

September 15, 2017

**RE: WEEKLY UPDATE**

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

Dear Mayor:

Here is a brief recap on issues of interest.

**I. State Issues**

**a. Interest Arbitration Update**

If the Legislature and Governor fail to act, the 2% cap on Interest Arbitration will expire on December 31, 2017, the same day that the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force are due. The permanent 2% property tax levy cap, however, will remain in effect. Setting the stage for local officials to be forced to either raise property tax by a referendum or cut other municipal services to fund an arbitration award for a police or fire contract. For more please see our [blog post](#).

**Please take action.**

If you have not done so already, please stress to your Legislators and all candidates for office the importance of extending this interest arbitration cap, which has proven to be an effective tool to curtail property taxes.

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.

For more, including links to recent editorials by the [Star-Ledger](#) and the [Courier News](#) on this issue, [please click here](#).

And please join for us for the Mayor's free legislative briefing via webinar.

**The Need to Extend the 2% Interest Arbitration Cap**

Tuesday, September 26, 2017

11:00am-11:45am

Location: Your Computer

This briefing will provide an update on the efforts of the League and its partners to extend the

2% interest arbitration cap as a means to contain property tax increases and specific steps that can be taken by mayors and governing body members to assist this vitally important effort. As we approach the December expiration of the 2% interest arbitration cap and the lame duck session registration is a must for this important briefing.

**To Register:**

1. Click on the Registration Link Below
2. Fill out the form and click “Register”
3. A Confirmation E-mail will be sent to you right after registration (save this e-mail, it contains a link that will connect you to the webinar on the scheduled date).
4. At the scheduled time of the webinar, click the link provided to you in the confirmation e-mail and you will be automatically directed to the virtual classroom. Please note, in order to connect to the webinar, you may be required you to install the GoToWebinar Codec. To do this, hit “run” or “launch” when prompted and the codec will automatically install.
5. Once the webinar program has been installed, turn on the speakers on your computer and then sit back and enjoy the webinar!

**Registration Link for Webinar:**

<https://register.gotowebinar.com/register/7095401806918510083>

**Schedule:** 11:00am-11:45am -Webinar Topic and Discussion.

You can register here: <https://register.gotowebinar.com/register/7095401806918510083>

Lastly, there will be a joint Trenton press event next Friday, September 22 hosted by the League, the NJ Conference of Mayors and the NJ Association of Counties calling for the extension of the interest arbitration cap. If you are interested in joining us for this event, please contact Mike Cerra at the contact information provided below.

**Contacts:**

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

**b. NJ Supreme Court Hears Arguments in Public Employee Immunity Case**

Earlier this week the NJ Supreme Court heard oral arguments in the case of Hazel Hamrick Lee v. The City of Paterson, a case in which the League is joined as Amicus. At issue in this case is the interpretation of whether qualified immunity, versus absolute immunity, should be afforded to public employees in cases when the public employee is enforcing law.

Both the trial court and the Appellate Division determined that when enforcing a law a public employee is only afforded qualified immunity, not absolute immunity. The matter is now before the Supreme Court to decide. Should the Court reverse the lower courts and determine that a public employee is entitled to absolute immunity when enforcing the law then the city will not be liable for damages. However, should the Court uphold the lower courts' decisions of allowing only qualified immunity then the case will be remanded to the lower court for a determination to be made as to whether or not the city employee acted in good faith when enforcing the law. This is because, under qualified immunity, a city employee is granted immunity only if it can be shown that the employee acted in good faith.

At this time there is no date set for when the Court will issue its ruling. However, it is anticipated that a ruling will be issued before the beginning of December. The League will keep our members updated on this matter.

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

### **c. Mayors Survey**

Mayors, have you completed the 2017 Mayors survey? By now, you should have received via regular mail a letter from the League dated September 6, which included the 2017 Mayors Survey and other information. Please take the time to complete the survey and send it back to us by October 6.

