

August 18, 2017

RE: WEEKLY UPDATE

- I. State Issues
- II. Federal Issues
- III. 102nd Annual League Conference IV. Also of Interest

Dear Mayor:

As we approach Labor Day, the focus in Trenton is on the upcoming elections. While the State Senate will meet for a voting session next Thursday, very little legislative activity is anticipated until after the November elections. We draw your attention to a couple of items below, including the President's Executive Order rolling back infrastructure project regulations passed following Superstorm Sandy and our advisory regarding the League's upcoming annual conference and unauthorized hotel reservations services.

I. State Issues

a. Accounting for Uniform Construction Code Enforcement Fees

On August 11 the Division of Local Government Services issued [Local Finance Notice 2017-15](#) jointly with the Division of Codes and Standards to remind municipalities of statutory fee limitations and how construction code fees must be accounted and budgeted. According to the notice, the Division issued it in to response to "instances where municipal construction code enforcement offices are consistently earning revenue well in excess of the offices' operating costs." For more information please see our [blog post](#).

Contact: Lori Buckelew, Senior Legislative Analyst, lbuckelew@njslom.org, 609-695-3481 x112.

b. League Comments on Proposed Rules – Electronic Tax Lien Sales

The League recently submitted comments on [proposed rules](#) issued by the Division of Local Government Services. The proposed rules "set forth procedures and parameters for internetbased sales of delinquent taxes and municipal charges." To view the comments submitted by the League please click [here](#).

Contact: Frank Marshall, Esq., League Staff Attorney, fmarshall@njslom.org or 609-695-3481 x137.

c. TAKE ACTION: 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 costs 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.

Contacts:

Michael Cerra, Assistant Executive Director, mcerra@njslom.org, 609-695-3481 x120;
Lori Buckelew, Senior Legislative Analyst, lbuckelew@njslom.org, 609-695-3481 x112.

II. Federal Issues

a. Offshore Drilling Proposal Resurrected

As you may recall, in early 2015, President Obama's Administration proposed a draft five-year plan for energy exploration. That draft would have allowed drilling on the Outer Continental Shelf, off the shores of Middle Atlantic States beaches and fisheries. The proposal put at risk a fragile and priceless ecosystem that supports an irreplaceable and diverse array of marine life. Further, Atlantic Coast drilling would jeopardize New Jersey's \$38 billion tourist industry, which had just begun to recover from the havoc wreaked by Superstorm Sandy. Tourism in New Jersey provides 312,000 jobs to our Garden State friends and neighbors. These could be lost when faulty drilling operations, sabotage or a natural disaster result in a spill.

In response to this threat, throughout 2015 and 2016, the efforts of concerned local officials, working with Senators Booker and Menendez and our representatives in the House, along with

State officials, resulted in the continued protection of those sensitive areas. Late last Fall, the 5-year National Offshore Oil and Gas Leasing Program on the Outer Continental Shelf, approved by the Obama administration, banned drilling along the Atlantic Coast.

The Trump Administration and Interior Secretary Ryan Zinke have reopened the matter. Secretary Zinke says leasing more coastlines to oil and gas exploration is part of President Trump's goal for "American energy dominance."

On behalf of the workers and businesspeople whose livelihoods depends on the health of our coastal waters; on behalf of the millions of visitors who annually visit our ocean and bay beaches for rest and recreation; and on behalf of the millions who count on our salt water fisheries for nourishment and enjoyment, please urge your Members of Congress to join Senators Menendez and Booker, and Representatives Pallone, Sires, Norcross, and Pascrell, all of whom have already gone on record in opposition to this proposal, which is being fast-tracked in Washington. On Wednesday, Governor Christie added his voice in opposition, with the submission of formal comments.

Contact: Jon Moran, Sr. Legislative Analyst, jmoran@njslom.org or 609-695-3481 x121.

b. New Executive Order Rolls Back Infrastructure Project Regulations

On Tuesday, the White House promulgated an "Executive Order on establishing discipline and accountability in the environmental review and permitting process for infrastructure." The order was drafted '... in order to ensure that the Federal environmental review and permitting process for infrastructure projects is coordinated, predictable, and transparent ...'

Among other provisions designed to accelerate infrastructure project approval, the new order revokes Executive Order 13690 of January 30, 2015 (Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input). That order, which required all federally funded projects to be built two feet above the 100-year flood elevation, and set the standard at three feet above that elevation for hospitals, evacuation centers, and other critical buildings, was put in place to reduce exposure to flooding, sea level rise and climate change. It was issued to insure against federally funding for infrastructure projects that are more likely to be washed away in severe weather conditions. As Reuters reported, "It required all federal agencies apply the standard to public infrastructure projects from housing to highways."

