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## October 5, 2018

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

### I. State Issues

#### a. Governor Outlines Strategy for Economic Development

On Monday, Governor Murphy presented his outline to grow the New Jersey economy. In a speech in Nutley, the Governor [presented a vision](#) focused on investments in the state's education system and workforce development programs so to attract and retain workers. The plan also calls for the creation of a venture capital fund run by the state, which would seek to raise \$500 million to invest and promote an innovation economy. The report identified four strategic priorities:

1. Investing in people to help all New Jersey residents prepare for and find work that supports and sustains families and investments in our future;
2. Investing in communities to build world-class cities, towns, and infrastructure statewide;
3. Making New Jersey the State of Innovation to harness the power of innovation to create more and better jobs across the state; and,
4. Making government work better to improve New Jersey's competitiveness and business climate;

Later in the week, the Governor delivered the keynote address at the Governor's Conference on Economic Development and Housing in Atlantic City. ([The Governor's prepared remarks.](#)) In this address, the Governor focused on the new "Opportunity Zones," which includes 169 census tracts throughout the State. The Governor also announced his support for a new tax credit program, "NJ Aspire" to attract investment in

commercial, residential, and mixed-use development in areas served by mass transit.

We will provide you updates on all these initiatives as the policy proposals take form.

**Contact:** Michael F. Cerra, Assistant Executive Director, [mcerra@njslom.org](mailto:mcerra@njslom.org), 609-695-3481, x120.

## **b. New Jersey Opioid Litigation – Municipal & County Survey**

The Division of Local Government Services has issued [Local Finance Notice 2018-25](#) requesting municipalities and counties assistance in the New Jersey Opioid Litigation. As part of a comprehensive response to the opioid epidemic, the Attorney General and the Division of Consumer Affairs have filed civil lawsuits seeking to hold opioid manufacturers liable for their contributions to a crisis afflicting local units across New Jersey. The State has sued, on behalf of all New Jersey residents, seeking relief sufficient to fund solutions to the opioid epidemic across New Jersey. To assist the State in its efforts to obtain relief on behalf of all New Jerseyans, the Office of the New Jersey Attorney General invites municipalities and counties to fill out a [survey](#).

**Contact:** Michael F. Cerra, Assistant Executive Director, [mcerra@njslom.org](mailto:mcerra@njslom.org), 609-695-3481, x120.

## **c. OPRA & OPMA Bills**

We anticipate that the Senate Budget and Appropriations Committee will soon be considering two significant bills. [S-106](#), makes various changes to the law addressing meetings of public bodies. This bill aims to provide the public with greater access to meetings and information about meetings. [S-107](#), makes certain access changes to the open public records act; establishes State public finance website and creates a program for the development of local websites. S-107 also makes an appropriation. We anticipate additional amendments will be made to these bills.

We appreciate the strides the sponsors have taken to address concerns we have raised, through the proposed amendments. They represent real progress in addressing both the privacy issues surrounding OPRA and the issue of commercial request for records. However, as discussed in more detail below, we still have major concerns with the bills and must continue to oppose S-106 and S-107.

**1. Subcommittees (OPMA):** The definition of subcommittees has been changed to “any subordinate committee of a public body, except the Legislature, regardless of label, that is formally created by that body, comprised of two or more members, but less than a quorum, of the public body, and recognized by the public body as a subcommittee thereof.” Subcommittees would be required to prepare at least quarterly reports of their meetings that must include: the number of meetings held since the last report, the names of members of the subcommittee, and a concise statement of the matters discussed. Every subcommittee must file at least one report with the public body. A subcommittee report is available for public access in the same manner as minutes of a meeting of the public body. If the subcommittee has given an oral report at a meeting of the public body, then they are not required to submit the written report for that quarter. The public body must determine if a subcommittee meeting is open to the public. If the meeting is open to the public, adequate notice must be provided. **The League has consistently argued the purpose of subcommittees is to make recommendations to the governing body**

for the governing body to take action. Subcommittees are designed to digest and vet information informally. Subcommittees do not expend public funds nor make binding decisions. That power remains with the governing body. By their very nature, subcommittees are advisory, deliberative, and consultative. Just as advisory, deliberative and consultative material is exempted from the Open Public Records Act so should subcommittees remain not subject to the provisions of the Open Public Meetings Act.

**2. Prevailing Attorney Fees (OPMA & OPRA):** The OPRA bill continues to mandate prevailing attorney fees for violation of OPRA, and the OPMA bill is changing prevailing attorney fees from permissive to mandatory. **The League strongly believes that the Courts and the Government Records Council need the flexibility to award reasonable attorney's fees based on the given circumstances of a particular case.**

**3. Exemption of the Legislature (OPMA & OPRA):** Both bills continue to exempt the Legislature from many requirements of the Open Public Meetings Act and all of the requirements of the Open Public Records Act. **The League has strongly argued that in the interest of transparency and openness, the various exceptions in the Open Public Meetings Act and Open Public Records Act that apply to the legislature and legislators should be removed. The rules that the legislation makes applicable to other governmental bodies should apply equally to all governmental levels and officials.**

We suggest you contact the members of the Senate Budget and Appropriations Committee to express your concerns with the legislation.