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

## **II. Federal Issues**

### **a. Contact your Federal Representative to Preserve Deductibility of Local Taxes**

There is an effort underway in Washington to eliminate the deductibility of local (and state) taxes when filing federal income taxes. Obviously, this deduction ("SALT") is critical to New Jersey's taxpayers. And, of course, New Jersey is a "donor state," with our residents paying more into the federal treasury than we receive back in federal funding.

The threat to the SALT deduction is real and we urge local officials to contact their Congressional representatives and ask them to oppose any such effort that would result in double taxation, as our taxpayers would be paying federal income taxes on the taxes paid to state and local governments.

The tax code is incredibly complex and every one of its provisions was enacted for a reason. While some of those reasons may no longer serve the public's interest, others remain fair and effective tools that promote the general welfare.

The state and local tax deduction was one of six deductions in the original tax code in 1913. The principal that no government should tax another strikes at the heart of federalism and any reversal would be an overreach by the federal government. This preemption would result in a double taxation and increase the constraints of local budgets, which, unlike the federal budget, must be balanced at all times, due to a lack of revenue.

**Contact:** Jon Moran, Sr. Legislative Analyst, [jmoran@njslom.org](mailto:jmoran@njslom.org), 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: <http://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/>

#### **c. NJLM 2017 Conference CEU List Has Been Posted!**

The first version of Annual Conference CEU list has been posted. You can view this list by clicking the following link: <http://nj-njslom.civicplus.com/DocumentCenter/View/347>

Please note, the Annual Conference CEU list is not final, please continue to check the conference page <http://nj-njslom.civicplus.com/302/2017-Conference> frequently for updates.

#### **d. Don't Forget! CEU Tracking System Procedures for 102nd Annual NJLM Conference**

Badge Scanners will be used to track CEU Credits and Attendance at the NJLM 102nd 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 <http://nj-njslom.civicplus.com/300/Conference>
- 

For more information or for a complete list of procedures please click the following link for <http://nj-njslom.civicplus.com/302/2017-Conference>

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

## IV. Also of Interest

### a. 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](mailto:cbradley@njslom.org) , 609-695-3481 x128.

### **b. 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](http://GreatPlacesNJ.com).

### **c. League Professional Development Webinar**

#### **“OPRA Spotlight: The Lyndhurst Decision and Police Records”**

**Date:** October 18, 2017 **Time:**

11:00a.m.-12:15p.m.

**Location:** Your Computer

The recent New Jersey Supreme Court decision in North Jersey Media Group, Inc. v. Township of Lyndhurst confirmed that most written records created during a criminal investigation are beyond the reach of Open Public Records Act requests, but the Court found that police Use of Force reports are subject to OPRA unless the government can show that disclosure would be “inimical to the public interest.” The Court’s reasoning has opened the door to arguments that police dash camera and body camera footage may be subject to OPRA based on the extent that the Attorney General’s Law Enforcement Directive 2015-1 constituted a “law” requiring that footage to be created. Even if courts continue to hold that police camera footage is not subject to OPRA, the Supreme Court’s Lyndhurst decision has opened the door wide open to common law “right to know” requests for police camera footage. This webinar will discuss the implications of this case, how to handle such a request, and what it means for Municipal Records Custodians with regards to these types of OPRA requests.

**CEUs:** CMFO/CCFO-1.5 off Admin/Anc; CTC-1.5 Gen/Dec; CPWM-1.5 GOVT; RMC-1.5 Rec; QPA-1.5 Off Admin/Gen Duties; RPPO/RPPS-1.5 M/S

**Link for Registration:** <http://nj-njslom.civicplus.com/799/Seminar-and-Webinar-Handouts>

### **d. Hep. B Inoculation Reimbursement**

Each municipality may receive up to \$5,000 in reimbursement for the cost of protecting its emergency medical technicians, firefighters and police officers against hepatitis B. **The**

**deadline to apply for reimbursement is October 6.** For instructions please see the letter from the NJ Department of Health [here](#)

**e. 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](mailto:Peri.Nearon@doh.nj.gov)

Sincerely,

Michael J. Darcy, CAE

Executive Director