

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

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911 FEE DIVERSION

Although the Association will continue to serve our elected officials and professionals as a resource and advocate for county government on COVID-19 related matters as we begin to navigate our way through the ongoing public health crisis, we also plan to refocus our efforts on achieving many long term goals and objectives, some of which include: separating the local portion of the Public Employees Retirement System (PERS) from the State portion as was the case with the Police and Firemen's Retirement System (PFRS) in 2018; promoting the regionalization of services at the county level; and, urging State leaders to comply with federal guidelines and restore critical 911 dollars to county and municipal 911 centers as the State of New Jersey remains the worst offender of diverting 911 fees in the entire nation.

In fact, NJAC and our partner in this endeavor, the New Jersey Wireless Association (NJWA), plan to submit written comments to the Federal Communications Commission (FCC) by the November 1st deadline as the FCC is in the process of conducting a formal inquiry into the five states (*Nevada, New Jersey, New York, Rhode Island, and West Virginia*) that continue diverting 911 fees. As previously reported, the Federal Communications Commission (FCC) concluded in its latest "Annual Report on the Collection and Use of 911 Fees," that New Jersey diverted \$92,083,000.00 of the \$122,905,000.00 it collected in 911 fees. Moreover, the State has failed to provide any funding to local 911 centers operated by counties and municipalities by instead diverting the balance of collected 911 monies to cover general operating expenses in the Department of Law and Public Safety. As a direct result this longstanding misappropriation, the FCC adopted rules in 2018 that now prohibit New Jersey, and its counties and municipalities, from applying for millions in federal grant funding to upgrade 911 centers with Next Generation 911 (NG911) capabilities.

Counties and municipalities as first responders, handle the vast majority of the State's 911 calls through local public safety answering points (PSAPs); and, have come to inequitably rely on the collection of local property taxpayer dollars to improve, operate, and maintain 911 systems. County governments alone spent an estimated \$500.0 million over the last several years on capital improvements for facility upgrades, telephone systems, computer aided dispatch, location mapping technology, voice

recording technology, data analytics, and NG911 upgrades. Counties also spend an estimated \$125.0 million per year on general operating expenses for salaries, staff training, system maintenance, network security, and IT consulting services. On the average, county governments provide some level of 911 dispatch services for approximately 73% of the municipalities located within their borders. Unfortunately, the State's long standing practice of misappropriating these vital fees has created an emerging public safety issue and imposed a system of double taxation on residents who are already burdened with the highest property tax bill in the land.

PENSION BENEFIT ENHANCEMENTS

On June 22nd, the Senate Budget and Appropriations Committee amended and favorably reported **SENATE, NO. 1017** (*Gopal D-11/Lagana D-38*), which would provide for an additional category of service retirement for a member of the Police and Firemen's Retirement System (PFRS).

NJAC joined the New Jersey State League of Municipalities (NJLM) and the Government Finance Officers Association of New Jersey (GFOA) in opposing this legislation as it will increase the reliance on property taxpayer dollars by enhancing member benefits, accelerating pension payments, and increasing the unfunded accrued liability of PFRS. Under S-1017, a member of PFRS may retire after the legislation's effective date, regardless of age, upon attaining 20 or more years of service credit. The member would receive a retirement allowance equal to 50 percent of the member's final compensation. As such, a police officer hired at the age of 20 could retire at the age of 40. Conservatively assuming this police officer retires as a patrolman at a salary of \$120,000.00 per year and lives until the age of 80, taxpayers would be responsible for paying this police officer in retirement \$2,400,000.00 ($\$120,000.00/50\% = \$60,000.00 * 40 \text{ years}$) with \$300,000.00 in accelerated payments by taking retirement 5 years earlier than required under current law.

Although the Committee amended the bill to limit the time frame in which a member may take advantage of the early retirement benefit to two years after the measure is signed into law, NJAC remains opposed to the legislation because it would still cause fiscal harm to the pension system and beleaguered property taxpayers. Moreover, we have no doubt that the proponents of the bill will pursue eliminating the two-year restriction once it expires. Importantly note that funded entirely by property taxpayer dollars, county and municipal governments across the State will spend over \$1,000,000,000.00 in 2020 to subsidize PFRS, an amount that equals approximately 71.0% of the total annual contributions to the fund. Moreover, as a defined benefit plan, property taxpayers bear the risk of loss for poor investments, a decline in the stock market, a decrease in the assumed rate of return for long-term investments as is the case in 2020, and benefit enhancements as is the case under S-1017. The companion version **ASSEMBLY, NO. 2562** (*DeAngelo D-14/Dancer R-12*) is currently in the Assembly Budget Committee awaiting consideration.

