

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

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CARES ACT FUNDING

Along with Atlantic, Burlington, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Morris, Salem, Somerset, Sussex, and Warren counties, the New Jersey Association of Counties (NJAC) is urging Governor Murphy to reimburse these 12 counties with federal monies from the Coronavirus Relief Fund (CRF) under the Coronavirus Aid, Relief, and Economic Security (CARES) Act for the extraordinary expenses incurred in combating the COVID-19 public health crisis.

During this once in a generation pandemic, county governments have led the way on the front lines and played a vital role in providing essential services and protecting the public health, safety, and welfare of residents across the Garden State. As a result, county governments have also incurred substantial costs in responding to and managing the COVID-19 public health crisis by operating testing centers, purchasing and distributing personal protective equipment, hiring public nurses and health professionals, implementing mitigation measures, disinfecting county facilities, collecting and sharing public health data, sheltering homeless and at-risk individuals, managing correctional facilities, administering welfare and social services programs, conducting elections, and much more.

Unfortunately, under the CARES Act, these 12 counties did not receive direct federal aid from the CRF simply because their populations fell below 500,000 residents but continue to spend millions in limited property taxpayer dollars in battling the COVID-19 public health crisis. Moreover, although the United States Department of Treasury authorized states to provide much needed relief for local governing bodies that did not meet the above noted population threshold, the State of New Jersey has yet to release any CRF monies for COVID-19 related expenses under the \$250.0 million allocated by the Treasurer to the Local Government Relief Fund in the Department of Community Affairs (DCA). For these reasons, NJAC is again urging Governor Murphy to release this critical funding in a timely manner to help alleviate the daunting fiscal burden imposed on local governing bodies and property taxpayers

STATE BORROWING PLAN

Last night, Governor Murphy signed into law **ASSEMBLY, No. 4175** (*Pintor Marin D-29/McKeon D-27*)(*Sweeney D-3*), which authorizes the State to issue up to \$9,900,000,000.00 in State general obligation bonds to address the projected revenue shortfalls caused by the COVID-19 public health crisis.

In general, the new law entitled the “New Jersey COVID-19 Emergency Bond Act,” authorizes the State to issue up to \$9,900,000,000.00 in State general obligation bonds and further permits the State to issue refunding bonds. This amount also includes any monies the State may borrow from the federal government through federal stimulus loans. The measure authorizes the State to borrow monies in 2-time frames. The first, authorizes the State to issue general obligation bonds up to \$2,700,000,000.00 between July 1, 2019 and September 30, 2020, while the second time frame authorizes the State to issue general obligation bonds up to \$7,200,000,000.00 between October 1, 2020 and June 30, 2021. The law also establishes the “Select Commission on Emergency COVID-19 Borrowing,” which consists of 2 members of the Senate selected by the Senate President and 2 members of the General Assembly selected by the Speaker of the General Assembly. Prior to the issuance of any borrowing, the measure requires the Commission to approve any proposal and prohibits any borrowing if the Commission disapproves.

FREEHOLDER TITLE CHANGE

On July 16th, the Senate Community and Urban Affairs Committee favorably reported **SENATE, No. 855** (*Sweeney D-3/Pennacchio R-26*), which would require that the title of “chosen freeholder” be changed to “county commissioner.”

In summary, this legislation would require all “boards of chosen freeholders to be known as “boards of county commissioners” and all individual “freeholders” to be known as “commissioners.” The legislation would require counties to update their letterheads, stationary, and other writings, once exhausted, to bear the title of county commissioners in place of freeholders or chosen freeholders upon replacement. The measure would further require counties to update their Internet websites, to bear the title of county commissioners in place of freeholders or chosen freeholders within one year of the bill’s effective date. The bill would not require counties to update or replace signs or other writings to reflect this title change within this timeframe if doing so would require the expenditure of county funds. In such a case, the legislation would require the change whenever the writing is next updated or replaced in the ordinary course of business. The bill would take effect on January 1, 2021. S-855 is on Second Reading in the Senate and along with **ASSEMBLY, No. 3594** (*Zwicker D-16/DeCroce R-26*) is expected to become law sometime this summer. Although NJAC recommended that the measure be made permissive to provide county governments with the autonomy to make the title change of their own accord and

preferred the term county supervisor or county legislator over county commissioner, NJAC will use the title change as an opportunity to showcase the wide range of essential services provided by the State's only regional form of government and to address the long overdue structural changes that must be made to the way the Garden State governs itself with far too many layers of costly government and bureaucracies.

SUBCONTRACTING AGREEMENTS

On June 29th, the General Assembly passed **ASSEMBLY, No. 4140** (*Freiman D-16/Lopez*) (*Bucco R-25/Singleton D—7*), which would prohibit public school districts and institutions of higher education from using subcontracting agreements that may affect employees in a collective bargaining unit under certain circumstances.

