

April 22, 2016

**RE: Weekly Policy Update**

- I. Council on Local Mandates Invalidates Police Camera Mandate**
- II. Galloway Twp. Wins OPRA Case**
- III. Open Space Funding Allocation**
- IV. State Supreme Court Nominee Up for Final Vote on Monday**
- V. Filing Deadline for Annual Financial Disclosure Statement VI. America's PrepareAthon Day of Action celebrated on April 30**
- VII. Call for Submissions for Inaugural Public Private Partnership Awards – P3**

Dear Mayor:

Here is summary of some issues of interest to local governments.

**I. Council on Local Mandates Invalidates Police Camera Mandate**

On Wednesday, the Council on Local Mandates determined that [P.L. 2014, c. 54](#) (chapter 54), which would have mandated body or dash cameras in most “newly acquired” police vehicles, violated the New Jersey constitution’s state-mandate state-pay amendment. For more on this, please [click here](#).

**Contact:** Ed Purcell, Esq., [epurcell@njslom.org](mailto:epurcell@njslom.org) or 609-695-3481 x137

**II. Galloway Twp. Wins OPRA Case**

The recent Galloway Township OPRA case confirms municipalities are not required to create new records that do not exist at the time of an OPRA request; even if the information requested is stored electronically in other government records. For more on this important development, please [click here](#).

**Contact:** Ed Purcell, Esq., [epurcell@njslom.org](mailto:epurcell@njslom.org) or 609-695-3481 x137

**III. Open Space Funding Allocation**

On April 7, the General Assembly gave final approval to [S-969](#), which would implement from the current fiscal year (FY 2016) through FY 2019 the constitutional dedication of the CBT (Corporation Business Tax) for open space, farmland and historic preservation. The bill was approved by the State Senate in mid-March. The Governor has until late May to sign, veto or conditionally veto the legislation. In January, the Governor pocket vetoed an identical bill that was approved during the lame duck session.

Ballot question 2 was approved by voters in November 2014, amending the State Constitution to dedicate 4% of CBT and change the amounts allocated to the various environmental programs funded by the existing dedication of 4% of the revenue annually collected from the CBT, and add a new allocation category, beginning on July 1, 2015. It increases the annual dedication from 4% to 6%, beginning on July 1, 2019.

S-969 would dedicate the funding as follows:

Preserve NJ Green Acres Fund	64%	\$51,278,080
Preserve NJ Farmland Preservation Fund	31%	\$24,837,820
NJ Historic Preservation Fund	5%	\$ 4,006,100

For more on this allocation, please [click here](#).

One issue has been the diversion of \$20 million from the CBT to pay for management and salaries at state parks in the current FY 2016 budget and which is also proposed the in FY 2017 budget. For more on this particular issue, see the [NJ Spotlight story of March 28](#).

**Contact:** Mike Cerra, [mcerra@njslom.org](mailto:mcerra@njslom.org), 609-695-3481 x120.

#### **IV. State Supreme Court Nominee Up for Final Vote on Monday**

On Thursday, the Senate Judiciary committee approved the nomination of Walter Timpone, Esq. for the New Jersey Supreme Court. Mr. Timpone is a partner at McElroy, Mulvaney & Carpenter and is a former federal prosecutor. His nomination is scheduled for final approval by the State Senate on Monday.

#### **V. Filing Deadline for Annual Financial Disclosure Statement**

As a reminder, the deadline for filing your Annual Financial Disclosure Statement is April 30th. The Division of Local Government Services has issued guidance on the filing of the 2016 Financial Disclosure Statements. [Local Finance Notice 2016-08](#) outlines filing procedures that are designed to facilitate efficiency and enhance transparency by using available technology to capture and report the financial disclosure statements we collect.

Please note that the Local Finance Board may periodically conduct audits for compliance and initiate investigations. In such cases, the Local Government Officer will be given an opportunity to file the Financial Disclosure Statement and to provide an explanation. The Local Finance Board will then review the explanation and determine whether the Local Government Officer has established good cause for the lack of a timely or complete filing. In cases where the Local Government Officer does not establish good cause, the Local Finance Board will assess against the Local Government Officer an appropriate fine that is not less than \$100 nor more than \$500 pursuant to N.J.S.A. 40A:9-22.10. In addition, for elected officials, the failure to file a FDS can subject the municipality to a loss of State Aid as it is a question on the “Best Practices” Questionnaire.

**Contact:** Lori Buckelew, [lbuckelew@njslom.org](mailto:lbuckelew@njslom.org) or 609-695-3481 ext. 112.

#### **VI. America's PrepareAthon Day of Action celebrated on April 30**

The League of Municipalities joins FEMA Region II with its efforts to encourage participation in National Preparedness Month and this year's America's *PrepareAthon!*. In keeping with that momentum, we encourage you to check out FEMA's six preparedness tools to conduct *PrepareAthon!* activities for you constituents, employees and families. Activity suggestions are posted online (<http://nj-njslom.civicplus.com/744/PrepareAthon>) along with a letter of introduction from Jerome Hatfield Regional Administrator, FEMA Region II.

#### **VII. Call for Submissions for Inaugural Public Private Partnership Awards – P3**

This is a CALL FOR SUBMISSIONS for the inaugural public private partnership awards.

Public Private Partnerships (P3's) are all around us and should be recognized as a vital method for municipalities to achieve public goals. Click for <http://www.njbiz.com/section/PublicPrivate-Awards-Nom>

Sincerely,

Michael J. Darcy, CAE Executive  
Director