[Paul A. Sarlo](#) - Chair  
[Brian P. Stack](#) - Vice-Chair  
[Dawn Marie Addiego](#)  
[Anthony R. Bucco](#),  
[Nilsa Cruz-Perez](#)  
[Sandra B. Cunningham](#)  
[Patrick J. Diegnan](#)  
[Linda R. Greenstein](#)  
[Declan J. O'Scanlon](#)  
[Steven V. Oroho](#)  
[M. Teresa Ruiz](#),  
[Troy Singleton](#)  
[Samuel D. Thompson](#)

**Contact:** Lori Buckelew, Senior Analyst, [lbuckelew@njslom.org](mailto:lbuckelew@njslom.org), 609-695-3481, x112.

#### **d. Dates Set For Public Hearings Regarding Proposed Order to Dismiss Older Municipal Court Cases**

As we have [previously alerted](#) our members, on July 19, 2018 the New Jersey Supreme Court issued an [Order](#) appointing a three-judge panel to conduct a series of hearings in the northern, central, and southern part of the State as to why minor municipal court complaints pending for more than 15 years should not be dismissed. In an [Administrative Order](#) issued earlier this week, the Acting Administrator of the Courts set out the time and place for the three hearings. The hearings will be held at 10:00 a.m. the following days and locations:

**October 22, 2018** Essex County Veterans Courthouse  
Newark, NJ  
**October 23, 2018** Somerset County Courthouse  
Somerville, NJ  
**October 24, 2018** Burlington County Olde Courthouse  
Mount Holly, NJ

All three hearings are open to the public and written comments are being accepted. Those wishing to speak at any one of the three hearing sessions must submit a written request along with a summary of comments related to the topic by **October 15, 2018**.

For full details, including information on submitting comments, please see the [Notice To The Bar](#), issued in connection with the Court's Order. If you do submit written comments, the League requests that you kindly forward a copy to Frank Marshall at [fmarshall@njslom.org](mailto:fmarshall@njslom.org).

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

## **II. Federal Issues**

### **a. Congress Sends Anti-Opioid Addiction Bill to White House**

We most recently reported on the Congressional response to America's opioid epidemic in our [September 21 Issue Alert](#). Identical legislation has now passed both Houses. The bill, [H.R.6](#), now awaits the President's consideration.

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

### **b. Land and Water Conservation Fund Reauthorization Advances**

On Tuesday, in Washington, the Senate Energy and Natural Resources Committee advanced legislation that would renew the popular Land and Water Conservation Fund (LWCF), which had lapsed on September 30. Since its creation in 1964, the fund has provided billions of dollars to support federal, state, and local parks, and other outdoor recreational and conservation areas. The legislation ([S.896](#)) that will now advance to the Senate floor would extend the LWCF for an indefinite period of time.

For New Jersey, the LWCF has provided hundreds of millions of dollars for projects in municipalities in every county. To locate LWCF projects in your area, you can visit the [Interactive Project Map](#) that is posted on the website hosted by The Wilderness Society.

The House Natural Resources Committee had already advanced an LWCF bill. That legislation ([H.R. 502](#)), which differs from the Senate bill, has yet to be scheduled for a Floor Vote in that Chamber.

Until the LWCF is renewed, revenues that had been directed to the Fund will, instead, flow into the U.S. Treasury for general purposes. For now, the Fund still has available revenues that can be used for recreational and conservation purposes.

For more information on the program, you can visit the National Park Service's [LWCF page](#), which was last updated on August 2, 2016.

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

### **c. Experts See Local, State, Federal Cooperation Key to Election Security**

On Wednesday, in Washington, federal election watchdogs conducted an election security briefing with state officials and members of Congress. William Evanina, director of the National Counterintelligence and Security Center, and Christopher Krebs, the Department of Homeland Security's (DHS) cybersecurity chief, urged state officials to keep their lines of communication open to the federal administrators, as Election Day approaches and the possibility of an attack on their systems looms large.

Cybersecurity Chief Krebs identified a number of initiatives designed to improve and secure communications between federal and state officials. DHS has established an information-sharing center specifically for election security threats. The Department has also sent teams to help states identify vulnerabilities in their systems. Further, cyber-intrusion sensors have been deployed throughout the country, designed to provide warnings of cyberattacks.

Wednesday's event is the latest in a series of briefings, some of which are classified, and regular conference calls with state leaders on election security threats. It followed last month's two-day summit in St. Louis, which was led by DHS Secretary Kirstjen Nielson.

New Jersey's preparedness has been bolstered by a \$9,757,450 federal grant, supplemented by a State Match of \$487,873. These funds, distributed by the U.S. Election Assistance Commission, were made available through the March 2018 Consolidated Appropriations Act, which included \$380 million in grants to be allocated among the states. The funding will be used, into 2023, to improve the administration of elections for federal office, including enhancing election technology and improving election security.

