

June 9, 2017

**RE: WEEKLY UPDATE**

- I. State Policy Issues
- II. Federal Policy Issues
- III. Annual League Conference IV. Also of Interest Dear Mayor:

**I. State Policy Issues**

**a. General Assembly Takes Action**

On Thursdays, the New Jersey General Assembly held a voting session and approved some bills of interest to local governments, including:

- A-3783 (Zwicker, Benson and Barclay), which the League **supports**, was passed by a vote 73-1-2. This bill will allow county and municipal police departments to establish designated safe areas for Internet purchase transactions and will also establish a public awareness campaign. The bill will now join its Senate companion, S-2408 (Greenstein, Bateman), which is referenced to the Senate Budget and Appropriations Committee.
- A-3948 (Land, Andrzejczak), which would provide for immediate issuance of marriage and civil union licenses and provides for 72 hour waiting period prior to the ceremony. The League opposed this bill due to the burden it would impose on many municipal clerks in smaller communities. The municipal clerk acts as the local registrar in municipalities which have a population of less than 5,000. This duty is in addition to acting as the records custodian, secretary to the local governing body, chief registrar of voters, and secretary of the municipal corporation -- to name a few. (See N.J.S.A. 40A:9133.) Further, and though it is not a common occurrence, the purpose for the 72 hour waiting period was to provide an opportunity for someone to challenge the issuance of the marriage license. In addition, Registrars have received challenges in the issuance of marriage licenses, specifically because of bigamy. A prime example would be one person was not legally divorced or someone is already married. This bill will join its Senate companion, S-2388 (Van Drew), which is referenced to the Senate Judiciary Committee.

**Contacts:**

- Michael Cerra, Assistant Executive Director, [mcerra@njslom.org](mailto:mcerra@njslom.org), 609-695-3481 x120;
- Jon Moran, Senior Legislative Analyst, [jmoran@njslom.org](mailto:jmoran@njslom.org) 609-695-3481 x121;  
Lori Buckelew, Senior Legislative Analyst, [lbuckelew@njslom.org](mailto:lbuckelew@njslom.org) 609-695-3481 x112;
- Frank Marshall Esq., League Staff Attorney, [fmarshall@njslom.org](mailto:fmarshall@njslom.org) 609-695-3481 x137.

## **b. Division of Local Government Services Updates**

This week in Trenton, the Division of Local Government Services issued three important advisories.

[Click here](#) for Local Finance Notice 2017-9, which concerns the ‘Issuance of Refunding Bonds Meeting Certain Conditions without Local Finance Board Approval.’ This Local Finance Notice discusses the amendment of N.J.A.C. 5:30-2.5 and the adoption of new rule N.J.A.C. 5:31-8.1, both of which pertain to the issuance of refunding bonds without Local Finance Board approval under certain conditions. The amendment and new rule were adopted at the Local Finance Board’s April 12, 2017 meeting and effective as of May 15th.

[Click here](#) for Local Finance Notice 2017-10, which covers the ‘Certification of Available Funds: Recent Rule Changes by Local Finance Board.’ The Local Finance Board adopted amendments to N.J.A.C. 5:30-5.3 through 5.5 at its May 10, 2017 meeting. These rules, effective as of June 5th, pertain to the certification of available funds by a chief financial officer (or equivalent) prior to a contract being awarded or authorized; and apply to entities subject to either the Local Budget Law or the Local Authorities Fiscal Control Law.

[Click here](#) for Local Finance Notice 2017-11, which deals with the ‘Water Infrastructure Protection Act (WIPA) and Water/Wastewater Public-Private Contracting Acts.’ This Local Finance Notice reviews statutory options available for municipalities and other local units to privatize in full or in part their water and/or wastewater treatment systems, primarily focusing on the Water Infrastructure Protection Act (P.L. 2015, c. 18) and the Water Supply and Wastewater Public-Private Contracting Acts (P.L. 1995, c. 101; P.L. 1995, c. 216).

