

**STATE AID AND OTHER
ITEMS YOU SHOULD KNOW**



STATE AID



Or is it?

**LET'S START WITH A
LITTLE HISTORY LESSON**



ENERGY TAX HISTORY

1884

- Franchise Tax created for entities having line or mains located in, on, or over any street, highway or other public place.
 - Provided for a 2% assessment on gross receipts of telegraph, telephone, cable and express companies

1900

- The Voorhees Tax Act extended the Franchise Tax to all utilities except those subject to the Railroad and Canal Property Tax Act.
 - Provided that **receipts were to be returned to municipalities**



ENERGY TAX HISTORY (CONTINUED)

1917

- Franchise Tax rates were increased to 3%

1918

- Franchise Tax rates were increased to 4%

1919

- Franchise Tax rates were increased to 5%
- Gross Receipts Tax was imposed "in lieu of local taxes on certain properties of the following utilities - Street railways, traction, sewerage, water, gas and electric, heat and power corporations using or occupying public streets, highways, roads and other public places"



ENERGY TAX HISTORY (CONTINUED)

1940

- Unit values were applied to each class and type of utility owned tangible personal property "for the purpose of securing a fair and equitable apportionment" of Franchise and Gross Receipts Taxes among the various utilities.
- The Franchise Tax rate of 2% was applied to each utility's gross receipts of \$50,000.00, or less, and 5% for gross receipts in excess of that amount.
- After subtracting its administrative expenses, the proceeds from each taxpaying utility was **distributed back to individual municipalities**, based on the value of the facilities and personal property each hosted, as a percentage of the statewide total.



ENERGY TAX HISTORY (CONTINUED)

1955

- In 1955, the maximum rate of Gross Receipts Taxes was capped at 7.5%

1956

- In 1956, a minimum of 5% was set.

1960

- In 1960, a firm rate of 7.5% was established.



ENERGY TAX HISTORY (CONTINUED)

1980

- In 1980, Chapters 10 and 11 "**provided for State collection of the taxes**" and redistribution back to the municipalities.
- These reforms capped the distribution to any municipality with a municipal purposes tax rate of \$0.10 or less in each of the three preceding years and capped the distribution to all municipalities at \$700.00, per capita.
- Chapter 12 established the Municipal Purposes Tax Assistance Fund (MPTAF), funded from the amounts NOT distributed, pursuant to the caps.



ENERGY TAX HISTORY (CONTINUED)

1997

- Governor Whitman then signed Chapter 167, P.L. 1997, The "Energy Tax Receipts Property Tax Relief Act;" replaces method of distributing certain funds guaranteed to municipalities from the State's taxation of energy and telecommunications.



ENERGY TAX HISTORY (CONTINUED)

1998

- Effective January 1, 1998, regulated natural gas and electric energy utilities and telecommunications utilities operating in New Jersey were freed from franchise and gross receipts taxes, which were repealed.
- The Energy Tax Receipts Program was allocated to **ensure** that municipalities would receive **at least** the same amount of money they received from the Gross Receipts and Franchise Tax in the past.



ENERGY TAX HISTORY (CONTINUED)

1998 (Continued)

- Revenue for the Energy Tax Receipts Property Tax Relief Fund will be raised by applying:
 - Sales and Use Tax to energy or utility services
 - Corporation Business Tax to electric and natural gas utilities that were subject to the Gross Receipts and Franchise Tax prior to January 1, 1998
 - Corporation Business Tax to telecommunications utilities that were subject to the Gross Receipts and Franchise Tax as of April 1, 1997
 - Gross Receipts and Franchise Tax to privately owned sewerage and water corporations as before



ENERGY TAX HISTORY (CONTINUED)

1999

- Chapter 168, P.L. 1999, provided that in each year subsequent to State FY 2002, ETR (and CMPTRA) distributions would annually increase at the rate of the **Implicit Price Deflator**— used to measure the impact of inflation on governmental spending.
- The formula used to distribute ETR from FY 1999 through FY 2002 to each municipality was previous year amount plus an increase proportional to the aggregate dollar value increase.



