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August 21, 2020

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Municipal Clerks: Please forward to your Mayor, Governing Body and Department Heads.

To assist in providing guidance and information we have created a [COVID-19 resource page](#). We will continue to update the page as we get pertinent information and include announcements in our Daily Updates.

I. State

a. COVID-19 Update

Today Governor Murphy announced that there were 313 new positive cases and an additional 13 confirmed deaths resulting from COVID-19. To date, there have been 188,817 confirmed cases, and 14,112 confirmed deaths. There are also 1,839 probable deaths associated with the virus. The rate of transmission is at 1.04.

Since our last update, Governor Murphy issued the following executive orders:

[Executive Order 177:](#) Executive Order to Protect Public Health by Mailing Every Active Registered Voter a VBM Ballot Ahead of the General Election. *Please see our [Town Crier blog post](#) for more on this order.*

[Executive Order 178:](#) Executive Order Extending Certain Statutory Deadlines Across State Government

On Tuesday, the Governor will present a new budget message for Fiscal Year 2021 (October 1, 2020 through June 30, 2021) at SHI Stadium, Rutgers University in Piscataway. The League will provide an overview to you by Wednesday.

The New Jersey unemployment rate dropped 3% in July. During that time the State added nearly 130,000 new jobs. However, there was a net loss of 16,800 jobs in the public sector, attributed mostly to local governments.

Contact: Michael F. Cerra, Executive Director, mcerra@njlm.org, 609-695-3481 x120.

b. NJ Supreme Court Issues Ruling on Civilian Oversight Boards

The New Jersey Supreme Court, on Wednesday, issued its ruling in [Fraternal Order of Police, Newark Lodge No. 12 v. City of Newark](#), a case which examined municipal authority to create by ordinance a civilian oversight board to provide a greater role for civilian participation in the review of police internal investigations and the resolution of civilian complaints. In a 6-1 decision, the Court affirmed a municipality's legal authority to create civilian oversight boards, but set limits on the type of powers a civilian oversight board can be imputed with, in two critically important ways.

First, the Court found that a civil oversight board cannot exercise its investigatory powers when a concurrent investigation is conducted by the municipal police department's own internal affairs unit. Finding that an investigation by the internal affairs unit is a function carefully regulated by law, which must be conducted under the careful guidelines of the police chief and comply with mandatory guidelines established by the State Attorney General. Further, the Court noted that concurrent investigation would interfere with the police chief's statutory responsibility over the internal affairs functions.

The second limitation set by the Court involved the subpoena power that had been granted to the oversight board. The Court ruled that a review board cannot, through municipal ordinance, be conferred with subpoena power. While pointing out that the municipal council has subpoena power and that power may be conferred to a subcommittee, there is no inherent authority for a council to delegate its subpoena power to a non-legislative body of its creation, such as a civil oversight board.

This decision by the NJ Supreme Court will become critically important as many municipalities across the state look to establish police oversight boards. This decision should be carefully reviewed by any municipality looking to create such a board, and the limitations set within carefully considered. You may also be interested in a [statement from Newark Mayor, Ras Baraka](#), regarding the Court's decision.

Contact: Frank Marshall, Esq., Associate General Counsel, fmarshall@njlm.org, 609-695-3481 x137.

c. BPU Seeking Comments on Improvements to ESIP Program

This week the Board of Public Utilities (BPU) [announced](#) that they are seeking comments and hosting stakeholder meetings, looking to evaluate and refresh the Energy Savings Improvement Program (ESIP). The goal of the review is to improve the overall process, streamline submission of required documents, and develop transparent, easily understandable rules. As part of this process the BPU has released a Straw Proposal which contains questions to which the public is encourage to respond.

In 2009, ESIP was first signed into law as a financing method for New Jersey's boards of education, public institutions of higher education, local government units, and State contracting agencies to implement energy conservation measures (ECMs) as set forth under energy savings plans. The ESIP allows for improving and retrofitting public facilities with ECMs without requiring that those public facilities provide new capital investments.

The ESIP program accomplishes this by using the future value of energy savings to finance the up-front investment. Instead, the pre-qualified Energy Services Companies provide the up-front financing and are paid back, over time, from the savings that accrue to the public entity through reduced energy bills. Approved applicants can execute contracts up to 15 years in length (20 years with combined heat and power or cogeneration projects) that ensure that efficiency upgrades are installed in such a way that annual payments are lower than the savings projected, thus allowing entities that lack significant capital resources to finance the reduction of their energy consumption and energy bills.

Those interested may participate in a virtual stakeholder meeting to discuss this Straw Proposal and the ESIP process as a whole on Tuesday, September 8, 2020 from 10:00 a.m. to 1 p.m. You should [register for this webinar](#) by noon on September 2, 2020. Written comments may also be submitted by September 21, 2020 at 10 a.m., with instruction for how to do so found in the [BPU's public notice](#).

While guidelines for the ESIP are currently in place, Staff is looking to update the program and re-establish program rules. The League is reviewing the Straw Proposal and we anticipate submitting comments.

