

# NEW JERSEY ASSOCIATION OF COUNTIES

*County Government with a Unified Voice!*

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## STATE HOUSE NEWS

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### JUVENILE DETENTION FACILITIES

NJAC is respectfully requesting that the State Legislature conduct a public hearing to address the substantial challenges county governments are facing with housing juvenile offenders. With only one-third of the State's twenty-one counties currently operating juvenile detention facilities, county governments across the State have been struggling to secure and maintain adequate housing and provide vital support services for juveniles taken into custody. County law enforcement officials, juvenile detention officers, social service professionals, and management attribute these struggles to a variety of factors that include, but are not limited to, an increase in serious crimes committed by juveniles, the housing of certain adults in juvenile detention facilities, inadequate staffing and training opportunities, lengthy case processing times, and a fragmented system for housing juveniles between counties that operate juvenile detention facilities and those that do not.

These long brewing challenges came to an unfortunate head this year, when on multiple occasions, Atlantic, Cumberland, and Gloucester counties could not secure placement for juvenile offenders because "no beds were available" in any State or county facility. The matter in Atlantic County is now working its way through the courts as the County recently filed a lawsuit demanding that the Juvenile Justice Commission (JJC) is ultimately responsible for the placement of detained juveniles under the law. To further complicate the situation, and notwithstanding existing contractual agreements among county governments, the JJC subsequently issued an Administrative Order to cease all juvenile admissions in Atlantic County at the Harborfields Juvenile Detention Center as the facility is at maximum capacity. Moreover, the Administrative Order forces juvenile detention facilities in the six counties that operate such facilities to accept Atlantic County youth within five days.

Please note that as a result of the Juvenile Detention Alternatives Initiative (JDAI) and work of the JJC to provide effective alternatives for housing youthful offenders in secure detention facilities, the JDAI framework forced most counties to close their facilities within the past twenty years as approved by the JJC. As noted above, only six counties currently operate juvenile detention facilities in Bergen, Camden, Essex, Middlesex, Morris, and Ocean with the JJC responsible for managing Harborfields in collaboration with the Atlantic County Department of Law and Public Safety. Each of the remaining fourteen counties must enter into a shared services

agreement to house juveniles taken into custody in their counties with counties that operate a facility for either a guaranteed number of beds or on a per-diem basis. *For example, Cumberland County may enter into a shared services agreement with Ocean County for five guaranteed beds to house Cumberland juveniles when necessary. Cumberland and Ocean counties may also enter into a per diem agreement if Ocean County is currently housing the five guaranteed juveniles from Cumberland, but Cumberland needs an additional bed for a sixth juvenile.* However, if the Ocean County facility is at maximum capacity or cannot house additional juveniles for safety, staffing, or other reasons, Cumberland County must locate a separate facility to house the sixth juvenile through a per diem agreement.

Herein lies an additional significant challenge that county governments are struggling to navigate and the basis for NJAC's Working Group recommendations of which include: 1) having the State Legislature establish a Task Force to review the current juvenile detention facility structure and make recommendations on whether the JJC or existing county facilities should be selected to house juvenile detainees in three to four regional locations; 2) prohibiting juvenile detention facilities from housing adults over the age of eighteen, where for example, over 25% of Hudson County's juvenile detention population is over the age of eighteen; 3) streamlining the intake, remand, and placement process as the average statewide length of stay for youth in a secure detention facility is nearly six months and well over one year in some cases; and 4) establishing additional resources and venues for the recruitment, retention, and training of juvenile detention officers to help address critical staffing needs.

## **PUBLIC NOTICES**

On December 19<sup>th</sup>, both houses passed and sent to the Governor's Desk **S-3957/A-5151** (*Sarlo D-36/Scutari D-22*)(*Atkins D-20/Carter D-22*), which would allow public bodies to continue using newspapers for required public notices and legal advertisements on a temporary basis.

NJAC supports this temporary measure as a short-term solution that would allow local governments to comply with the notice requirements under the law in time for annual reorganization meetings in January of 2025 when counties, municipalities, school districts, and more must designate an official newspaper for publishing public notices. NJAC also thanks Senate President Scutari and Senator Sarlo for their leadership in moving this legislation and for addressing our concerns with how local governments would pay for public notices under the bill as introduced. NJAC looks forward to working with the Legislature and Governor's Office, along with our friends at the New Jersey State League of Municipalities (NJLM) and the New Jersey School Boards Association (NJSBA), on a permanent solution that should include authorizing local governments to post public notices in a clear and transparent manner on a local government's official website as the best viable option.