ENERGY TAX HISTORY (CONTINUED)

2009

- In State FY 2010 (Calendar 2009), Governor Corzine proposed and the Legislature agreed to a formula change in combined ETR/CMPTRA cuts. The **"needs based" formula cuts** were taken from each municipalities FY 2009 distribution. A wealth calculation. **"The Robin Hood Principle"**
- "Total formula aid (CMPTRA and ETR) was reduced by \$32 million. The budget also accounts for this year's mandatory **ETR inflation increase of 6.5 percent**, as it has for the past several years, by **transferring the 6.5 percent increase from CMPTRA to ETR.**



ENERGY TAX HISTORY (CONTINUED)

2010

- A similar formula was used to administer FY 2011 (CY 2010) total **ETR/CMPTRA cuts of \$272 million**. Local Finance Notice 2010-08.
- "Similar to 2009, the calculation placed municipalities into nine groups based on low, medium, and high equalized tax rates and wealth.



ENERGY TAX HISTORY (CONTINUED)

2011-2017

- Level Funding

2018

- Level Funding (We Think?????)



ENERGY TAX HISTORY (CONTINUED)

So how is it that the State of New Jersey can continue to take our local revenue sources when the legislation and history of these taxes is so clear?

- Karcher v. Kean, 479 A. 2d 403 - NJ: Supreme Court 1984
- Based upon this State Supreme Court decision, the state found that it can supersede permanent statutes simply by including a provision, to that effect, in the Annual Appropriations Act.

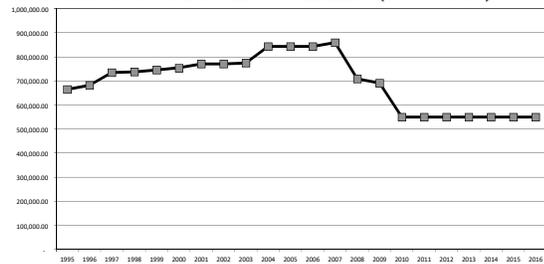


WHAT IS STATE AID?

- As we just learned, beginning in the 1980's, the State of New Jersey took control over the collection and distribution of the various energy taxes
- Rebranded the local municipal revenues and now call them "**State Aid**"
- The State is now renegeing on the original intent of the 1997 law to provide property tax relief
- The State is using municipal revenues to balance their own budget while exacerbating the local property tax problem
- The State then blames local government for creating a property tax problem



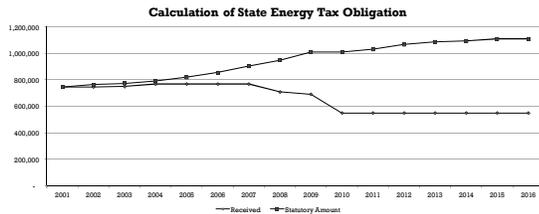
HISTORIC STATE AID GRAPH (ALL AID)



CMPTRA & ETR AMOUNTS RESTATED

Year	Received	IPD	Statutory	Shortage
2001	\$ 746,174			
2002	746,174	2.5%	\$ 764,838	\$ 18,664
2003	780,316	1.0%	772,477	22,160
2004	768,716	2.5%	791,789	23,073
2005	768,716	3.5%	819,901	50,785
2006	768,716	4.5%	856,379	87,663
2007	768,716	5.5%	903,480	134,764
2008	708,743	5.0%	948,654	239,911
2009	691,026	6.5%	1,010,316	319,291
2010	549,711	0.0%	1,010,316	460,605
2011	549,711	2.0%	1,030,522	480,811
2012	549,711	3.5%	1,066,591	516,880
2013	549,711	2.0%	1,087,922	538,211
2014	549,711	0.8%	1,087,922	543,651
2015	549,711	1.5%	1,087,922	560,051
2016	549,711	0.0%	1,087,922	560,051
Totals	\$ 10,560,273		\$ 19,121,835	\$ 4,558,941

CMPTRA & ETR AMOUNTS RESTATED



PROPERTY TAX DILEMMA REVEALED



WHY DO WE HAVE A PROPERTY TAX DILEMMA?

- The State took our local energy taxes for their own use
- The State increased Sales Tax 16.7% (Not 1%) under the guise of providing Property Tax Relief. (Never Happened)
- The State took a risk by leveraging Pension Funds in a down market which we all know failed miserably
- The State told local government to take a pension holiday and not pay into the pension system for many years and is charging us 8.5% on those amounts
- The State now wants to blame local government for its years of mismanagement at the State level



TAX IMPACT IN 2013 ALONE!