Contact: Frank Marshall, Esq., Associate General Counsel, fmarshall@njlm.org, 609-695-3481 x137.

d. NJ Future Launches Stormwater Utility Resource Center

This week, NJ Future in partnership with Flood Defense NJ launched the [Stormwater Utility Resource Center](#). The website, designed for municipal and county officials and utilities, offers information to help determine if a stormwater utility is right for your municipality. In addition to stormwater utility basics, the website also includes technical, legal, and financial information, case studies, and guidance on stormwater solutions, community process, and public engagement.

Contact: Frank Marshall, Esq., Associate General Counsel, fmarshall@njlm.org, 609-695-3481 x137.

e. Applications Now Being Accepted for Small Landlord Emergency Grant Program

This week, the application portal for the [Small Landlord Emergency Grant \(SLEG\) Program](#) opened and the NJ Housing and Mortgage Finance Agency (NJHMFA) began accepting applications. The program will reimburse small residential rental property owners for lost rent revenue due to COVID-19 between April and July 2020.

Although applications are not first come, first served they are only open for a week – closing Wednesday, August 26 at 1 p.m. Qualifying landlords are urged to prepare their documents and apply as soon as possible.

Municipal officials may want to share this information broadly to ensure their residents are aware of this opportunity for financial relief. Questions regarding the SLEG Program should be referred directly to the NJHMFA. Program representatives can be contacted at 866-280-9756 or by email at sleg@njhmfa.gov.

Contact: Frank Marshall, Esq., Associate General Counsel, fmarshall@njlm.org, 609-695-3481 x137.

f. Local Finance Notice Issued on Federal Debarment-Consequences for Certain Public Works Contracts

Yesterday, the Division of Local Government Services issued [Local Finance 2020-18](#) regarding Federal Debarment – Consequences for Certain Public Works Contracts. Under P.L. 2019, c. 406 a contractor or any affiliates are prohibited from contracting any public work with the State or any local unit if the contractor or any affiliates, are debarred with a federal government agency. Prior to awarding a contract the contractor must provide a written certification that neither the contractor nor their affiliates are debarred by the federal government from contracting with a federal agency. Under an emergency, a contract may be awarded without receiving the non-debarment certification if the contractor agrees to provide such certification within two weeks. We suggest you review this Local Finance Notice with your procurement official.

Contact: Lori Buckelew, Assistant Executive Director, lbuckelew@njlm.org, 609-695-3481 x112.

II. Federal

a. Local Aid Crucial for Economic Recovery

In a [recent article](#), originally appearing in the August 13 'Bond Buyer,' Mark Zandi, Chief Economist for Moody's Analytics, predicts a 'double-dip' recession for the U.S. economy if Congress and the Trump administration fail to agree on additional federal aid for state and local governments. 'Moody's Analytics estimates that state governments face a revenue loss of through fiscal 2022 of \$312.3 billion and the number totals around \$500 billion if local governments are included.'

With both Houses in recess, after failing to reach agreement on the next coronavirus relief bill, the next few weeks are crucial. In a recent 'Dear Colleague' letter, National League of Cities (NLC) President Joe Buscaino, President Pro Tempore of the Los Angeles City Council, noted, 'The current stalemate in Congress over the next emergency relief package is a clear and distressing message to local officials that some in Congress and the Administration remain unconvinced or unaware of the grim reality facing communities large and small across the nation. ... It's been a long fight, but we can't give up now. Your voices matter, your communities matter. We ask that you continue to take action by [letting your members of Congress know that Cities Are Essential](#).'

Contact: Jon Moran, Senior Legislative Analyst, jmoran@njlm.org, 609-695-3481 x121.

b. FEMA Announces Funding for Hazard Mitigation Grants

The Federal Emergency Management Agency (FEMA) has posted funding notices for two hazard mitigation grant programs for more than \$660 million. **The two grant programs, the Flood Mitigation Assistance (FMA) grant and the Building Resilient Infrastructure and Communities (BRIC) will provide funds to states, local communities, tribes and territories for eligible mitigation activities to strengthen our nation's ability to build a culture of preparedness.** The application period opens on September 30, 2020. Eligible applicants must apply for funding using the new FEMA Grants Outcome (FEMA GO), which is now the management system for FMA and BRIC. Please submit applications at [FEMA GO Portal](#) no later than 3 p.m. Eastern Standard Time on January 29, 2021. Applications received by FEMA after this deadline will not be considered for funding.

FEMA Webinars

FEMA encourages applicants to participate in a series of informational webinars to provide an overview of the grant programs and details about the agency's funding priorities and review process. FEMA scheduled additional webinars for the new FEMA Grants Outcome (FEMA GO), which is now the management system for BRIC and FMA. FEMA GO is meant to streamline the process to apply for, track, and manage FEMA grants.

Registration information for all [upcoming webinars](#).

