

NEW JERSEY ASSOCIATION OF COUNTIES

County Government with a Unified Voice!

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STATE HOUSE NEWS

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PFRS BENEFIT ENHANCEMENT

On May 15th, Governor Murphy conditionally vetoed **S-3090** (*Gopal D-11/Lagana D-38*)(*DeAngelo D-14*), which would provide for a retirement allowance after 20 years of service regardless of age for members of the Police and Firemen's Retirement System (PFRS). NJAC along with the New Jersey State League of Municipalities (NJLM) and the Government Finance Officers Association of New Jersey (GFOA) oppose this legislation and appreciate the Governor taking steps to protect the long-term health and viability of the pension system. The Governor's conditional veto states in part:

"The stakeholders advocating on behalf of the bill contend that the 20 and out benefit will eventually result in financial savings to the State and local governments because PFRS members that retire early do not receive retiree health benefits and forgo salary and pension enhancements available upon attaining 25 years of service. However, the bulk of the savings projected to be attained through the 20 and out benefit are expected to materialize following the first five years of a member's retirement. Simply put, two years is not enough time to fully understand the impact that the 20 and out benefit will have on the PFRS. I am further concerned that aligning this trial period with the unprecedented 3 Coronavirus disease 2019 (COVID-19) emergency lessened the utility of any information collected during this period, as the pandemic created significant anomalies in retirement rates. In light of these concerns,

I am returning Senate Bill No. 3090 and recommending that the trial period be extended for an additional three years to permit further evaluation of this benefit's impact on the State's finances, the PFRS, and its members over a five year period. At the conclusion of the 20 and out benefit trial period, if the Board of Trustees of the PFRS finds that the benefit does not result in increased employer contributions or impact the long-term viability of the PFRS, the Board can then permanently institute a 20 and out benefit without the need for additional legislation."

NJAC opposes this legislation as it would enhance member benefits, accelerate pension payments to members, and increase the unfunded liability of PFRS. Under the bill, a member of PFRS who is enrolled before or after the effective date of this bill may retire, regardless of age, upon attaining 20 or more years of service credit and receive a retirement allowance equal to 50 percent of the member's final compensation. As such, a police officer hired at the age of 25 could retire at the age of 45. Conservatively assuming the officer retires 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 \$2,100,000.00 ($\$120,000.00/50\% = \$60,000.00 * 35 \text{ years}$) with \$300,000.00 in accelerated payments by taking retirement 5 years earlier.

Moreover, local governments would be responsible for hiring a new officer with additional salary, pension, health, and other fringe benefit expenses at an initial cost of over \$105,000.00 per year with a \$60,000.00 per year starting salary, \$21,900.00 in employer pension obligations ($\$60,000.00 * 36.5\% \text{ Employer Pension Obligation Rate}$), \$19,500.00 in health benefit expenses ($\$30,000 \text{ cost of healthcare plan} * 65\% \text{ typical employer obligation}$), and \$5,000.00 in miscellaneous fringe benefits. Importantly note that this starting salary will increase dramatically in year 2 and every year thereafter as the officer progresses through the steps, guides, longevity pay, and annual salary increases. At a time in which local government employers are once again facing double digit pension employer contribution rate increases for both PFRS and the Public Employees Retirement System (PERS), despite meeting their pension obligations as employers for more than a decade, State leaders should instead be focusing on how to relieve this ever-growing fiscal burden that ultimately falls on beleaguered property taxpayers. The Legislature will likely concur with the Governor's conditional veto any minute now.

911 FUNDING

On May 18th, NJAC testified before the Senate Law and Public Safety Committee in support of **S-2630** (*Singleton D-7*), which would add the costs associated with the regionalization of the State's 911 system to monies appropriated from the "911 System and Emergency Response Trust Fund Account (Fund)."

NJAC commends Senator Singleton for his leadership in introducing this legislation and strongly supports the measure as it would codify into law an important and timely mechanism to provide regional, multijurisdictional, and countywide Public Safety Answering Points (PSAPs) critical Fund dollars. For the first time since 2009, the Fiscal Year 2023 State Budget included \$10.0 in funding for local Public Safety Answering Points (PSAPs) with the Governor's proposed budget for the upcoming fiscal year recommending the same amount. Although NJAC greatly appreciates the appropriation, the Association is urging the Administration and Legislature to make all 21 counties eligible for funding as certain counties were deemed ineligible in 2023 because their

populations fell below an arbitrary 65,000 requirement despite providing 911 services to municipalities located within their borders as recommended by the “New Jersey 911 Consolidation Study” and as would be authorized under S-2630.