EARLY VOTING

On October 19th, the Assembly State and Local Government Committee favorably reported **ASSEMBLY, No. 4830** (*Zwicker D-16/Danielson D17*), which would establish an in-person early voting procedure under certain circumstances.

In summary, this legislation would allow voters to cast their votes at specifically designated polling places beginning on the 15th day before the general election and ending on the second calendar day before the election. More specifically, the bill would enable a registered voter to vote at a designated polling place before the day of a general election using a voting machine where designated polling places must be open for early voting on Monday through Saturday from at least 10:00 a.m. to 8:00 p.m. and on Sunday from at least 10:00 a.m. to 6:00 p.m. The bill would permit a duly registered voter to vote after signing an early voting voter certificate, and after the voter's eligibility to vote is ascertained in substantially the same manner as done on election day. At least once each day during the early voting period, and prior to the start of the regularly scheduled election, each county board would be required to make such changes as may be necessary to the voter's record in the Statewide voter registration system. A voter who participates in early voting would not be permitted to vote by mail-in ballot or in person on election day.

The bill would further provide that each county board of elections must designate at least three early voting locations in each county, except that the county board must designate at least five public locations for early voting if the number of registered voters in the county is at least 150,000 but less than 300,000, and must designate at least seven public locations for early voting if the number of registered voters in the county is 300,000 or more. Under the bill, the number of registered voters in each county must be determined ahead of the selection of early voting sites pursuant to a uniform standard to be developed by the Secretary of State. Whenever possible, early voting sites must be geographically located to ensure both access in the part of the county that features the greatest concentration of population but would prohibit a public-school building from serving as a location.

The bill would also require that each county board is responsible for forming and executing a written plan for the security of the voting machines, ballots, and election records used during the early voting period, including voted ballots and election materials, based on guidelines established by the Secretary of State. The measure would additionally provide that, in addition to any publications required under Title 19 of the Revised Statutes, the Secretary of State and county boards of elections must publish on the Department of State's website and the respective county's website information concerning the early voting procedure. The early voting information must include, but may not be limited to, a notice to the public concerning their eligibility to participate in early voting, the duration of the early voting period, and the locations and hours of operation of specially designated polling places for early voting in each county.

Importantly, the legislation would include a mechanism that requires the State Treasurer to provide each county governing body, and each non-partisan municipal governing body that approves early voting, “with such amounts as the State Treasurer and the Director of the Division of Budget and Accounting in the Department of Treasury deem necessary to cover any additional costs incurred as a result of the bill.” Despite this language, NJAC is concerned with the certain discrepancies that will occur between the actual costs to conduct early voting and what the State deems necessary. Unfortunately, this legislation will likely lead to an annual budget battle for limited State resources to fund early voting with county government likely subsidizing operations. A-4830 is currently in the Assembly Appropriations Committee awaiting consideration, but a Senate companion version has not been introduced at this time.

PUBLIC UTILITY NOTICE

On October 22nd, the Senate Budget and Appropriations Committee amended and favorably reported **SENATE, NO. 828** (*Lagana D-38/Greenstein D-14*), which would require public utilities and local governing bodies to provide notice prior to initiating certain infrastructure projects.

In summary, this legislation would require public utilities and local governing bodies regulated by the Board of Public Utilities to notify each other within 180 days of the start of an infrastructure project. The notice must include a summary of the purpose and scope of the infrastructure project, the infrastructure project schedule, and a map of the infrastructure project location. Additionally, within 60 days of the receipt of the required notice, the public utility, local unit, and local utility would be required examine any underground utility facility within the borders of the infrastructure project to the extent feasible and notify each other whether an underground utility facility needs repair or replacement and if any of them intend to undertake an infrastructure project within the scope of the other’s infrastructure project. The bill would further require the public utility, local unit, and local utility to coordinate to provide timely notification of any changes to their respective project plans or schedule and, when feasible, to jointly establish a timeframe for scheduled work.

Unfortunately, the Committee removed the section of the bill that would have required a public utility, upon completing a project that requires road, street, or highway excavation work in a local unit, to restore the road, street, or highway to the condition that is required pursuant to ordinance in that local unit or to a condition which has been agreed upon by the public utility, local unit, and local utility. As such, NJAC no longer supports the measure as enthusiastically as we once did but will continue to monitor its progress as the bill is intended to foster communication and collaboration between local governing bodies and public utilities. The companion version **ASSEMBLY, NO. 2101** (*Swain D-38/Tully D-38*) is currently in the Assembly Appropriations Committee awaiting consideration.

