 million in 2016 on operating expenses, which may include administrative costs such as salaries, staff training, ongoing systems maintenance, network security costs, and IT consulting services. On the average, these counties provide some level of 9-1-1 dispatch services for approximately of 75% of the municipalities located within their borders. Please note that complete survey results will be available once data is collected from each county.

And, special thanks to the following committee members for taking the time out of their busy schedules to meet with us: *Gloucester County Freeholder Heather Simmons,*

Hunterdon County Freeholder John King, Warren County Freeholder Ed Smith, Camden County Freeholder John Young, Salem County Freeholder Melissa DeCastro, Mercer County 9-1-1 Communications Chief Jeff Golomb, Somerset County Director of Public Health and Safety William Stahl, Atlantic County Office of Emergency Management Coordinator Vincent Jones, Morris County Deputy County Administrator Cathy Burd, Morris County 9-1-1 Communications Center Director Michael Peoples, Hunterdon County Chief of Staff George Wagner, and Monmouth County Sheriff Shaun Golden.

CODE BLUE ALERTS

On May 11th, Governor Christie signed into law **SENATE, NO. 1088/ASSEMBLY, NO. 815** (*Van Drew D-1/Kean R-21*)(*Land D-1/Andrzejcack D-1*), which will require counties to establish Code Blue plans to shelter at-risk individuals.

In summary, the new law will require a county governing body, through its office of emergency management or other appropriate office, agency or department to establish a plan for issuing a Code Blue alert to municipalities, social service agencies, and non-profit organizations that provide services to at-risk individuals and are located within the county's borders. The law will also require the county office of emergency management, or appropriate office, agency, or department to coordinate with municipal emergency management coordinators in municipalities with a documented homeless population of at least ten, in developing consistent Code Blue alert plans throughout the county that provide for emergency warming centers during implementation of a Code Blue alert.

This plan may be carried out by designated volunteer organizations, which must receive cooperation and logistical support from the coordinator, but shall operate autonomously, provided that they operate in response to an alert and pursuant to the Code Blue alert plan. The new law will also require a coordinator to declare a Code Blue alert after evaluating weather forecasts and advisories produced by the National Weather Service that predict the following weather conditions in the county within 24 to 48 hours: temperatures will reach 25 degrees Fahrenheit or lower without precipitation; or 32 degrees Fahrenheit or lower with precipitation; or, the National Weather Service wind chill temperature will be zero degrees Fahrenheit or less for a period of two hours or more. The new will law take effect immediately.

As previously reported, NJAC advocated for several changes to this legislation before it became law as county governments in Atlantic, Cumberland, Gloucester, Mercer, Monmouth, Ocean, Passaic, Salem, Somerset, Sussex, and Warren counties do not operate Code Blue programs. Atlantic City in Atlantic County runs a Code Blue program in Atlantic City; community and civic organizations operate a Code Blue program in Cumberland County; the Rescue Mission of Trenton in Mercer County maintains a Code Blue program in Trenton; and, Paterson in Passaic County operates a Code Blue program and the County provides some financial assistance in Paterson.

ENVIRONMENTAL INFRASTRUCTURE FINANCING

Also on May 11th, Governor Christie signed into law **ASSEMBLY, No. 1649/SENATE, No. 853 (Schaer D-35)(Stack D-330)**, which will require local government units to obtain a financing cost estimate from the New Jersey Infrastructure Bank (NJIB) when financing certain projects valued over \$1.0 million.

In general, the new law will require a local government unit seeking to finance \$1.0 million or more of the cost of an environmental infrastructure project or project component to request a financing cost estimate from NJIB. The law will not require a local government unit to request a cost estimate if the unit is financing less than \$1.0 million, or has approved an ordinance or resolution before the 180th day after enactment. The law will require NJIB to make available online a form for requests for the financing cost estimate, which allows the local government unit to evaluate any potential costs savings and compare it to other available financing methods.

The law will further provide that NJIB may require the local government unit to provide information concerning the project, which may include a detailed description of the project, design, engineering and environmental information, a cost estimate prepared by the project engineer or other qualified person, information regarding the borrower, the amount to be financed, and any other information NJIB deems relevant in order for the cost estimate to be as accurate as possible. Upon submission of the completed form, the NJIB must provide the estimate within 15 days. If a local government or authority does not use NJIB financing for the project, the financing cost estimate must be submitted by the local government to the Division of Local Government Services in the Department of Community Affairs with the local government's supplemental debt statement. Lastly, the law will increase bond maturities up to 30 years instead of up to 20 years. The new law will take effect on the 180th day after enactment.

INMATE VIDEO VISITATIONS

Thank you to Hudson County Deputy County Administrator Oscar Aviles for testifying with NJAC on May 8th before the Senate Law and Public Safety Committee concerning **SENATE, No. 2896 (Turner D-15)**.