As has been well documented, the State of New Jersey collects annually from consumers approximately \$126.0 million in telecommunication surcharges as “Telephone Assessment Fees” (Fees) and deposits these monies into the Fund. Unfortunately, the Garden State has diverted more than \$1.5 billion of the nearly \$1.75 billion collected since 2009 with only 11% of Fund monies being spent on eligible expenses. County governments alone spent an estimated \$250.0 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 Next Generation 911 upgrades. Counties also spend an estimated \$125.0 million per year on general operating expenses for salaries, staff training, system maintenance, and network security.

Given that the stated intent of the 2004 law of which imposed a monthly telecommunication surcharge of .90 cents on every telephone line in the State, was to build a cutting edge and fully funded 911 system with revenues collected from the surcharge, NJAC supports this legislation as it would serve to mitigate the inequitable system of double taxation imposed on residents by the State’s long-standing misallocation of 911 fees. S-2630 is on Second Reading in the Senate and the companion version **A-1999** (*Conaway D-7/Murphy D-7*) is currently in the Assembly Homeland Security and Emergency Preparedness Committee awaiting consideration.

COUNTY MOSQUITO CONTROL

On May 8th, NJAC testified before the Senate Community and Urban Affairs Committee in opposition to **A-2883** (*Polistina R-2*), which would require each county to establish a county mosquito control commission.

In summary, this legislation would also require each county mosquito control commission to submit, on or before the first of November in each year, a report to the State Mosquito Control Commission, the Director of the New Jersey Agricultural Experiment Station, and to the board of county commissioners of the county concerning the commission’s mosquito control activities during the previous year. The legislation would also require, no later than two years after the bill’s effective date, the State Mosquito Control Commission, in consultation with the Director of the New Jersey Agricultural Experiment Station, to establish mosquito control guidelines to assist county mosquito control commissions in mosquito control and extermination activities. The bill would further require replacing the title “county mosquito extermination commission” with “county mosquito control commission.”

Although every county in the State conducts mosquito control activities through a department, division, office, or other typically within county government, only Camden, Middlesex, Ocean, and Warren counties currently maintain mosquito control commissions as independent autonomous agencies, in but of, county government. As such, NJAC is concerned that this legislation would impose an unfunded State mandate on the 17 affected counties and ultimately grant mosquito control commissions with the broad authority to make policy and budgetary decisions without input or guidance from county commissioner boards, despite being funded entirely or in part by local property taxpayer dollars.

Moreover, NJAC submits that establishing mosquito control commissions as required under the bill would prove costly as the newly created mosquito control commissions would no longer fall under the governing body's umbrella for the purposes of budgeting, the procurement of goods and services, fleet management, the maintenance of facilities, personnel services, and much more. The New Jersey Mosquito Control Association (NJMCA) shares NJAC's concerns with this legislation and did an outstanding job at testifying at the hearing. The Committee second referenced S-2883 to the Senate Budget and Appropriations Committee and the companion version **A-4344** (*Sawyer R-3*) is currently in the Assembly Solid Waste and Environment Committee awaiting consideration.

CODE RED ALERTS

Also on May 18th, NJAC testified before the Assembly Housing and Local Government Committee with concerns about **ASSEMBLY, No. 3540** (*Lopez D-1uttle D-37*), which would require counties to establish Code Red Alert plans to shelter at-risk individuals during hot weather conditions as introduced.

Although NJAC commends Assemblywoman Lopez for her efforts to provide comfort for at-risk individuals during severe weather events and the Committee amended the bill to require all 21 counties participate in a 3 year pilot program with reimbursement for administration expenses at the end of the pilot, NJAC remains concerned that the legislation does not contain a clearly defined funding mechanism or State appropriation to offset the costs associated with providing transportation services, community outreach, and cooling centers as required under the bill. Moreover, the legislation is vague and ambiguous on which agencies are ultimately responsible for providing the mandated services, which has led to confusion among counties, municipalities, social service agencies, and non-profit organizations with implementing the similar 2017 law that now requires counties to issue Code Blue alerts during cold weather conditions. Since that time, county governments across the State have been struggling to navigate that law.