**Contact:** Jon Moran, Senior Legislative Analyst, [jmoran@njslom.org](mailto:jmoran@njslom.org), 609-695-3481 x121.

## **c. 2% Interest Arbitration Cap to Expire At End of Year**

In June 2014, the Legislature unanimously approved and the Governor enacted an extension on the 2% cap on Interest Arbitration awards. That extension is set to expire on December 31, 2017. While the 2% property tax levy cap will continue, the cap on Interest Arbitration awards will expire on the same day that the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force is due, unless the Legislature and Governor act.

The temporary 2% cap on police and fire arbitration contract awards has been an effective tool to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and cost under control. However, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers.

We urge you to pass a resolution ([pdf](#)) urging the State Legislature and Governor to extend the 2% cap on Police and Fire Arbitration Contract Awards for an additional five years, at which

time the Legislature will have hard data to examine and then make a final decision as to whether this law should be made permanent.

If the cap on interest arbitration expires, while the 2% property tax levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services in order to fund interest arbitration awards. **II. Federal Policy Issues**

### **a. Federal Budget Webinar: How Local Leaders Can Fight the Cuts**

The Trump Administration released its full Fiscal Year 2018 budget proposal last month. It includes \$54 billion in domestic cuts. The proposal calls for the elimination of dozens of successful programs, including CDBG, TIGER grants for transportation projects and the HOME Investment Partnerships Program. (See our [May 24 Daily Update](#) for some details.) The proposal would have major consequences for every municipality in America - regardless of size, location or economic outlook.

The National League of Cities' (NLC) Federal Advocacy team invites local leaders to learn more about the budget, the process and how you can join our fight to prevent these devastating cuts to municipalities from becoming a reality.

Date: June 13, 2017

Time: 2:00 PM EDT

[Register for the webinar here.](#)

**Contact:** Jon Moran, Senior Legislative Analyst, [jmoran@njslom.org](mailto:jmoran@njslom.org), 609-695-3481 x121.

### **b. U.S. DOT Seeks Comments on Infrastructure Project Burdens**

The U.S. Department of Transportation (DOT) is seeking comments from stakeholders and the public regarding, “regulatory and administrative burdens that impede transportation infrastructure projects.” The DOT hopes to identify rules, policy statements, or official guidance that unjustifiably delays the completion of surface, maritime, and aviation transportation infrastructure projects. This includes burdens caused by the conditions the DOT places on the receipt and expenditure of Federal funds used for infrastructure projects.

This is a good opportunity for local governments to bring attention to the regulatory challenges they face from the DOT when attempting to complete infrastructure projects. Comments will be accepted through July 24, 2017. To read the DOT's complete notice and for information on how to comment please visit [here](#).

**Contact:** Frank Marshall, Esq., League Staff Attorney, [fmarshall@njslom.org](mailto:fmarshall@njslom.org), 609-695-3481 x137.

### **III. Annual League Conference**

#### **a. Don't Use Unauthorized Hotel Reservation Services**

Every year there are unauthorized firms soliciting housing and hotel reservations from attendees at the Annual League Conference. We assure you that the only firm authorized to handle our conference housing reservations is A.C. Central Reservations. This information is on the top of the official conference housing form sent to all municipal clerks and posted on our web site:

<http://nj-njslom.civicplus.com/302/2017-Conference>

### **IV. Also of Interest**

#### **a. Trying to Reason with Hurricane Season**

June 1 is recognized as the beginning of Hurricane Season in and around the North Atlantic Ocean. And, with a [higher than average number of storms forecast](#) for 2017, you might want to remind your residents of what they can do to prepare for, and deal with, an unwelcome visit from the lower lines of latitude.

You can access and link to great advice and timely information resources on line at the National Weather Service's [Hurricane Information page](#). There you will also find the Service's guide to [Planning and Preparing for a Hurricane](#).

There's no time like the present to anticipate the worst.

Sincerely,

Michael J. Darcy, CAE  
Executive Director