Issue Area	Amount
PFRS Contribution Rates go from 8.0% to 25.14%	\$ 355,465
PERS Contribution Rates go from 3.65% to 11.21%	72,139
State Aid Shortage in 2013	538,211
Total Municipal Impact	\$ 965,815

Taxes would be 26% Lower without State mishaps



THE COST OF LABOR NEGOTIATIONS



NEGOTIATION PROCESS

- **Goal of this Session:**
 - Gain a better understanding of negotiating in a new world
 - Explain how the 2% CAP is helpful in overall financial management
 - Review recent Arbitration Awards
 - Look at trends and averages
 - Identify any Unique factors that may involve inclusion in the contract
 - Summer Police Officers for Shore Communities
 - Shared Service Agreements
 - What has changed since the last contract was negotiated?

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NEGOTIATION PROCESS

- **Before** you begin negotiations
 - Assemble your team, will an attorney be present? Formal vs. Informal
 - Identify your goals and desires (Be Flexible)
 - Length of Contract, Number of Steps
 - Keep your Governing Body Informed – Confirm the goals with them
 - Come up with an overall game plan
 - Understand the current Collective Bargaining Agreement (“CBA”) in place

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NEGOTIATION PROCESS

- **During** Negotiations
 - Designate one member of the team as the spokesperson throughout the negotiation process
 - Designate one member of the team to be the contact for all communication both written and verbal outside the sessions
 - Listen to the demands of the union (“First Meeting”), should be received in writing
 - Let them know that you will cost out their proposal “Demands” and get back to them
 - Prepare a written counter proposal with the approved goals and desires of the municipality

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NEGOTIATION PROCESS

- **After** Completion of Negotiations
 - Regroup with your team to determine if you were able to meet your goals
 - Regroup with the Union
 - It is important to maintain a good working relationship throughout the process
 - Not just at the table



COMMUNICATION

- The foundation of any negotiation is to have good communication between both parties
- Educating both your own team as well and the union are important so that everyone understands the parameters that we operate within
- The expectation from the outset is to operate within the 2.0% CAP or less
- During and after the negotiation process, both teams must work together to serve the needs of the municipality
- Every effort must be made to maintain civility



WHAT IS THE 2% CAP? WHAT DOES IT MEAN TO US?

- What's Included in the CAP
 - Salary
 - Other Compensation (Longevity)
 - Uniforms
 - Education
 - Vacation/Sick/Comp Time
 - Calculated from the Base Year (Last Year of the Current Contract)
 - Police and Fire Public Interest Arbitration Impact Task Force Report
- What's Not Included in the CAP
 - Health Benefits (Up to the SHBP Exception)
 - Pension



WHAT ARE SOME OF THE ITEMS YOU MAY SEE? (KEEP A STRAIGHT FACE)

- Birthday Off (A day off at their discretion during the month of their Birthday)
- 2nd Paycheck for Overtime (IRS Rules may eliminate this one)
- Vacation Pay with an Overtime factor based upon Prior Year Compensation Average
- Gym Membership or Creation of Gym on Municipal Property (Premise Rule)
- Hazard Pay
- Comp Time converted to Time Off at the same rate as comp time (1 ½, 2 x)
- Waive Chapter 78 costs for employees or keep it at Year 1 level for the length of the contract

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RESOURCES AVAILABLE TO YOU

- New Jersey State League of Municipalities (NJSLOM)
- New Jersey Municipal Managers Association (NJMMA)
- Government Finance Officers Association of New Jersey (GFOA of NJ)
- Local Groups (Managers/Administrators) (Management Groups)
- PERC Website, PERC Decisions
- Unions are usually better prepared than Management at the table
 - They share data and compare results much better than we do
- Management is getting better at sharing our own experiences and goals with each other for a much better organized approach
- The Jones's approach is often times used
- Knowing what the Jones's are looking at and for can head some of that off

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CONTRACT COSTS, EVERYTHING HAS A COST

- | | |
|--|--------------------------------------|
| • Salaries | • Sick Time Payout |
| • Steps (Increases) | • Life Time Benefits (If Applicable) |
| • Health Benefits (consider c.78) | • Longevity |
| • Uniforms & Equipment | • Holiday Pay |
| • Medical Exams | • Bereavement Leave |
| • Vacation/Sick & Comp Time | • Paternity Leave |
| • Education (If Applicable) | • Family Medical Leave Act ("FMLA") |
| • Certification Requirements | • Federal & State |
| • Pension Costs (Not Negotiable but a real cost) | • Work Rule Changes |

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THE COST OUT

- Share your cost projections with everyone at the table
- Educate everyone at the table about the costs attributable to the contract
- They may not like the answer but then "it is what it is"
- Every demand has a cost both short and long-term no matter how small it may appear