DESIGN BUILD CONTRACTS

On October 9th, the Senate Community and Urban Affairs Committee amended and favorably reported **SENATE, No. 2874** (*Singleton D-7/Cryan D-20*), which would establish the procedures for the awarding design-build contracts under certain circumstances.

In summary, this legislation would allow a contracting unit to use a design-build contract if the unit can demonstrate that this approach would better meet the needs of the governing body. The bill would require a contracting unit to seek guidance from a registered design professional, develop performance criteria and a scope of work statement, establish evaluation factors for proposals, solicit proposals from design-builders, and utilize a technical review committee. The bill would then require the technical review committee to select the most highly qualified design-builders and request that they submit a second proposal and sealed bid, which would then be evaluated by the technical review committee. The contracting unit would separately evaluate the submissions and award the contract in accordance with the bill.

All design-build construction projects would be required to comply with the “New Jersey Prevailing Wage Act” and would be encouraged to adhere to the Leadership in Energy and Environmental Design Green Building Rating System. The bill would further require the State to compile and make public all proceedings, records, contracts, and other public records relating to procurement transactions authorized accordingly. NJAC is generally supportive of the measure because its permissive and could help to reduce construction delays under certain circumstances. However, the Association is also mindful of the concerns raised by our county purchasing officials that the use of design build contracts would marginalize the layer of key oversight provided by purchasing professionals on such projects. S-2874 is on Second Reading in the Senate and the companion version **ASSEMBLY, No. 1285** (*Greenwald D-6/Chiaravolloti D-31*) is currently in Assembly Appropriations Committee awaiting consideration.

LAW ENFORCEMENT MINORITY RECRUITMENT

On October 19th, Governor Murphy signed into law P.L. 2020 c.107, which requires each law enforcement agency in New Jersey to establish a minority recruitment and selection program in accordance with guidelines established by the Attorney General.

Under the new law, each law enforcement agency in the State must make a good faith effort to meet specific goals for recruiting and hiring minorities and females within established time frames. The program must include methods of evaluating whether these goals are met; provide for additional contingent measures to be taken if the agency fails to meet its specific goals; and, requires each law enforcement agency to post the minority recruitment and selection program on the agency’s official Internet website. County prosecutors are responsible for monitoring the results of the minority

recruitment and selection programs established by county and municipal law enforcement agencies, and the Attorney General is responsible for monitoring the results of the program established by the State Police and other State law enforcement agencies. The new law requires each State, county, and municipal law enforcement agency in this State to annually report on the following: the age, gender, race, and ethnicity of the law enforcement officers currently appointed to the law enforcement agency; the age, gender, race, and ethnicity of applicants for a law enforcement officer position in the preceding calendar year; the age, gender, race, and ethnicity of applicants appointed to the agency in the preceding calendar year; the reasons for denying applicants an appointment to the law enforcement agency; and, the age, gender, race, and ethnicity of each law enforcement officer promoted within the agency in the preceding calendar year.

UPCOMING NJAC EVENTS: It's not too late to register for our three remaining virtual workshops on fiscal crisis management, human and social services delivery, and evolving labor challenges by visiting our website at www.njac.org.

The Top 25 Greatest Halloween Movies of All-Time

- 25) 28 Days Later**
- 24) Grave Encounters**
- 23) The Blair Witch Project**
- 22) Night of the Living Dead 1968**
- 21) Scooby Doo and the Witch's Ghost**
- 20) The Amityville Horror 1979**
- 19) Rosemary's Baby**
- 18) The Fly 1986**
- 17) Pet Sematary 1989**
- 16) Halloween 1978**
- 15) The Hills Have Eyes 1977**
- 14) The Wolfman 1941**
- 13) The Texas Chainsaw Massacre 1974**
- 12) The Omen 1976**
- 11) The Birds**
- 10) Halloweentown**
- 9) Scooby Doo on Zombie Island**
- 8) Dracula 1931**
- 7) War of the Worlds**
- 6) A Nightmare on Elm Street 1984**
- 5) Frankenstein 1931**
- 4) Creature from the Black Lagoon**
- 3) Psycho 1960**
- 2) The Shining**
- 1) The Exorcist**

“Believe nothing you hear, and only one half that you see.” Edgar Allan Poe