At the hearing, NJAC testified that the Association would support a voluntary pilot program with funding, for all of the above, for a county to implement a Code Red Alert plan for the shelter of at-risk individuals during hot weather conditions. The Association further noted that any new funding for a pilot program under A-3540 should not affect, alter, or diminish any existing services, programs, or initiatives that support permanent housing, and self-sufficiency for homelessness. NJAC looks forward to working with Chairwoman Lopez in establishing a long-term solution that would support those in need in a resourceful, manageable, and meaningful manner.

In summary, this legislation would require the establishment of a 3 year pilot program to provide for coordination, by a county office of emergency management, of emergency services rendered by municipal governments, social service agencies, and certain non-profit organizations to the homeless during harsh hot weather conditions. The bill would define an at-risk individual as an individual living outdoors or in poorly insulated settings who is at risk for weather-related exposure and possible death. The bill would require the Code Red Alert plans throughout the county include communication and outreach to at-risk individuals, as well as transportation during the implementation of a Code Red Alert plan. The bill would further require a county office of emergency management, or other appropriate county office, agency, or department, to coordinate with municipal emergency management coordinators in municipalities with a documented homeless population of at least 10 persons, to develop consistent Code Red alert plans throughout the county that provide emergency cooling centers during implementation of a Code Red Alert.

The bill would require the State Office of Emergency Management (State office) to submit a report to the Governor and Legislature, to report on the success of the pilot program, and recommend whether or not to make program permanent. The State office may request information needed for development and compilation of this report from each appropriate county office. Following the conclusion of the pilot program, the bill would permit a county governing body to certify and submit a request for a reimbursement for the administrative costs of the pilot program to the State office, and the bill requires the State office to reimburse the county for those certified costs. The bill would make the county emergency management coordinator responsible for monitoring National Weather Service weather forecasts, and requires issuance of a Code Red alert during the time of the pilot program if: the heat index is forecast to reach 95 degrees Fahrenheit to 99 degrees Fahrenheit for at least two consecutive days; or the temperatures will reach 100 degrees Fahrenheit or more for any length of time.

The issuance of an Alert would trigger implementation of the county Code Red Alert plan, including the provision of emergency cooling centers for at-risk individuals. These cooling centers may be provided by designated volunteer organizations that would receive planning support from the county but operate autonomously in response to an alert. The legislation would provide “Good Samaritan” protection from civil liability to

the State, a political subdivision, and their agents and employees, as well as to volunteer organizations and their members and volunteers who, during implementation of a Code Red alert plan, provide emergency cooling centers to at-risk individuals. The Committee second referenced A-3540 to the Assembly Appropriations Committee and the companion version **S-2429** (*Codey D-27*) is currently in the Senate Health, Human Services, and Senior Citizens Committee awaiting consideration.

WORKERS' COMPENSATION FEES

NJAC is working with a broad coalition of stakeholders from business, the insurance industry, and local governments with shared concerns about **S-3818/A-5353** (*Lagana D-38/Verrelli D-15*), which would increase the cost of attorney fees in workers' compensation cases.

In general, this legislation would eliminate a judge's discretion to evaluate the facts and circumstances of a workers' compensation case in awarding attorney fees of up to 20% of a judgement and would instead require granting such fees at a minimum of 25%. Given that county governments across the State employ over 30,000 public sector employees and are generally self-insured for workers' compensation claims, NJAC is concerned that this legislation would unnecessarily increase insurance premiums. Unfortunately, the measure would also nullify the steps county governments have taken to effectively manage ever increasing workers' compensation claims, ultimately paid for with property taxpayer dollars. As such, the Association has respectfully requested the opportunity to meet with the sponsors to discuss our concerns and that the Office of Legislative Services (OLS) and Executive Branch conduct a comprehensive fiscal estimate on the measure to determine its long-term financial ramifications. S-3818/A-5353 are currently in the Senate and General Assembly labor committees awaiting consideration.

REMOTE PUBLIC MEETINGS

May 18th was a busy day at the State House as NJAC also noted its support before the Senate State Government, Wagering, Tourism, and Historic Preservation Committee for **S-2603** (*Smith D-17*), which would permit public bodies to conduct public meetings remotely.