In summary, this legislation would impose certain requirements on video visitation service contracts for inmates in State, county, and private correctional facilities, and would further require such facilities to provide contact visits for inmates. NJAC, and Mr. Aviles on behalf of the New Jersey County Jail Wardens Association (NJCJWA), testified to address claims that county jails were eliminating contact visits for inmates and replacing them with video visitations. Pursuant to N.J.A.C. 10A:31-20.1 et seq., correctional facilities must provide contact visits for inmates; and as such, may not eliminate them as widely reported. In fact, video visitations are merely a supplement to non-contact visits and have no bearing on contact visits. Moreover, video visitations are

convenient for families, eliminate visitor search procedures, and increase visitation time. An estimated eight counties currently provide video visitations for inmates. These counties typically permit two free visits per week if the visits take place at the jail, and typically charge a fee of 40 - 50 cents per minute for 20 – 30 minute visits from remote locations.

In general, this legislation would prohibit State, county, and private correctional facilities from contracting with vendors for video visitation services at a rate that exceeds 11 cents per minute. The measure would also prohibit these facilities from receiving a commission or imposing any additional surcharges on inmates, and would impose penalties on vendors that do not maintain consistent and reliable service. Additionally, the legislation would prohibit State, county, and private correctional facilities from imposing a charge for video visitation between an inmate and the inmate's attorney, a representative of the attorney, or a member of the clergy. Although already regulated under current law as noted above, the legislation would also allow inmates to have contact visits with approved visitors and may only impose reasonable conditions necessary for safety and security within the correctional facility. NJAC and NJCWA look forward to working with Senator Turner and recently met with Assemblyman Johnson on making the legislation more palatable for county jails to continue providing convenient and affordable video visitations for inmates and their families. A-4389 is currently in the Assembly Appropriations Committee; and, S-2896 remains in the Senate Law and Public Safety Committee.

DISPARITY IN STATE PROCUREMENT STUDY COMMISSION

On May 1st, the State Legislature established through **SENATE JOINT RESOLUTION 75/ASSEMBLY JOIN RESOLUTION 122** (*Rice D-28/Codey D-27*)(*Oliver D-34/Giblin D-34*), the "Disparity in State Procurement Study Commission."

In summary, the Commission will assess the procurement of goods and services by State departments and agencies, including independent State authorities, and local government units to determine disparities, if any, between the availability and utilization of small, disadvantaged, and minority and women-owned business enterprises in particular market areas. The Commission will also recommend policies, practices, and programs that further the State's efforts to promote opportunities for small, disadvantaged, and minority and women-owned business enterprises in purchasing and procurement by State departments and agencies, including independent State authorities, and local government units.

The Commission will consist of the following fifteen members: four appointed by the Senate President; two appointed by the Senate Minority Leader; four appointed by the Speaker of the General Assembly; two appointed by the Assembly Minority Leader; one appointed by the Governor; the Director of the Division of Purchase and Property in the Department of Treasury; and the Director of the Division of Local

Government Services in the Department of Community Affairs. Commissioner members must be appointed within 30 days, and must issue a report one year from the date of its initial organizational meeting. The report must include the Commission's recommendations for legislative or regulatory action.

GOLD STAR FAMILY LIAISON

Also on May 1st, Governor Christie signed into law **SENATE, No. 2856/ASSEMBLY, No. 4402** (*Beach D-6/Madden D-4*)(*Greenwald D-4/Andrzejcak D-1*), which will require the Department of Military and Veterans' Affairs to notify the appropriate county veterans affairs office of a service member's death within ten working days of the service member's death.

The new law will also require every county office to designate a Gold Star family liaison. The liaison would be a volunteer or a Gold Star family member. The liaison will, with the State veterans' service offices, assist Gold Star families to access the services they are entitled by providing information on State benefits, Gold Star family organizations, and such other resources deemed necessary and beneficial to Gold Star families. The law defines a Gold Star family member as the spouse, domestic partner, partner in a civil union, parent, brother, sister, child, legal guardian, or other legal custodian, whether of the whole or half blood, or by adoption, of a member of the armed services who died while on active duty for the United States. The new law will take effect on the 60th day following enactment.

UPCOMING NJAC EVENTS AND THE ANNUAL CELEBRATION OF COUNTY GOVERNMENT

Don't miss NJAC's next Board of Directors meeting set for 9:30 a.m. on June 23rd in Committee Room 6 of the State House Annex in Trenton where the Board will discuss the State's continued diversion of 9-1-1 fees, caps on binding interest arbitration awards, and much more. We look forward to seeing you then.

STATE HOUSE TRIVIA: *Did you know* that congress established the last Monday in May as Memorial Day and a federal holiday in 1971?

"And they who for their country die shall fill an honored grave, for glory lights the soldier's tomb, and beauty weeps the brave." Joseph Rodman Drake