Environmentalists have objected to this policy reversal, as well as to provisions that could limit local public input into pipeline siting and other major infrastructure construction decisions. Business groups, however, have praised the new order. In welcoming Tuesday's Order, the American Petroleum Institute released a statement indicating that the order reflects oil industry recommendations, submitted to the Commerce Department in March.

This issue could be revisited when Congress meets after Labor Day to debate, among several important matters, reauthorization of the National Flood Insurance Program.

Contact: Jon Moran, Sr. Legislative Analyst, jmoran@njslom.org or 609-695-3481 x121.

III. 102nd 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: <https://nj-njslom.civicplus.com/302/2017-Conference>

b. Plan Now for November: Exhibit Highlights

The Exhibit Hall at the League's Annual Conference offers a wide variety of services and products. Each day at the conference, take the opportunity to enjoy the exhibit floor by stopping in for a nice lunch and visits to the booths for every municipal need, concern, and interest.

Begin to make your list of exhibitors to visit including current favorites and the 62 new exhibiting companies—or contact them now! Plan today by visiting our interactive map at <https://shows.map-dynamics.com/NJLM2017/>

IV. Also of Interest

a. Nominations Open for 2017 Great Places in New Jersey

Great Places in New Jersey, the flagship program of the New Jersey Chapter of the American Planning Association (APA-NJ), celebrates downtowns, streets, neighborhoods and public spaces of exemplary character, quality and planning. These places represent the gold standard in terms of having a true sense of place, cultural and historical interest, community involvement and a vision for tomorrow. They help their communities enjoy relative prosperity and a good quality of life. Since 2012, APA-NJ has designated 26 Great Places throughout New Jersey. Have one in mind? **Deadline for nominations is September 20th.** Learn more about the criteria for Great Places, past designees, and how you can nominate your place by visiting: GreatPlacesNJ.com.

b. Innovation in Governance Recognition Program

The New Jersey Department of Community Affairs and the New Jersey League of Municipalities will again acknowledge and promote Innovation in Governance through our annual recognition program. This is a great opportunity to showcase innovative solutions to any problems that have cropped up – either suddenly or over time – in your municipality. It can also be an opportunity to let your peers in on innovations that prevented problems from even arising.

This year, the Innovation in Governance Awards Committee is looking for any original approaches in public administration undertaken by a Garden State municipality during the past 16 months – from the beginning of June 2016 to September 30, 2017. Any innovation in any department or program will be considered for recognition.

This program was established to highlight exemplary local government activities that exhibit creative and practical approaches to local problems and concerns. We will share the winning entries with municipal leaders at the 102nd Annual League of Municipalities Conference Mayors' Luncheon on Wednesday, November 15, 2017 at the Sheraton in Atlantic City, and in the December issue of our magazine, New Jersey Municipalities.

The application can be accessed by clicking on either of the links below:

League of Municipalities website – [2017 Innovation Application](#)

Department of Community Affairs website – [Innovation Application and Letter](#)

The nomination deadline for this program is October 2. Accordingly, we encourage you to forward this information to the appropriate people in your municipality today, giving them ample time to meet our deadline.

Contact: Ciara Bradley, Legislative Administrator, cbradley@njslom.org , 609-695-3481 x128.

c. Free Event! Creating Healthy and Inclusive Communities

Inclusive communities provide individuals with disabilities equal access and opportunities for healthy living. Inclusive Health goals include achieving policy and systems implementation, as well as environmental changes that increase access to physical activity and a healthy lifestyle.

Program highlights include: Inspirational conversations and information about resources and funding through Inclusive Health. This event is sponsored by NJ Dept. of Health, NJ Dept. of Human Services, and America Walks.

Date: Friday, October 13, 2017

Time: 9:00am-3:30pm

Location: RWJ Fitness & Wellness Center, 31100 Quakerbridge Rd., Hamilton, NJ

For details contact: Peri.Nearon@doh.nj.gov

d. Free Webinar on Sign Laws and Panhandling Ordinance

On August 31, 2017, the State and Local Legal Center will be hosting a webinar discussing how local governments have been modifying their sign codes to come in compliance with the U.S. Supreme Court's 2015 holding in [Reed v. Town of Gilbert](#). The webinar will also focus on how the holding in *Reed* that content-based regulations are subject to strict scrutiny has been applied by the lower courts.

To register for this free webinar please click, [here](#).

Sincerely,

Michael F. Cerra
Assistant Executive Director