NJAC submits that this long overdue recommendation to change the law would allow local governments to comply with statutory notice requirements in a timely, cost effective, and efficient manner. Moreover, this change would streamline an antiquated process and replace it

with a more contemporary and flexible method for publishing notices that could also save valuable taxpayer dollars. Public officials have long decried that publishing these voluminous documents in newspapers is costly, time consuming, and outdated. Importantly note that long before NJ Advanced Media's announcement that it was terminating daily print publications in January of 2025, local officials found it difficult to comply with the notice requirements under the law as the newspaper industry has grown increasingly digitized and struggled to retain staff, resources, and publications. In general, current law requires local purchasing officials, school boards, clerks of the board, planning departments, improvement authorities, and other local government officials to publish onerous written information and legal notices in various newspaper publications. Such notices typically include contract awards, contract addendums, meeting notices, RFP and RFQ notices, election notices, and much more.

In summary, **S-3957/A-5151** would provide that a newspaper utilized for the purpose of complying with any legal requirement for issuing or publishing a public notice or legal advertisement, would be eligible for the same purposes from January 1<sup>st</sup>, 2025 through March 1<sup>st</sup>, 2025 whether the newspaper's publication is in print or electronic format. The measure would also restrict the price paid for publication in print or electronic format from exceeding the amount specified under current law; and, further clarified that public bodies may use the same newspapers utilized in 2024 for complying with requirements for issuing or publishing notice or legal advertisements in calendar year 2025 of which includes the issuance of publication of public notices or legal advertisements the solicitation of bids, qualifications, or proposals, or the publication of any ordinances, synopses, or summaries of official documents. The legislation would also define "electronic format" to mean "an Internet website and other technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities that is operated by or for a newspaper for publication." Governor Murphy is expected to sign the measure into law and stay tuned for additional details on the long-term solution.

#### **ADVANCED CLEAN TRUCKS REGULATIONS**

On December 12<sup>th</sup>, NJAC noted its support before the Assembly Transportation and Independent Authorities Committees for **A-4967** (*Calabrese D-36*)(*Karabinchak D-18*), which would delay implementation of the Department of Environmental Protection's (DEP) Advanced Clean Trucks (ACT) regulations until January of 2027.

In summary, the ACT regulations are set to take effect in January of 2025 and will require, in part, that manufacturers of medium-duty and heavy-duty motor vehicles sell an increasing percentage of zero-emissions vehicles through 2035. Although NJAC appreciates DEP's intent to reduce emissions and protect the environment, NJAC is concerned that these sweeping new standards will significantly increase the cost of goods and services for county governments already struggling to provide essential services in a cost-effective manner. As has been well documented by the NJ Truck Association, NJ CAR, and Ryder in its widely regarded "Electric Vehicle Total Cost to Transport Analysis" published in May of 2024, electric trucks cost substantially more to purchase, carry smaller payloads as they need room to store

batteries, cause delays in delivery because batteries take too long to charge along with a nonexistent national battery charging infrastructure, and inflict damage on roads and bridges as electric trucks weigh more than vehicles powered by internal combustion engines.

Moreover, public works and road supervisors from county governments across the State expressed concerns with the practicality of using medium and heavy-duty electric vehicles for daily operations of which include the lack of a statewide battery charging infrastructure, the capital investments necessary to upgrade the electrical capacity in existing vehicle storage facilities, and the high cost to replace or recalibrate batteries following an accident. Additionally, officials contend that electric trucks face major limitations with hauling heavy materials, compatibility with plows and spreaders, the premature drainage of batteries when using interior heat and safety lighting, the training of personnel on how to repair and maintain electric vehicles, and the safe and secure storage of electric vehicles and batteries. For these reasons, NJAC again supports this legislation and is urging the Legislature to conduct a comprehensive fiscal analysis to determine the regulation's overall economic impact on the cost to transport goods and services, local governing bodies, and property taxpayers. The Committee favorably reported **A-4967** to Second Reading and the companion version **S-3817** (*Diegnan D-18/Gopal D-11*) is currently in the Senate Environment and Energy Committee awaiting consideration.

