

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

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NJAC MISSION & LEGISLATIVE OBJECTIVES

Although the New Jersey Association of Counties (NJAC) is committed to serving our elected officials and professionals as a resource and advocate for county government on COVID-19 related matters as the Garden State begins to navigate its way through the ongoing public health crisis, the Association also plans to refocus our efforts on achieving many long-term legislative goals and objectives. As a non-partisan organization that represents the State's only true regional form of government with a unified and proactive voice, NJAC is dedicated to advancing innovative programs and initiatives that enhance the level of service provided and save valuable taxpayer dollars. Our extensive grassroots advocacy begins with an active board of directors and includes developing informative position statements; testifying at legislative committee meetings and public hearings; leading timely workshops and strategic planning sessions; managing the press and public relations; and, promoting cutting edge county programs and initiatives.

With respect to the Association's legislative goals and objectives, NJAC is urging State leaders to act on separating the assets and management of the local portion of the Public Employees Retirement System (PERS) from the underfunded State portion of PERS as a means to provide direct property tax relief; requiring the State of New Jersey to restore critical 911 dollars to county and municipal Public Safety Answering Points (PSAP) as the State remains the worst offender of diverting 911 fees in the entire nation; and, promoting the regionalization of services at the county level to save valuable property taxpayer dollars. Some additional initiatives include requiring binding interest arbitration awards to contain a full financial impact statement as State leaders have failed to permanently extend the 2.0% cap on such awards; authorizing local governing bodies to opt-out of civil service by referendum; and, prohibiting the imposition of unfunded mandates by legislation, regulations, or directives.

Additionally, NJAC conducts comprehensive research and analysis on a wide range of county specific topics that include county budget and tax rate data; pension and health benefits; the costs associated with operating and maintaining county court facilities and prosecutor offices; property tax cap levy restrictions; salaries and wages; and, much more. Board members meet on a regular basis and NJAC provides monthly updates through "State House News," an informative E-Newsletter sent to county officials throughout the State. Each spring, NJAC

typically hosts an outstanding celebration of county government, where county officials from across the State share valuable resources and ideas and earn continuing education credits by participating in more than two-dozen professional development workshops. The event also features a one-of-a-kind County Vocational-Technical School Cook-Off Challenge; an inspiring County College Acapella Sing-Off; the presentation of our county service awards; and, much more. This year, we're hosting the event in October in addition to our upcoming virtual workshops in the spring and annual summit in December, so stay tuned for additional details.

NJAC also partners with the Rutgers University Center for Local Government Services to offer the State's only "County Administrators Certificate Program," which is open to all local government employees and elected officials committed to advancing their careers in public service by studying procurement, labor relations, fiscal affairs, and ethics. Finally, for more than a decade, the NJAC Foundation has awarded over \$275,000.00 in scholarships to hardworking county vocational-technical school graduates who plan to continue their education at a county or state college or university. Through the generosity of some of New Jersey's most prominent corporate citizens such as Investors Bank, PSE&G, NJM Insurance Company, and SHI International, the NJAC Foundation has enjoyed the opportunity to provide some much-needed financial assistance to an exceptional group of hard-working students.

ELECTRONIC PERMIT PROCESSING

On January 28th, both houses passed and sent to the Governor **SENATE, No. 1739/ASSEMBLY, No. 1145** (*Oroho R-24/Beach D-6*)(*Freiman D-16/Egan D-18*), which would establish the "Electronic Permit Processing Review System."

In summary, this legislation would establish a web-based system that would allow for the electronic submission of applications for construction permits, plans, and specifications under the "State Uniform Construction Code Act." The measure would also permit the electronic review and approval of applications, plans, and specifications; the scheduling of inspections; and, the exchange of information between the applicant, the applicant's professionals, and the Department of Community Affairs (DCA) or other enforcing agency during the review process. The bill would further provide an applicant with the ability to submit materials for application review; the ability to submit requests for an on-site inspection of a project; and, 24/7 access to such submissions.

The measure would direct the Commissioner of DCA to make the electronic system accessible, and facilitate its use, through the acceptance of application materials and scheduling submissions by DCA; the local enforcing agencies; and, any private agencies providing plan review and inspection services. The bill would further require DCA to fully implement the electronic system, and require its use by the parties discussed above within one year of the effective date of the bill. The bill would require the Commissioner of DCA to provide training opportunities on the use of the electronic system for employees of local enforcing agencies and private agencies that provide plan review and inspection services. The bill would also allow the DCA and local enforcing agencies to establish permit surcharge fees to defray the cost of

transitioning to an electronic plan review. It's unclear if Governor Murphy will sign this measure into law as it could potentially increase State expenditures associated with establishing, implementing, and administering the new system.

BUSINESS REOPENING PLANS

On January 22nd, the Senate Commerce Committee amended and favorably reported **SENATE, No. 3093** (*Gopal D-11/Sweeney D-3*), which would establish a county-based mitigation plan to allow businesses to operate during a pandemic.

Under this bill, the Governor, in consultation with the Commissioner of the Department of Health, is directed to develop and implement a mitigation plan to allow business to operate during a pandemic. This plan will be developed by using empirical data, over a seven-day rolling average, to establish three categories of risk that will be organized by the following colors: Red, which shall indicate that there is an active outbreak and is the highest level of risk; Yellow, which shall indicate that the risk of an outbreak is moderate; and Green, which shall indicate that the risk of an outbreak is low.