- **Tuesday, August 25** at 2-3:30 p.m. Eastern Time (1 pm Central, 12pm Mountain, 11 a.m. Pacific)

In September, FEMA will host two webinars on "Avoiding Application Pitfalls." These sessions will help applicants avoid common Pre-Disaster Mitigation grant application errors on FMA and BRIC applications. This webinar will be offered two times, and applicants may attend any session. Registration information will be provided soon.

- **Tuesday, September 1** at 2-3:30 p.m. Eastern Time (1 p.m. Central, 12 p.m. Mountain, 11 a.m. Pacific)
- **Wednesday, September 2** at 2-3:30 p.m. Eastern Time (1 p.m. Central, 12 p.m. Mountain, 11 a.m. Pacific)

Flood Mitigation Assistance (FMA)

The National Flood Insurance Act of 1968 establishes the goal of reducing or eliminating [National Flood Insurance Program \(NFIP\)](#) claims through long-term mitigation actions. For the FMA program, the agency's predetermined funding priorities include flood mitigation planning and efforts for repetitive as well as severe repetitive loss properties.

In this application cycle, \$160 million is available in FMA grant funds. There is a set-aside of \$70 million for community advance assistance and flood mitigation projects.

Building Resilient Infrastructure and Communities (BRIC) Grants

The Federal Emergency Management Agency (FEMA) makes federal funds available through the new Building Resilient Infrastructures and Communities (BRIC) grant program to states, local communities, tribes and territories (SLTTs) for pre-disaster mitigation activities. BRIC is a new FEMA pre-disaster hazard mitigation program that replaces the existing Pre-Disaster Mitigation (PDM) program.

The BRIC priorities are to:

- Incentivize public infrastructure projects;
- Incentivize projects that mitigate risk to one or more lifelines;
- Incentivize projects that incorporate nature-based solutions; and,
- Incentivize the adoptions and enforcement of modern building codes.

For More Information visit the [fema.gov website](https://www.fema.gov):

- To [view the NOFO](#); Funding Opportunity Number: DHS-20-MT-029-000-99
- [Flood Mitigation Assistance Grants](#)
- [Building Resilient Infrastructure and Communities Grant](#)

III. 2020 Annual League Conference

a. Registration for the 105th Annual New Jersey State League of Municipalities Virtual Conference now open!

As the 105th Annual Conference transitions to a Virtual Conference, we look forward to offering you relevant educational sessions and networking opportunities.

Registration is still open. Those who have registered for the Conference will receive a separate email with details on the transition to Virtual Conference.

- [Pre-Registration Information Letter](#)
- [ONLINE PRE-REGISTRATION](#)

Non-Government Attendees

For-Profit Entities (non-government) should download a Non-Government Registration Form.

- [Non-Government Form \(PDF\)](#)

IV. Also of Interest

a. Earn CEU Credits Right at Your Home or Office with the NJLM!

1.The Kaleidoscope of Ethics Webinar

October 2, 2020

9:00 a.m. - 12:40 p.m.

Your Computer

CEUs: CMFO/CCFO-4.0 Eth; CTC-4.0 ETH;CPWM-4.0 ETH; RMC-4.0 Eth;QPA-4.0 Eth;NJCLE-4.0 Eth; CPC-3.5 Ethics; CPA-4.0 Eth; CRP-3.5;Planning/Zoning Board Secretary-3.5 Admin; Zoning Official-3.5 Admin; Land Use Administrator-3.5 Admin;CTA-3.0 PTA;RPPO/RPPS-4.0 Ethics;

Event Details for [The Kaleidoscope of Ethics](#)

2. Prepping For Labor Negotiations: Who Needs to be Involved, What's Negotiable, and the Expected Costs Webinar

October 7, 2020

9:00 a.m. - 3:00 p.m.

Location: Your Computer

CEUs: CMFO/CCFO-2.0 BUD-3.0 Off MGMT; CPWM-2 GOVT, 3 MGMT; RMC-2.0 FIN, 3.0 Prof Devel; CPA-2.0 FIN; 3.0 MAS; NJCLE-5.0; RPPO/RPPS-5.0 M/S; QPA-5.0 Off Admin/Gen Duties

Event Details for [Prepping for Labor Webinar](#)

3. Personnel during a Pandemic: Rights, Obligations and Continuity of Operations Webinar

October 20, 2020

9:00 a.m. - 12:40 p.m.

Location: Your Computer

CEUs: CMFO/CCFO-4.0 Off MGMT; CTC-4.0 Gen/Sec; CPWM-2.0 Mgmt, 2.0 GOVT; RMC-4.0 Prof Devel; QPA-4.0 Off Admin/Gen Duties; CPA-4.0 MGMT; RPPO/RPPS-4.0 M/S; NJCLE-4.0: CPC-3.5: Planning Board Secretaries-3.5 Admin; Zoning Officials-3.5 Admin; Land Use Administrators-3.5 Admin

Event Details for [Personnel During a Pandemic Webinar](#)

More programming to come! Continue to check the [League seminar page!](#)



New Jersey State League of Municipalities

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