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

### **d. Efforts Continue to Oppose SALT Regulations**

Efforts to minimize the negative impact of the \$10,000 limit on state and local taxes (SALT) deduction continue. The League's national affiliate, the National League of Cities, has joined with the National Government Finance Officers Association and the U.S. Conference of Mayors, to submit comments on proposed IRS rule changes developed after the SALT deduction cap became law. The IRS rule changes would eliminate the effectiveness of plans developed by New Jersey and other states that would give tax credits to those who contribute to charitable funds established by local governments and boards of education.

The joint comments draw attention to the abrupt change in IRS interpretation of how charitable contributions resulting in state or local tax credits are treated. This was also pointed out by Attorney General Gurbir Grewal in the State's suit against the federal government that challenges the recent tax code changes.

Individual municipalities may also wish to submit their own comments opposing these rule changes, but must do so before the **October 11** deadline. Information on how to submit comments can be found in the [IRS notice](#) of proposed rule change. We will be sure to keep you updated on this matter as it evolves.

**Contact:** Frank Marshall, Esq., League Staff Attorney, [FMarshall@njslom.org](mailto:FMarshall@njslom.org), 609-695-3481 x 137.

### **III. League Conference**

#### **a. Unauthorized Hospitality Functions**

The 103<sup>rd</sup> Annual League Conference will soon be upon us and we know you are looking forward to a productive and educational week.

Numerous exhibitors and groups have scheduled receptions and hospitality functions during the evening hours in Atlantic City. However each year there are a few commercial entities that schedule hospitality function such as brunches and lunches which conflict with the Conference programming. These unauthorized functions should not be confused with legitimate business luncheons sponsored by our affiliated associations and their members. The League urges you not to attend daytime hospitality functions offered by commercial firms.

Instead, plan your daytime activities so you can derive the greatest educational benefit from attending the League Conference. League Education sessions begin at 9:00 AM, break at noon when there are informative Exhibitor Learning Sessions, resume at 2:00 and finally adjourn at 5:15.

As always, the League is available to answer your questions on any aspect of the annual conference and we strive to make your participation both enjoyable and highly productive.

**Contact:** Michael J. Darcy, CAE, Executive Director, [mdarcy@njslom.org](mailto:mdarcy@njslom.org), 609-695-3481, x116.

#### **b. Exhibits at the Annual Conference**

Do you know a vendor that would be a good fit for the Annual Conference? If so, ask them about being an exhibitor or have them contact Kristin Lawrence, Exhibit Manager at 609-695-3481, x125 or [klawrence@njslom.org](mailto:klawrence@njslom.org). Information is also available on the [League's website](#).

#### **c. Don't Forget! CEU Tracking System Procedures for 103<sup>rd</sup> Annual NJLM Conference**

Badge Scanners will be used to track CEU Credits and Attendance at the NJLM 103<sup>rd</sup> Annual Conference.

For Sessions that Have CEU credit Available

- All Attendees looking to earn credit must scan-in and scan-out of these qualifying

sessions\* to earn their CEU credits.

- Attendees will claim their certificates after the conference via the League website [www.njslom.org/confceu/](http://www.njslom.org/confceu/)

For more information or for a complete list of procedures please visit the [Conference Website](#).

\* **Please note**, the procedures described above only apply to educational sessions. Business Meetings and Exhibitor Learning Sessions are **not** included in the scanning system.

## IV. Also of Interest

### a. Attorney General 21/21 Community Policing Project

The Attorney General has [asked the 21 County Prosecutors](#) to organize quarterly public events to discuss issues relevant to community policing in the 21st century (the “21/21 Community Policing Project”). The goal of the project is to strengthen relationships between law enforcement officers and the communities they serve – and to address areas of concern before conflicts arise. Starting in spring 2018, each of the County Prosecutors will be responsible for organizing one meeting each on the following topics:

- **Spring 2018** (Apr-Jun) – Investigations of Officer-Involved Shootings
- **Summer 2018** (Jun-Aug) – Opioids
- **Fall 2018** (Sep-Nov) – Immigration Enforcement
- **Winter 2018-19** (Dec-Feb) – Bias Crimes

The events will include presentations and/or discussions on the quarterly topic. For a listing of scheduled public events contact [your county prosecutor](#) or visit the [21/21 Community Policing Project site](#).

### b. Brownfields Reuse Workshop

The NJ Brownfields Interagency Working Group is hosting an “Accelerate Land Reuse for Community Revitalization” workshop to address questions around legal liability, regulatory issues, funding resources, assessment/remediation, and community engagement to spur redevelopment of these properties.

Panels will feature NJEDA, IBank, NJDEP and USEPA. There will also be an opportunity to meet individually with panelists and over a dozen additional state and federal agencies during Office Hour Consultations. Lunch will be served.

The workshop is free but registration is required. **Attend October 9 at the Middlesex Fire Academy in Sayreville OR October 18 at the Kroc Center in Camden.** Come meet with the experts you need to move your redevelopment projects. Register today at the center for creative land recycling website.

[Register for the Sayreville workshop.](#)

[Register for the Camden workshop.](#)

For questions contact the center for creative land recycling at 646-712-0535.



New Jersey State League of Municipalities

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