#### **PAYMENTS IN LIEU OF TAXES**

On December 19<sup>th</sup> at its voting session, the Senate amended **S-3787** (*Scutari D-22/Ruiz D-29*), which would change certain provisions of the Long-Term Tax Exemption Law concerning Payments in Lieu of Taxes (PILOT).

Under current law, a municipality receiving an “annual service charge” under a PILOT must remit five percent of the annual service charge to the county in which the municipality is located. The bill as amended would change the current practice to require that on a quarterly basis, the municipal tax collector or finance officer in a municipality that receives an annual service charge must notify the chief financial officer of the county within which the municipality is located that the municipality received an annual service charge and must directly transmit the five percent remittance to the chief financial officer of the county accordingly. The measure would further provide that in the event that the five percent remittance due to the county is not paid when due, the unpaid balance thereof and all interest at the rate of one percent per month accrued thereon, together with attorneys' fees and costs, may be recovered by the county in any court of competent jurisdiction. NJAC supports this legislation as several counties have struggled with being notified about PILOT agreements and this measure would establish a fair and reasonable mechanism for managing the process more effectively. The Senate is expected to pass the measure at its next voting session in January.

## STATE HEALTH BENEFITS PROGRAM

On December 19<sup>th</sup>, both houses passed and sent to the Governor's Desk **S-3851/A-5039** (*Scutari D-22*)(*Coughlin D-19*), which would make various changes to the bill recently signed into law under **S-3838/A-4999** (*Scutari D-21/Coughlin D-19*).

As you may recall, **S-3838/A-4999** (*Scutari D-21/Coughlin D-19*) establishes a mechanism to provide necessary funds if the available funds in the dependents' premium fund and employer health benefits fund fall to a level that is insufficient to cover 10 days of anticipated payments from the fund. The measure permits the Director of the Division of Pensions and Benefits to initiate a temporary transfer of available funds from the health benefits fund to the dependents premium fund and employer health benefits fund. The new law also requires the Director of the Division of Pensions and Benefits to notify the State Health Benefits Commission within 30 days of the transfer. In layperson terms, the measure authorizes the Division of Pensions and Benefits to transfer surplus monies from the State portion of the State Health Benefits Program (SHBP) to the local portion of the SHBP as it appears that the local portion did not have enough funds to cover the demand in utilization by the end of this year. The measure requires the local portion to repay the State portion for the amount borrowed in at least 120 days without incurring any fees, penalties, or charges. The Division contends that this new law is necessary as a cash management tool that will prevent the State Health Benefits Commission (SHBC) from imposing additional rate increases on the local portion later this year.

**S-3851/A-5039** would require that prior to any transfer of funds under **S-3838/A-4999**, the Division must provide a report to the SHBC that includes claims payable, available fund balance, and anticipated premiums. The legislation would further require that on a monthly basis, the Division must provide a report to the SHBC that includes funds available, cash balances, claims costs incurred, and premiums collected. NJAC supports this legislation as it would create greater transparency, accountability, and foresight to more accurately project rate increases. Governor Murphy is likely to sign the measure into law.

## COUNTY FIRE INSTRUCTOR PENSIONS

On December 12<sup>th</sup>, Governor Murphy signed into law **S-871** (*Bucco R-25/D-36*)(*Lopez D-19/Dunn R-25*), which would establish eligibility for enrollment in the Public Employees' Retirement System (PERS) for county fire instructors under certain circumstances.

In summary, this new law establishes eligibility in PERS for county fire instructors employed and enrolled before November 1, 2008, who performed service as a county fire instructor in each calendar year of membership, who received a salary greater than \$1,500 annually, and who were permanent career service employees in the Civil Service. The measure provides that any person notified that such service as a county fire instructor was determined ineligible for enrollment in the retirement system within five years prior to enactment may be re-enrolled in the system if

they repay any contributions and interest returned to them by the retirement system. The Office of Legislative Services (OLS) concluded that the additional years of service credit will increase the actuarially determined unfunded liability of PERS by a marginal amount. The unfunded liability would be created by an acceleration of benefits caused by the increase in pensionable salary that is used to determine the retirement allowances of certain fire instructors who were contributing to the retirement system over time at a lower amount than their final average compensation. The additional years of service credit would also increase the benefit factor in the calculation of the retirement allowance and add to the unfunded liability. The bill may also make certain fire instructors eligible for State-paid or local government-paid healthcare benefits in retirement for which they otherwise might not qualify. Data from FY 2022 suggests that approximately forty individuals may meet the criteria of the bill and would maintain their membership in the retirement system or be re-enrolled accordingly.