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TOTAL OF BASE SALARY DEPENDENT COSTS FOR FOUR YEARS

	Total Cost of Yearly Contract	Cost of 2013	Cost of 2014	Cost of 2015	Cost of 2016
SICK LEAVE:	\$ 208,063.04	\$ 194,752.75	\$ 196,651.78	\$ 198,887.79	\$ 201,063.48
1 DAY BEREAVEMENT LEAVE:	\$ 41,732.73	\$ 41,732.73	\$ 42,139.67	\$ 42,618.81	\$ 43,065.00
EYE CARE REIMBURSEMENT:	\$ 1,176.00	\$ 973.00	\$ 973.00	\$ 976.00	\$ 976.00
BASE SALARY:	\$ 3,146,142.54	\$ 3,146,143.54	\$ 3,177,044.38	\$ 3,220,381.03	\$ 3,241,474.64
DETECTIVE STIPEND:	\$ 21,855.00	\$ 21,855.00	\$ 25,400.24	\$ 27,229.02	\$ 27,284.35
PRINT RESPONSES:	\$ 11,700.00	\$ 9,250.00	\$ 9,700.00	\$ 9,700.00	\$ 9,250.00
TRAINING BUREAU:	\$ 2,000.00	\$ 2,250.00	\$ 2,250.00	\$ 2,250.00	\$ 2,250.00
TRAINING OFFICERS:	\$ 7,200.00	\$ 5,400.00	\$ 5,400.00	\$ 5,400.00	\$ 5,400.00
LONGEVITY:	\$ 80,337.00	\$ 80,337.00	\$ 80,337.00	\$ 85,005.00	\$ 89,556.00
VACATION DAYS:	\$ 73,843.64	\$ 72,611.64	\$ 74,508.16	\$ 75,250.79	\$ 76,000.20
CLOTHING ALLOWANCE:	\$ 13,500.00	\$ 17,550.00	\$ 17,550.00	\$ 17,550.00	\$ 17,550.00
ACCUMULATED SICK LEAVE:	\$ 149,485.18	\$ 216,622.00	\$ 32,265.26	\$ 34,185.04	\$ 35,065.76
EDUCATIONAL BENEFIT:	\$ 13,250.00	\$ 17,000.00	\$ 17,000.00	\$ 17,000.00	\$ 17,000.00
CLOTHING MAINTENANCE:	\$ 37,850.00	\$ 33,150.00	\$ 33,150.00	\$ 33,150.00	\$ 33,150.00
HOLIDAYS:	\$ 680,164.64	\$ 680,164.64	\$ 627,844.28	\$ 732,485.00	\$ 784,805.52
PERSONAL DAYS:	\$ 261,917.63	\$ 261,917.63	\$ 268,815.62	\$ 312,226.43	\$ 344,403.64
PBL BUSINESS:	SEE PAGE 52				
TERMINAL LEAVE:	SEE PAGE 53-55				
STIP:	\$ 93,835.00				
ACCUMULATED SICK TIME:	\$ 1,253,480.72	\$ 1,253,480.72	\$ 1,243,742.37	\$ 1,280,897.18	\$ 1,294,110.61
Total:	\$ 6,793,302.38	\$ 6,300,842.06	\$ 6,877,533.07	\$ 6,148,835.09	\$ 6,301,634.23
Under 2%:		-12.70%	-0.90%	4.56%	2.6%
2% Dollar Amount:		\$ 135,867.65	\$ 118,618.84	\$ 117,550.00	\$ 122,316.70

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WHAT IS A DAY WORTH?

- VACATION DAY VERSUS SICK DAY VERSUS DAILY RATE
- EACH MAY HAVE A DIFFERENT VALUE AND BE BASED ON DIFFERENT FORMULAS WITHIN THE SAME BARGAINING UNIT:
 - FOR EXAMPLE:
 - SICK DAY - BASED ON 8.83 HOURS PER DAY OR 78.77 HOURS EVERY 2 WEEKS
 - (BASE SALARY + LONGEVITY)/26/78.77*8.83
 - VACATION DAY - BASED ON 8.83 HOURS PER DAY, BUT CALCULATED BASED ON 10 DAYS
 - (BASE SALARY + LONGEVITY +HOLIDAY)/26/10

****THESE DIFFERENCES CAN HAVE BIG IMPACT ON THE 2% *****

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QUESTIONS