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December 4, 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 Issues

a. COVID-19 Update

Earlier today, Governor Murphy announced that there were 5,673 new positive cases and an additional 48 confirmed deaths resulting from COVID-19. To date, there have been 356,662 confirmed cases, and 15,419 confirmed deaths. The rate of transmission is at 1.05.

The State continues to ask residents to download and use the new [Covid Alert NJ](#), the State's exposure notification smart phone app.

Since our last update, Governor Murphy issued the following COVID-19 related Executive Order:

[Executive Order 198](#): Extends the deadline for Ocean and Salem counties to certify the results of the election from Friday, November 20, to Wednesday, November 25, as well as extends, the date by which statutorily-required election audits must occur, for all counties from Friday, December 4, until Friday, December 11.

[Executive Order 200](#): Extends the public health emergency declared on March 9, 2020. As a reminder, under the Emergency Health Powers Act, a declared public health emergency expires after 30 days unless renewed.

[Executive Order 203](#): Postpones any special school elections scheduled for January 26, 2021, to the March 2021 special school election date.

[Executive Order 204](#): Prohibits indoor sports practices and competitions for youth and adults starting December 5 at 6:00 a.m. until January 2, 2021, limits certain outdoor gatherings to 25 individuals, and limits indoor meetings of addiction groups to 25% of the capacity of the room up to a maximum of 150 individuals. The executive order does not impact collegiate and professional sporting activities and athletes, coaches, referees, and other individuals necessary for professional and collegiate sports do not count towards the 25 person limit; private fitness classes, lessons, and training at gyms, studios etc.; and wedding ceremonies, funerals, memorial services, religious, and political activities.

On Thursday, the Governor formally changed the travel advisory so that no one should be traveling out of state for anything beyond that which is essential for daily life, commuting to work or seeking medical treatment, for example. New Jersey residents may need to travel into neighboring states, such as New York and Pennsylvania, for shopping, worship, or similar daily or transient activities, but if they travel outside New Jersey's immediate region or if someone coming into New Jersey from another state they are strongly encouraged to observe a 14-day self-quarantine period and at the right point get tested.

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

b. AG Issues Guidance to Prosecutors on Low-Level Marijuana Possession Charges

Last week, Attorney General Gurbir Grewal issued [additional guidance](#) to prosecutors concerning the prosecution of low-level marijuana cases, supplementing his [August 29, 2018](#) and [November 4, 2020](#) guidance.

The Attorney General's guidance directs all New Jersey municipal, county, and state prosecutors to adjourn, until at least January 25, 2021, any juvenile or adult case solely involving low-level marijuana possession related offenses. For cases involving low-level possession offenses and other charges, the Attorney General has directed prosecutors to use their discretion to either postpone the case in its entirety or seek dismissal without prejudice, of the marijuana possession-related charge and proceed with prosecution of the remaining charges. The guidance does not affect the prosecution of cases charging distribution of marijuana or possession of marijuana with intent to distribute.

More comprehensive guidance, including direction on handling previously adjudicated matters, will follow when the Legislature provides details of the framework for marijuana decriminalization and the legalization of adult-use marijuana.

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

c. Local Finance Notice Issued on Dedication of Revenue Earned from

Uniform Construction Code Enforcement

On Tuesday, November 24, the Division of Local Government Services released [Local Finance Notice 2020-27](#) jointly with the Division of Codes and Standards. It is an update to Local Finance Notice 2017-15.

Local Finance Notice 2020-27 states that "revenue earned from construction code (UCC) enforcement fees must be dedicated to UCC enforcement rather than diverted to support the general fund. Municipalities with UCC enforcement offices are required to provide an adequate number of staff to handle reviews and inspections in a timely manner," set limits on the permitted uses of construction code fees and revenue, and designate the usage of revenue used in shared service agreements and third-party vendor contracts. LFN 2020-27 also notes that the Division of Codes and Standards' Office of Regulatory Affairs will conduct financial audits of Uniform Construction Code (UCC) Annual Reports to determine if a municipality is compliant with the UCC's. If a municipality is deemed non-compliant, the Division of Codes and Standards will then issue a letter to the municipality stating what actions must be taken within 30 days to be compliant.

The Divisions hope that LFN 2020-27 will address the backlogs in UCC enforcement offices, limit the amount of revenue diverted to the general fund, and limit the burden on taxpayers.

We suggest you review this Local Finance Notice with your Administrator, Chief Financial Officer, and Construction Code Official.

Contact: Andrew LaFevre, Legislative Analyst, alafevre@njlm.org, 609-695-3481 x116.

d. Actions on Law Enforcement Body Worn Cameras

Last week, Governor Murphy signed [S1163](#) legislation regarding the use of Body Worn Cameras for Law Enforcement and issued [Executive Order 201](#) Establishing an Interagency Working Group on Law Enforcement Body Worn Cameras Task Force. Please see the League's recent [blog post](#) for more information.