In general, this legislation would authorize a public body to remotely conduct a meeting and public business, vote on all matters, and receive public comment under the "Senator Byron M. Baer Open Public Meetings Act (OPMA)." Under current law, public bodies may only conduct remote meetings during a declared state of emergency, public health emergency, or state or local disaster emergency. With this in mind, NJAC supports this legislation as it would remove this restriction and provide local governing bodies with the flexibility to conduct meetings either in-person or remotely. OPMA defines a "public body" as "*a commission, authority,*

*board, council, committee, or any other group of two or more persons organized under the laws of this State, and collectively empowered as a voting body to perform a public governmental function affecting the rights, duties, obligations, privileges, benefits, or other legal relations of any person, or collectively authorized to spend public funds including the Legislature, but does not mean or include the judicial branch of the government, any grand or petit jury, any parole board or any agency or body acting in a parole capacity, the State Commission of Investigation, the Apportionment Commission established under Article IV, Section III, of the Constitution, or any political party committee organized under Title 19 of the Revised Statutes.” S-2883 is on Second Reading in the Senate and the companion version **A-4119** (Conaway D-7/Speight D-29) is in the Assembly State and Local Government Committee awaiting consideration.*

UPCOMING NJAC EVENTS: Don't miss the opportunity to hear from Department of Labor Commissioner Robert Asaro-Angelo who will join us to discuss workforce development at NJAC's free virtual workshops set for 10:00 a.m. on July 12th. Stay tuned for additional details.

COUNTY SERVICE AWARD WINNERS & VO-TECH COOK-OFF CHALLENGE RESULTS 2023

MAURICE FITZGIBBONS COUNTY COMMISSIONER OF THE YEAR AWARD

- VIRGINIA “GINNY” HAINES, OCEAN COUNTY COMMISSIONER
For her positive and enthusiastic leadership as a trailblazer in county government and President of the Southern New Jersey County Commissioners Association.

COUNTY SERVICE AWARDS

- BONNIE LINDAW, COUNTY FINANCE OFFICER, ATLANTIC COUNTY
For her unwavering support and leadership in helping county finance officers and NJAC with countless surveys, input on regulations and legislation, and guidance with CEUs.
- CHERYL GOLDEN, DIRECTOR, CUMBERLAND COUNTY DEPARTMENT OF SOCIAL SERVICES
For her support, friendship, and subject expertise in conducting research on several complex issues that impact county welfare agencies and boards of social services.
- SHAUN GOLDEN, SHERIFF, MONMOUTH COUNTY
For his steadfast leadership in championing 911 funding for county governments and as a visionary in protecting the public health, safety, and welfare of residents across the Garden State.

COUNTY ADMINISTRATOR LIFETIME ACHIEVEMENT AWARD

- TERI O'CONNOR, COUNTY ADMINISTRATOR, MONMOUTH COUNTY
For her enduring friendship, support, and immeasurable contributions to NJAC as the first County Administrator to serve as the Association's President in 2022.

SPECIAL LIFETIME ACHIEVEMENT AWARD

- JOSEPH VICARI, OCEAN COUNTY COMMISSIONER DIRECTOR
For his commitment as the longest serving commissioner in the State of New Jersey having been first elected in 1981 and serving as Commissioner Director 13 times in a remarkable 42 years.
- THOMS DEGISE, HUDSON COUNTY EXECUTIVE
For his dedication as the longest serving Hudson County Executive and unparalleled contributions to implementing innovative and resourceful initiatives for those need.

NJAC BOARD MEMBER LIFETIME ACHIEVEMENT AWARD

- BRIAN HUGHES, MERCER COUNTY EXECUTIVE
For his commitment to NJAC and the NJAC Foundation and to improving the quality of life for Mercer County residents as County Executive for nearly two remarkable decades.

COUNTY COMMISSIONER HALL OF FAME

- LOU CAPPELLI, CAMDEN COUNTY COMMISSIONER DIRECTOR
For his tireless advocacy to provide mental health and opioid use resources and for 20 years an elected county commissioner having served as Director of the Board since 2006.

PETER PALMER BUSINESS ASSOCIATE OF THE YEAR

- AMAZON – COLLEN NEWMAN, DIRECTOR OF WORKFORCE & ECONOMIC DEVELOPMENT
For Amazon and Collin Newman's generous support of the NJAC Foundation in making available a grant of \$31,500 for county vocational technical high school graduates.