Along with a broad-based coalition led by the New Jersey School Boards Association (NJSBA), NJAC respectfully opposes the measure is primarily concerned with the long-term ramifications of this legislation as it would effectively prohibit the use of subcontracting agreements used by public school districts and institutions of higher education. Although the measure may not directly impact county governing bodies, it would essentially prevent the use of subcontracting agreements by county special services school districts and county colleges. As has been well documented, county governments provide substantial funding for county colleges and transportation services for county special services school districts and local government bodies across the State save valuable property taxpayer dollars, without impacting the level of service provided, by using subcontracting or privatization agreements for the delivery of food services, custodial services, transportation services, and much more. As counties, municipalities, and school districts continue struggling to make ends meet and will so for the foreseeable future, the use of such agreements must remain a viable option for the delivery of services in a cost effective and efficient manner.

In general, this legislation would prohibit an employer from entering into a subcontracting agreement which may affect the employment of any employees in a collective bargaining unit under any circumstances during the term of an existing collective bargaining agreement covering the employees. The bill would defines "employer" to include any local or regional school district, educational services commission, jointure commission, county special services school district, county college, or board or commission under the authority of the Commissioner of Education or the State Board of Education. The measure would permit an employer to enter into a subcontracting agreement for a period following the term of a current collective bargaining agreement only if the employer: provides notice to both the majority representative of employees in each collective bargaining unit and to the Public Employment Relations Commission at least 90 days prior to any effort by the employer to seek the subcontracting agreement; and, offers the majority representative the opportunity to meet and discuss the decision to subcontract and negotiate over its

impact. The employer's duty to negotiate over the impact of the subcontracting would not preclude the employer's right to subcontract should no successor agreement exist.

The bill measure would also make all actions of an employer regarding subcontracting, except for those expressly required or prohibited by the bill, mandatory subjects of negotiations. Each employee replaced or displaced because of a subcontracting agreement would retain all previously acquired seniority and would have recall rights when the subcontracting terminates. The bill would further provide that an employer who violates the act has committed an unfair practice and may be subject to an unfair practice charge with the Public Employment Relations Commission, under which the employee may be entitled to a remedy including, but not limited to: reinstatement, back pay, back benefits, back emoluments, tenure and seniority credit, and attorney's fees. A-4140 is currently on Second Reading in the Senate to concur with amendments made to the bill in the General Assembly. The Senate is expected to pass the measure and Governor Murphy is expected to sign the bill into law.

ELECTRONIC CONSTRUCTION PROCUREMENT

Also, last night, Governor Murphy signed into law **SENATE, No 2085** (*Sweeney D-3/Oroho R-24*)(*Greenwald D-6/Mazzeo D-2*), which establishes the "Electronic Construction Procurement Act."

In summary, this new law permits local governing bodies, county colleges, and school districts to use an electronic procurement process for public works construction contracts. The measure requires the Director of the Division of Local Government Services (DLGS) in the Department of Community Affairs (DCA) to promulgate rules and regulations concerning the electronic construction procurement process to be implemented by local governing bodies as authorized under the Local Unit Electronic Procurement Act. Additionally, the law requires State contracting units, including State colleges, to use an electronic procurement process for public works construction contracts when the project requires public advertisement. The measure further requires the State Treasurer to promulgate necessary rules and regulations.

LAW ENFORCEMENT PERSONNEL FILES

On July 1st, Governor Murphy signed into law **ASSEMBLY, No. 744** (*Johnson D-37/Holley D-20*)(*Weinberg D-37/Turner D-15*), which requires law enforcement agencies to provide internal affairs and personnel files of law enforcement officers to other agencies under certain circumstances.

In summary, this new law requires law enforcement agencies to request the personnel and internal affairs files of applicants from each law enforcement agency for which the applicant previously served as a law enforcement officer and further requires the agency receiving the request to submit the files to the requesting agency. The new law

defines a law enforcement agency as a State, interstate, municipal, or county law enforcement agency; a law enforcement agency of an educational institution that appoints law enforcement officers; or, any other department, division, bureau, commission, board, or other authority of this State or political subdivision of any of these entities. Moreover, the law also provides that confidential internal affairs files received by the requesting law enforcement agency must remain confidential and not be disclosed to any other party. The new law further clarifies that contracts executed after the bill is enacted that would prohibit a law enforcement agency from providing an officer's files to another law enforcement agency are deemed against public policy and unenforceable. The new law took effect immediately and requires the Attorney General to issue or amend guidelines or directives accordingly.

UPCOMING NJAC EVENTS: Make sure to mark your calendars for NJAC's Annual Celebration of County Government rescheduled for 10/27 – 10/29 at Caesars in Atlantic City and stay tuned for details about over first-ever live/remote conference.

STATE HOUSE TRIVIA: Did you know that the hottest days of the year occur between July 15th and July 31st in the United States?

"A lot of parents pack up their troubles and send them off to summer camp." Raymond Duncan