Contact: Paul Penna, Legislative Analyst, ppenna@njlm.org, 609-695-3481, x110.

e. Governor Murphy Signs Bill Revising Training and Duty of Junior Firefighters' Auxiliary Members

On Sunday, November 20, [Governor Murphy signed S238 into law](#). This legislation revises current law regarding membership qualification to a Junior Firefighters' Auxiliary. Prior to this, individuals were allowed to join the Junior Firefighters' Auxiliary if they are over the age of 14 and under the age of 21. The new law lowers the age of membership eligibility to those under 18 while maintaining the minimum eligibility age of 14.

Members must still be given permission from their parent or guardian, complete an interview process with fire department officials, and must now submit documentation from a qualified physician verifying the prospective member is medically able to perform the activities of the auxiliary. The new law also tasks the Commissioner of Community Affairs with adopting rules to govern the training of auxiliary members and to establish the duties that members may perform at training events and emergency incidents.

Contact: Andrew LaFevre, Legislative Analyst, alafevre@njlm.org, 609-695-3481 x116.

f. AG Issues Juvenile Justice Reform Directive

Attorney General Gurbir Grewal issued a statewide directive yesterday to law enforcement establishing policies, practices, and procedures intended to further juvenile justice reform by diverting juveniles away from law enforcement and toward social or familial support whenever possible.

[Directive 2020-12](#) outlines five mechanisms available to police officers and prosecutors to divert youths from the juvenile justice system and limit the unlikelihood of unnecessary detention including; curbside warnings, stationhouse adjustments, use of complaint-summonses in lieu of complaint-warrants, a presumption against pretrial juvenile detention, and post-charge diversion by prosecutors.

The Directive also mandates data collection on the use of these mechanisms and reporting requirements. This is being done in an effort to ensure the use of these mechanism is equitable and consistent across the state, and to increase transparency and build community trust.

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

II. Federal Issues

a. Ongoing Federal Activity

As the end of the year approaches, there are several outstanding items that remain before Congress leaves for the holidays, including passage of a federal government spending bill before the continuing resolution expires on December 11, passage of the National Defense Authorization Act (NDAA), and a possible COVID-19 relief package.

However, there is far from agreement on a COVID-19 relief package. A bipartisan group of Senators and the House Problem Solvers Caucus released a \$908 billion proposal earlier this week in hopes of jumpstarting negotiations. As of Friday morning, news reports indicate there is growing, though tenuous willingness, among Senators to pass the relief package. Included in this proposal is \$160 billion for state and local governments. The allocation formula is not known at this time but there is speculation it would mirror the SMART Act and be based on three tranches – population, infection rate, and lost revenue. Majority Leader McConnell dismissed this plan and offered an alternative that does not include money for state or local governments. Speaker Pelosi and Secretary Mnuchin met this week to discuss a COVID-19 relief package, but no details have been made public.

As news develops we will continue to keep you updated.

Contact: Paul Penna, Legislative Analyst, ppenna@njlm.org, 609-695-3481, x110.

b. Treasury OIG Coronavirus Relief Fund FAQ's

Last week, the Department of Treasury Office of Inspector General (OIG) released an update to the Coronavirus Relief Fund “[Frequently Asked Questions Related to Reporting and Recordkeeping](#).” Part of the document lays out the process for the recoupment of misspent funds, though it is unclear whether it applies to some or all municipalities. In hopes of clarifying this confusion, the League’s federal partners at the National League of Cities have written to the Treasury OIG seeking clarification. Please see the League’s recent [blog post](#) for more information.

Contact: Paul Penna, Legislative Analyst, ppenna@njlm.org, 609-695-3481, x110.

III. 2020 Annual League Conference

a. Print Your CEU Certificates from the 2020 NJLM Virtual Conference

The tracking system from the 2020 NJLM Virtual Conference is now open. To print your certificates visit the [Tracking System webpage](#).

The system will be available until **May 1, 2021**.

b. It’s Not Too Late!

We hope that the NJLM Virtual Conference allowed you to look back and forward on the challenges of the day, be it the COVID-19 pandemic, social and restorative justice or how to balance the competing interests in preparing for your 2021 budget. While we hope to be back in-person in Atlantic City in 2021, the virtual conference offers a unique benefit. The content of the approximately 80 programs and 145 virtual exhibitor booths will be available on-demand through October 31, 2021.

Anyone who is registered can simply log in to [the Conference website](#) to view any of the programs or visit any of the exhibitor booths. And for those who did not attend, it’s not too late. We will continue to [accept registrations](#) for access to the Conference site. Those who register now will not be able to apply for CEUs but will have full access to all programs and exhibit booths. And please continue to visit the exhibitors who chose to support the 105th Annual Conference by stopping by their booths. You can contact exhibitors directly with any questions or comments by simply using the “Request Information” button on each booth. This will generate an automatic email to the exhibitor and they will contact you with a reply.



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