LEGISLATOR LIFETIME ACHIEVEMENT AWARD

- STEVE OROHO, SENATE REPUBLICAN LEADER
For always being a true-gentlemen and a scholar and having the uncanny ability to navigate both sides of the aisle in an authentic, effective, and universally respected manner.

COUNTY VOCATIONAL TECHNICAL SCHOOL COOK-OFF CHALLENGE - PEOPLE'S CHOICE AWARDS *As voted on by all participating conference attendees and tabulated by ES&S.*

- GOLD MEDAL (\$1,250.00 SCHOLARSHIP): CUMBERLAND COUNTY TECHNICAL EDUCATION CENTER
Grilled Maryland Crab Cake
- SILVER MEDAL (\$750.00 SCHOLARSHIP): CAMDEN COUNTY TECHNICAL SCHOOLS
American BBQ Asian Fusion
- BRONZE MEDAL (\$500.00 SCHOLARSHIP): BURLINGTON COUNTY INSTITUTE OF TECHNOLOGY, WEST TECH
Korean Fusion Street Taco

COUNTY VOCATIONAL TECHNICAL SCHOOL COOK-OFF CHALLENGE - NJAC JUDGES AWARDS *As voted on by selected conference attendees from the business community.*

- GOLD MEDAL TASTE: BURLINGTON COUNTY INSTITUTE OF TECHNOLOGY, WEST TECH
Korean Fusion Street Taco
- SILVER MEDAL TASTE: HUDSON COUNTY SCHOOLS OF TECHNOLOGY
Carbonara Y Pepe
- BRONZE MEDAL TASTE: CAMDEN COUNTY TECHNICAL SCHOOLS
American BBQ Asian Fusion
- GOLD MEDAL STATION DISPLAY: PASSAIC COUNTY TECHNICAL VOCATIONAL SCHOOLS
Ying Yang Vegetarian Egg Rolls & Chicken Dumplings
- SILVER MEDAL STATION DISPLAY: MIDDLESEX COUNTY MAGNET SCHOOLS, EAST BRUNSWICK
Miniature Pulled Pork Cone
- BRONZE MEDAL STATION DISPLAY: CUMBERLAND COUNTY TECHNICAL EDUCATION CENTER
Grilled Maryland Crab Cake

COUNTY VOCATIONAL TECHNICAL SCHOOL COOK-OFF CHALLENGE - PROFESSIONAL CHEFS AWARDS

As voted on by professional chefs in Atlantic City & Chef Carmine Di Giovanni

- GOLD MEDAL TASTE: CAMDEN COUNTY TECHNICAL SCHOOLS
American BBQ Asian Fusion
- SILVER MEDAL TASTE: HUDSON COUNTY SCHOOLS OF TECHNOLOGY
Carbonara Y Pepe
- BRONZE MEDAL TASTE: CUMBERLAND TECHNICAL EDUCATION CENTER
Grilled Maryland Crab Cake
- GOLD MEDAL FOOD PRESENTATION: CAMDEN COUNTY TECHNICAL SCHOOLS
American BBQ Asian Fusion
- SILVER MEDAL FOOD PRESENTATION: PASSAIC COUNTY TECHNICAL SCHOOLS
Ying Yang Vegetarian Egg Rolls & Chicken Dumplings
- BRONZE MEDAL FOOD PRESENTATION: HUDSON COUNTY SCHOOLS OF TECHNOLOGY
Carbonara Y Pepe

Additional fantastic dishes included: Birria Tacos with Mexican Style Pickled Vegetables by the Bergen County Technical School, Paramus; Cape May County Zoo Crepes by the Cape May County Technical Schools; Beef Skirt Steak Korean Style by the Monmouth County Vocational School District; Pan Roasted Monkfish by the Ocean County Vocational Technical Schools; and, Duck Confit by the Somerset County Vocational Technical Schools. *And, a special thanks to students from the Gloucester Institute of Technology of Technology for singing a wonderful rendition of the National Anthem at the Board of Directors Kick-Off Meeting.*

“If the freedom of speech is taken away then dumb and silent we may be led, like sheep to the slaughter.” George Washington