Once these categories, and the thresholds for reaching them, are established, the Governor will assign one of the categories to each of the State's 21 counties and 565 municipalities, with additional consideration given to a county containing a jail, university, or other large congregate facility. The Governor will then restrict business activity within a county based on the category that the county was assigned to. For an affected county with a population density greater than 1,500 persons per square mile, the Governor may restrict business activity countywide or by municipality. If an affected county has a population density beneath 1,500 persons per square mile, the Governor will restrict business activity by municipality. Municipalities within an affected county may further restrict business activity if the municipality has reason to believe that, based on empirical data, they should be subject to restrictions beyond those mandated upon them. A county assigned to a category higher than green will not be reassigned to a lesser category without a three-week evaluation of the area's empirical data to determine its progress. Restrictions pertaining to each category of risk and the data trends of each county will be published on the Department of Health website to provide transparency for affected business owners and the public. The companion version **ASSEMBLY, No. 4910** (*Burzichelli D-3/Johnson D-37*) is currently on Second Reading in the General Assembly.

PERS PROSECUTORS PART

On January 14th, the Senate Law and Public Safety Committee Second Referenced to the Senate Budget and Appropriations Committee for consideration **SENATE, No. 3114** (*Greenstein D-14*), which would allow a member of the Prosecutors Part in the Public Employees Retirement System (PERS) to purchase and establish credit in the Prosecutors Part in the same manner as credit may be purchased for the regular part of PERS, except that the

amount paid by the member of the Prosecutors Part will be calculated to reflect the cost of the benefits of the Prosecutors Part.

In summary, the bill would allow a member of the Prosecutors Part to establish credit in the Prosecutors Part through the regular PERS purchase process except that the member would pay the amount required by applying the factor, supplied by the actuary as being applicable to membership in the Prosecutors Part as well as to the member's age at the time of the purchase, to the member's salary at that time, or to the highest annual compensation for service in this State for which contributions were made during any fiscal year of membership, whichever is highest. In addition, the bill would allow a member of the Prosecutors Part to establish credit in the Prosecutors Part for credit previously purchased and established in the regular Public Employees' Retirement System by paying into the annuity savings fund the amount of the difference between the contribution that the member paid into the retirement system and the contribution that would have been required if the member had made the purchase to establish credit in the Prosecutors Part.

Despite needing the abacus in Gerry Seneski's office to figure this out, NJAC plans to meet with Senator Greenstein to determine how the legislation would impact county government employer pension contributions given that benefits paid to members of the Prosecutors Part in PERS are superior to the benefits under regular PERS service credit. As a defined benefits plan, county governments, and ultimately property taxpayers, bear the risk of loss for poor or underperforming investments, a decline in the stock market, a decrease in the assumed rate of return for long-term investments, cost of living adjustments, and benefit enhancements as appears to be the case with this legislation despite the increased employee contributions. A companion version of the bill does not currently exist in the General Assembly.

WORKERS COMPENSATION EXPANSION

On January 11th, the Senate passed **SENATE, No. 771** (*Scutari D-22*), which would expand workers' compensation coverage to parking areas provided by employers.

In general, this bill would provide that, for purposes of coverage under workers' compensation law, if an employer provides or designates a parking area for use by an employee, then employment is deemed to commence when an employee arrives at the parking area prior to reporting for work and ends when an employee leaves the parking area at the end of a work period. The bill would further provide that, if the site of the parking area is separate from the place of employment, an employee is deemed to be in the course of employment while traveling directly from the parking area to the place of employment prior to reporting for work and while traveling directly from the place of employment to the parking area at the end of a work period. As such, the bill would provide that an injury is compensable under the workers' compensation law if it occurs in a parking area provided or designated by the employer, or it occurs when an employee is traveling directly between the parking area and the place of employment. Current workers' compensation law provides that employment commences when an employee arrives at the place of employment and ends when an employee leaves the place

of employment. The law excludes any travel to or from the place of employment and the site of any parking area separate from the place of employment provided by an employer. As such, an injury occurring when an employee is traveling between the parking area and the place of employment is not currently covered by workers' compensation. NJAC is still in the process of reviewing this legislation and its potential impact on county governments. A companion version of the bill does not currently exist in the General Assembly.

UPCOMING NJAC EVENTS: Make sure to visit our website at www.njac.org for details about our spring series of virtual workshops on vaccine distribution, federal funding, mandatory COVID-19 vaccination and testing, medication assisted treatment, election challenges, mental health resources, and foreclosure sales.

TOP 17 COVID-19 WORDS & PHRASES THAT SHOULD BE EXTERMINATED ALONG WITH THE VIRUS

- 17) PRESUMPTIVE POSITIVE
- 16) SUPER SPREADER
- 15) HERD IMMUNITY
- 14) CONTACT TRACING
- 13) ASYMPTOMATIC
- 12) SELF ISOLATION/QUARANTINE
- 11) FLATTENING THE CURVE
- 10) EXECUTIVE ORDER
- 9) FACE COVERING
- 8) UNPRECEDENTED
- 7) CIRCLE BACK
- 6) SIX FEET APART
- 5) PUBLIC HEALTH CRISIS
- 4) VIRTUAL LEARNING
- 3) MUTE YOUR PHONES
- 2) ABUNDANCE OF CAUTION
- 1) SOCIAL DISTANCING

ADDITIONAL WORDS OR PHRASES THAT SHOULD WE NEVER SPEAK AGAIN: *travel ban, hand sanitizer, cough into your elbow, indoor gathering restrictions, no indoor dining, drive-thru testing, personal protective equipment, CDC, the World Health Organization, and pandemic.*

*"The pessimist complains about the wind. The optimist expects it to change.
The leader adjusts the sails." John Maxwell*