**UPCOMING COUNTY EVENTS:** Make sure to join us at 11:00 a.m. on January 17<sup>th</sup> at NJAC's office in Trenton for an *in-person* Conference Committee kick-off meeting as we begin planning for NJAC's 73<sup>rd</sup> annual celebration of county government. And, make sure to mark your calendars for NJAC's Reorganization Meeting scheduled for 11:00 a.m. on January 24<sup>th</sup> where Somerset County Commissioner Shanel Robinson take the helm as NJAC's 84<sup>th</sup> President.

*The top four crummiest Christmas gifts ever that you're too embarrassed to return, regift, or even donate to charity.*

- 4) A power washer that turned out to be a sump pump because the gift giver got it for free by using their Amazon, Prime, Rakuten, or TEMU points and thought the house needed a good scrubbing and that it looked like a power washer since it came with a hose.
- 3) A commercial grade diesel fuel heater for your home garage that set off all the carbon monoxide detectors in the entire neighborhood and burned a hole in the fire-retardant garage door from the molten lava heat emitting from the make-shift exhaust system fabricated by your Inspector Gadget of a son the auto mechanic.
- 2) A half dozen bottles of Obsession cologne that although you've been wearing religiously since the 8th grade prom along with your lucky Brut by Faberge deodorant, it was your only present that sad Christmas morning.
- 1) An extra-large velvet sweater in a creamy off beige accented with a navy-blue stripe across the chest and where your middle and younger brothers opened the same exact sweaters in a large and medium moments after selfishly mocking you about your present.

*The top 26 greatest Christmas songs of all time for you to enjoy this Christmas Eve while making most of the seven fishes, losing cell service while wishing your mother-in-law a Merry Christmas, and ignoring the multiple and prolonged dirty looks from Mrs. Claus because someone on your side of the family had one or seven too many shots again this year.*

- 26) THE CHIPMUNK SONG – CHRISTMAS DON'T BE LATE *by Alvin and the Chipmunks*
- 25) SILENT NIGHT *by the Temptations*
- 24) FROSTY THE SNOWMAN *by the Ronettes*
- 23) IT CAME UPON A MIDNIGHT CLEAR *by Frank Sinatra*
- 22) SANTA CLAUSE IS COMING TO TOWN *by Harry Reser*
- 21) SILVER BELLS *by Bing Crosby*
- 20) LET IT SNOW *by Dean Martin*
- 19) THE CHRISTMAS SONG *by Nat King Cole*
- 18) MELE KALIKIMAKA *by Bing Crosby and the Andrew Sisters*
- 17) HOLLY JOLLY CHRISTMAS *by Burl Ives*
- 16) IT'S BEGINNING TO LOOK A LOT LITE CHRISTMAS *by Perry Como and the Fontaine Sisters*
- 15) HAVE YOURSELF A MERRY LITTLE CHRISTMAS *by Judy Garland*
- 14) SANTA BABY *by Ertha Kit*
- 13) ALL I WANT FOR CHRISTMAS IS MY TWO FRONT TEETH *by Melissa Lynn*
- 12) WINTER WONDERLAND *by Tony Bennett*
- 11) BABY ITS COLD OUTSIDE *by Dean Martin & Marilyn Maxwell*
- 10) JINGLE BELL ROCK *by Bobby Helms*
- 9) RUN RUDOLPH RUN *by Chuck Berry*
- 8) ROCKIN' AROUND THE CHRISTMAS TREE *by Brenda Lee*
- 7) GRANDMA GOT RUN OVER BY A REINDEER *by Elmo & Patsy*
- 6) IT'S THE MOST WONDERFUL TIME OF THE YEAR *by Andy Williams*
- 5) YOU'RE A MEAN ONE MR. GRINCH *by Thurl Ravenscroft and his City Slickers*
- 4) HERE COMES SANTA CLAUS *by Elvis Presley*
- 3) RUDOLPH THE RED NOSED REINDEER *by Burl Ives*
- 2) WHITE CHRISTMAS *by Bing Crosby*
- 1) BLUE CHRISTMAS *by Porky Pig*

*"I love Christmas. I receive lots of wonderful presents I can't wait to exchange." Henny Youngman*